



# UCFB|GIS\*

## Sexual Violence and Misconduct Policy

Owner:	Head of Student Support
Author:	Head of Student Support, Academic Quality Officer (Resolutions)
Version Number:	1
Approval Date:	08 September 2023
Approved By:	Academic Board
Date of Commencement:	11 September 2023
Date of Last Review:	
Date for Next Review:	01 September 2024

\*UCFB and GIS are trading names of University Campus of Football Business Limited

## **1. Introduction**

- 1.1. UCFB|GIS takes reports of sexual violence and misconduct seriously and recognises the mental and physical wellbeing impact of these offences upon those who have experienced sexual violence or misconduct.
- 1.2. UCFB|GIS is committed to promoting a culture in which any incidents of sexual violence or sexual misconduct will not be tolerated and will be thoroughly addressed to ensure the preservation of a safe study and work environment. All members of UCFB|GIS have a responsibility for creating a community that is based on dignity and respect.
- 1.3. UCFB|GIS is committed to fostering a positive working and learning environment which celebrates diversity, challenges inequality and is committed to nurturing an inclusive and diverse community that is open to all. We are committed to providing an environment free from inappropriate behaviour, including bullying and harassment, and require all our staff, students, visitors, public and contractors to be treated, and to treat others, with dignity and respect.

## **2. Purpose**

- 2.1. This Sexual Violence and Misconduct Policy is to be used when UCFB|GIS receives a written allegation that a student may have perpetrated sexual violence or sexual misconduct either physically or virtually.
- 2.2. UCFB|GIS recognises the significant impact of all experiences of Sexual Violence and Misconduct on any individual, and acknowledges the potential detriment to studies, wellbeing, and employment, regardless of when the experience occurred.
- 2.3. Some members of our community are disproportionately affected by experiences of sexual violence and misconduct, such as females, members of the LGBTQI+ community, and individuals with disabilities. UCFB|GIS will ensure appropriate support is available, whether internal or external, which is specific to any such members of our community.

## **3. Scope**

- 3.1. This Policy applies to all students registered on any UCFB|GIS programme, members of staff, and witnesses to an incident as well as those who are neither members of staff nor students (subject to suitability and processed on a case-by-case basis) who are reporting a UCFB|GIS student for sexual violence or misconduct.
- 3.2. A student may disclose an incident(s) of sexual violence or sexual misconduct to any staff member. UCFB|GIS will not assume a disclosure means a student wishes to initiate a disciplinary investigation.
- 3.3. This policy only applies when UCFB|GIS receives a written allegation against a UCFB|GIS student which they believe contravenes the Sexual Misconduct section referred to in the UEL Non-Academic Misconduct Policy.

- 3.4. A report of sexual violence or misconduct can be submitted by a student or a staff member as well as those who are neither a member of staff nor student (subject to suitability and processed on a case-by-case basis). Additionally, a witness to an incident of sexual violence or misconduct can provide an incident report to the Resolutions Officer. Dependant on the amount of information and evidence relayed by a witness the Resolutions Officer may either initiate disciplinary action or put the case on hold until further information is gathered.
- 3.5. If a report of sexual violence or misconduct has been received by those who are neither members of staff nor students, they would not be advised on whether their allegation is processed further by UCFB|GIS as the institution has a duty to protect the information and data pertaining to any student.

## 4. Definitions and Terminology

- 4.1. **Sexual Violence and Misconduct:** Is any unwanted conduct of a sexual nature.
- 4.2. **Disclosure:** Involves an individual choosing to tell anyone who is part of the UCFB|GIS community about their experience of Sexual Violence and Misconduct. A disclosure to a staff member is not considered a report under this policy.
- 4.3. **Report:** A written sharing of information with a staff member of UCFB|GIS regarding an incident of sexual violence or sexual misconduct experienced by that individual for the purposes of initiating the investigation process by UCFB|GIS.
- 4.4. **Consent:** The agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed based on a previous sexual experience or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.
- 4.5. **Freedom to consent:** For consent to be present, the individuals have to freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant is a result of coercion, force, threat, intimidation or the exploitation of power.
- 4.6. **Coercion or Force** includes any actual, or threat of, physical or emotional harm which would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.
- 4.7. **Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semiconscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring, this includes being drunk or under the influence of drugs.

- 4.8. **Expulsion:** Refers to a Responding Students' complete removal from UCFB|GIS. Any access to UCFB|GIS systems would be halted and the student can no longer complete their degree within the institution.
- 4.9. **Suspension:** Refers to a halt on the Responding Students' record, disabling them to continue with their academic studies for a specified amount of time.
- 4.10. **Exclusion:** Refers to a ban set against the Responding Student, excluding them from specific UCFB|GIS activities, spaces within campuses or campuses in whole.
- 4.11. **Reporting Student:** Is the UCFB|GIS student reporting themselves to have experienced sexual violence or sexual misconduct by a UCFB|GIS student.
- 4.12. **Reporting Staff:** Is the UCFB|GIS member reporting themselves to have experienced sexual violence or sexual misconduct by a UCFB|GIS student.
- 4.13. **Reporting as Neither a member of staff nor a student:** Is the person reporting themselves to have experienced sexual violence or sexual misconduct by a UCFB|GIS student.
- 4.14. **Reporting Witness:** Is the person reporting someone else to have experienced sexual violence or sexual misconduct by a UCFB|GIS Student.
- 4.15. **Reporting Party:** Is used within the Sexual Violence and Misconduct Policy to collectively identify the applicable reporting group, either Reporting Student, Reporting Staff, neither a member of staff nor a student, or Reporting Witness.
- 4.16. **Responding Student:** Is the UCFB|GIS student who has been reported to have perpetrated sexual violence or sexual misconduct.
- 4.17. **Supported Parties:** Refers to both the reporting party/parties and the responding student collectively.
- 4.18. **No-contact Order:** Is the requirement on either Supported Party not to have contact with each other and with named others.

## 5. Policy

### 5.1. Statement

- 5.1.1. All UCFB|GIS students are expected to adhere to the standards of behaviour required of them as a member of the UCFB|GIS community. The institution recognises that students are responsible for their own behaviour and that in any community of adults' disputes between individuals will arise.
- 5.1.2. UCFB|GIS has a range of policies and procedures in place to manage breaches of the UEL Student Code of Conduct, student contracts or other codes of practice. These policies or codes of conduct may take precedent over or supersede the Sexual Violence and Misconduct Policy.
- 5.1.3. The following are referred to in the UEL Non-Academic Misconduct Policy as examples of sexual violence and misconduct;

- Verbal harassment such as whistling, catcalling, or sexual innuendo.
- Making unwanted remarks of a sexual nature
- Spreading rumours about a person's sex life.
- Nonverbal harassment, such as looking someone up and down or displaying pictures of a sexual nature.
- Sending emails or messages containing sexual content and/or asking for sexual favours.
- Inappropriately showing sexual organs to another person.
- Sexual intercourse or engaging in a sexual act (including kissing) without consent.
- Attempting to engage in a sexual act without consent.
- Creating, disclosing or threatening to disclose nude, sexual or sexually explicit photos, films or messages without consent and with intent to cause distress.
- Touching inappropriately through clothes without consent.

5.1.4. UCFB|GIS recognises that sexual violence and misconduct refers to a broad spectrum of behaviours that often cannot be divorced from other types of gender-based violence including intimate partner violence or domestic abuse, coercive and/or controlling behaviour, and stalking.

Further examples of unacceptable behaviour might be:

- Domestic abuse and coercive or controlling behaviour.
- Psychological, physical, sexual, financial and/or emotional abuse.
- Stalking and obsessive behaviour.
- Repeated, persistent and intrusive behaviour causing fear of violence or that engenders alarm and distress in the victim.

**These examples are intended to be illustrative and not exhaustive.**

- 5.1.5. As allegations of sexual violence and misconduct are serious, possibly criminal, offences they will be investigated at a Category 2 Formal Level (Formal Disciplinary Process) and the investigation will be organised centrally by the Resolutions Officer. The case will be heard by a Sexual Violence and Misconduct Panel (the Panel) with possible sanctions including suspension, exclusion or expulsion.
- 5.1.6. The Director of Student and Academic Services, or a member of the Executive Leadership Team (ELT) in their absence, will decide if the allegation is to be investigated via the Sexual Violence and Misconduct Policy or the UEL Non-Academic Misconduct Policy.
- 5.1.7. A risk assessment may take place prior to or during any disciplinary processes. The Director of Student and Academic Services (or nominee), will Chair the Risk Assessment Team. To support student safety and wellbeing, the Risk Assessment Team will determine proportionate mitigations to introduce prior to and during any disciplinary processes.
- 5.1.8. The Risk Assessment Team will include senior staff from within Professional Services including representatives with wellbeing and

safeguarding training, and conduct policies. The Risk Assessment Team processes will be conducted in line with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). There are certain differences in the Sexual Violence and Misconduct process as compared to those referred to in the UEL Non-Academic Misconduct process. Under this policy the Supported Parties have specific rights afforded to them which are stipulated as follows:

- **The Reporting Staff** has the right to: report an incident/initiate the disciplinary procedure; receive internal wellbeing support; be guided to external wellbeing support; request support/accommodation for their disability during the investigation; provide evidence and witnesses during an investigation; provide additional evidence prior to the hearing.
- **Those Reporting as Neither a member of staff nor a student** are able to: report an incident and be guided to external wellbeing support. Neither a member of staff nor a student will be expected to relay all relevant information and evidence during the reporting stage via a reporting tool made available to them. UCFB|GIS will neither confirm nor deny whether a reported person is a student nor if a disciplinary process has been initiated. Undertaking a disciplinary procedure following a report is subject to suitability and will be processed on a case-by-case basis. Disclosure does not guarantee that UCFB|GIS processes will be initiated.
- **The Reporting Witness** has the right to: report an incident; initiate the disciplinary procedure; receive internal or external wellbeing support; request support/accommodation for their disability during the investigation stage; provide evidence and witnesses during an investigation.
- **The Responding Student** has the right to: receive internal wellbeing support; be guided to external wellbeing support; seek guidance and representation by the UEL Students' Union; request support/accommodation for their disability during the investigation and/or hearing stage; provide evidence and witnesses during an investigation; provide additional evidence prior to the hearing; attend the Sexual Violence and Misconduct hearing; call witnesses for the hearing; be accompanied by a non-legal representative at the hearing; receive the outcome documents of the hearing; appeal the outcome of the hearing.

## 5.2. Principles

- 5.2.1. The core principles of this policy and procedure are that the process is accessible, clear, proportional, timely, fair, and of benefit to the wider student experience.
- 5.2.2. The UCFB|GIS Sexual Violence and Misconduct disciplinary process will operate in a fair and transparent manner in accordance with the principles of natural justice. It does not seek to reproduce elements of the criminal law and is not a formal legal process.

- 5.2.3. UCFB|GIS reserves the right to carry out any of its internal disciplinary processes. This includes but is not limited to circumstances where reported behaviour does not constitute a criminal matter or if following criminal proceedings, the defendant was acquitted.
- 5.2.4. UCFB|GIS approaches the storing and sharing of any Party's data with utmost care, consideration and proportionality to ensure fair processing for all Parties under the institution's disciplinary procedures.
- 5.2.5. In determining an outcome to the disciplinary process, at the Panel Hearing the case will be assessing whether the incident(s), on the balance of probabilities, contravened the UEL Student Code of Conduct.
- 5.2.6. In circumstances where the balance of probabilities is not satisfied or insufficient evidence has been provided, UCFB|GIS or the Disciplinary Panel may decide to take no further action in relation to the allegations.
- 5.2.7. Individuals raising allegations of sexual violence and misconduct will normally be asked to report their allegations in writing and identify themselves and provide contact details. UCFB|GIS will not normally act in response to anonymous allegations of sexual violence or sexual misconduct, but these will be considered on a case-by-case basis.
- 5.2.8. The Party who has made a report to UCFB|GIS that they have experienced sexual violence or sexual misconduct will be provided with information about their options in taking forward their case (unless the Party is external to UCFB|GIS) e.g., progress under this procedure, report to the Police, seek informal resolution. UCFB|GIS will respect the Reporting Party's wishes and support them whether they wish to report to the Police or not.
- 5.2.9. A student who is alleged to have perpetrated an act of sexual violence or sexual misconduct (the Responding Student) will be informed of the nature of the allegation and will be given an opportunity to respond to the allegation. They will also be informed of the disciplinary process and made aware of support options available.
- 5.2.10. Once UCFB|GIS receives the report it will conduct the Sexual Violence and Misconduct disciplinary process in a timely manner, aiming to complete the process within 90 working days from the start of the investigation. This timescale will depend upon the unique circumstances of each case e.g., the process may be paused if a criminal investigation is ongoing.
- 5.2.11. UCFB|GIS will conduct its investigation into alleged misconduct in a fair and impartial way.
- 5.2.12. The Reporting and the Responding Students are both entitled to be accompanied at any investigation meeting by a friend, relative or a member of the Student Support Team. The accompanying person

cannot be a professional legal representative who has been employed to act on the student's behalf nor can they act in the capacity of a legal advisor.

- 5.2.13. The Reporting Student and the Responding Student are encouraged to seek advice from the UEL Students' Union.
- 5.2.14. The Reporting and Responding Students are both entitled to be accompanied at the Sexual Violence and Misconduct hearing by a friend, relative or member of the Student Support Team. An accompanying person can request permission from the Chair of the Sexual Violence and Misconduct Panel to present questions to the Panel directly. The accompanying person is not allowed to present questions to any attending Supported Party directly or via the Chair of the Panel.
- 5.2.15. The Responding Student has the right to appeal against any disciplinary finding or sanction. The Reporting Student can appeal against any disciplinary finding or sanction if they've received outcome documentation of a hearing following a decision by the Risk Assessment Team.
- 5.2.16. The Resolutions Officer and Panel staff involved in the process will act with impartiality and with discretion.
- 5.2.17. Confidentiality will be maintained, where possible, throughout the process in recognition of the sensitive nature of Sexual Violence and Misconduct matters. As such, information about alleged offences will usually only be shared with relevant individuals/entities (who may be internal or external to UCFB|GIS, e.g., internal counsellors, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres or the Police) with the agreement of the Reporting Party.
- 5.2.18. All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential, unless otherwise discussed or communicated with/by the Resolutions Officer. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly.
- 5.2.19. UCFB|GIS reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider UCFB|GIS community from harm or to prevent a crime from taking place.
- 5.2.20. The Supported Parties will be offered support throughout the process and kept informed of the progress of the investigation where applicable.
- 5.2.21. UCFB|GIS believes that the purpose of a disciplinary process is to help raise the standard of behaviour in its community which is for the benefit of the wider student experience.



### 5.3. **Procedure**

- 5.3.1. Any incidents of sexual violence and/or misconduct against students can be reported directly to the Resolutions Officer via [Resolutions@ucfb.ac.uk](mailto:Resolutions@ucfb.ac.uk). Students can request guidance from the Student Support Team on how to report incidents and get emotional support. Written reports received via any other channel will be forwarded to [Resolutions@ucfb.ac.uk](mailto:Resolutions@ucfb.ac.uk).
- 5.3.2. Any incidents of sexual violence and/or misconduct against staff can be reported to the Resolutions Officer via [Resolutions@ucfb.ac.uk](mailto:Resolutions@ucfb.ac.uk). These reports will not be pursued under this policy, however, they will be addressed and pursued by the appropriate team and process from within UCFB|GIS.
- 5.3.3. UCFB|GIS has zero tolerance towards those whose behaviour is considered to be unacceptable and inconsistent with the UEL Student Code of Conduct and associated Disciplinary Policies and will take action in this respect. Unacceptable behaviour includes communicating with UCFB|GIS in an unreasonably demanding, malicious, vexatious or aggressive manner, for example:
- Making frivolous claims, or multiple claims regarding the same subject.
  - Acting with unreasonable persistence or in a harassing or threatening manner either verbally, or via written correspondence.
  - Making claims that are knowingly false, malicious, unfounded, or unreasonable.

### 5.4. **Precautionary Measures Prior to Disciplinary Action**

- 5.4.1. At times it may be necessary to mitigate risk and protect the UCFB|GIS community by applying precautionary measures prior to the commencement of the Sexual Violence and Misconduct disciplinary process.
- 5.4.2. Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that UCFB|GIS has decided that the Responding Student has committed any misconduct. The aim is to protect all members of the University community. Precautionary measures can be imposed prior to an investigation starting.
- 5.4.3. The Director of Student and Academic Services (or nominee), makes the decision on whether to apply precautionary measures. The Director of Student and Academic Services (or nominee), will undertake a risk assessment and relay the Risk Assessment Outcome via a Risk Assessment Request form to the Resolutions Officer before an outcome is applied.
- 5.4.4. If the Director of Student and Academic Services (or nominee), reasonably believes that a student against whom an allegation of Sexual Violence or Misconduct has been made does pose a risk, they

may, acting under delegated authority from the UCFB|GIS Board of Directors:

- Restrict a students' access to certain parts of campus, e.g., particular buildings or residential halls.
- Restrict a students' participation to certain academic and/or non-curricula activities.
- Restrict who a student can contact (e.g., a no-contact order may be issued).
- Suspend the student. Suspension means that the student is prohibited from participating in the academic activity of UCFB|GIS and the student's registration on their programme of study is put on hold. A suspension is usually applied together with an order of exclusion.
- Exclude the student. Exclusion means that the student is prohibited from taking part in UCFB|GIS activities, using UCFB|GIS facilities and/or entering UCFB|GIS grounds or premises. A full or partial exclusion may be put in place where appropriate.

- 5.4.5. As part of their determination, the Director of Student and Academic Services, (or nominee), will consider whether specific arrangements can reasonably be put in place for any student, subject to precautionary action in order to minimise the impact on their studies and will liaise with the Academic Team as appropriate.
- 5.4.6. UCFB|GIS may impose a requirement on either Supported Party not to have contact with each other and with named others. This is called a no-contact order.
- 5.4.7. The Resolutions Officer will inform the relevant Supported Party in writing when a precautionary measure has been applied in their case, and the reasons for this, usually within three working days.
- 5.4.8. A Reporting Student and the Responding Student have the right to appeal the precautionary measures. The student can appeal against the precautionary measures at any point during their application by writing to the Resolutions Officer via [Resolutions@ucfb.com](mailto:Resolutions@ucfb.com) expressing their reasons for the appeal.
- 5.4.9. Any precautionary measures will be reviewed at regular intervals (and a minimum of every three months) to consider whether they should be revoked, extended or the terms amended. In the case of UCFB|GIS awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.
- 5.4.10. If a Responding Student breaches the precautionary measures applied to them, then they may be subject to further disciplinary action and any breach may be considered and addressed during the Sexual Violence and Misconduct panel hearing.

## 5.5. **Formal Disciplinary Process**

- 5.5.1. Sexual Violence and Misconduct is a very serious allegation, and all allegations received in writing will be investigated through a formal process. A student found to have committed Sexual Violence and Misconduct is faced with the possibility of exclusion, suspension or expulsion so their case will be heard by a Sexual Violence and Misconduct Panel.
- 5.5.2. In the formal disciplinary process, an Investigating Officer will be appointed centrally by the Resolutions Officer. The Investigating Officer should not know or be familiar with any Party involved in the formal disciplinary Process.
- 5.5.3. The Investigating Officer will review the allegation and the evidence and/or witness statements provided. The Investigating Officer will contact the Reporting Party and invite them to discuss the case. The role of the Investigating Officer is to gather the facts of the incident(s).
- 5.5.4. The Investigating Officer will contact the Responding Student separately inviting them to discuss the case, so they have the opportunity to respond to the allegation. The Investigating Officer will collect further evidence from relevant parties e.g., witnesses and make any further enquiries that they deem necessary for the investigation.
- 5.5.5. If the Responding Student does not take up the opportunity to speak to the Investigating Officer the disciplinary process will still proceed, and a Sexual Violence and Misconduct Panel will still sit to hear the evidence collected. It is strongly recommended that the Responding Student engages with the Investigating Officer and the disciplinary hearing.
- 5.5.6. A Sexual Violence and Misconduct Panel will be arranged for the case to be heard. The Resolutions Officer will act as Secretary to the panel. The Sexual Violence and Misconduct Panel members will be appointed by the Director of Student and Academic Services (or nominee).
- 5.5.7. The Chair of a Sexual Violence and Misconduct Panel will usually be a senior member of staff from the Executive Leadership Team (ELT). Panel members will be impartial and have had no prior involvement with either Supported Party. Where possible we will seek to ensure the composition of the Panel reflects the diversity of our institution.
- 5.5.8. The Responding Student will be notified in writing that they are requested to attend a Sexual Violence and Misconduct Panel where their case will be heard. The Responding Student will be provided with at least seven working days' notice of the hearing date.
- 5.5.9. The Reporting Student will be notified in writing that a Sexual Violence and Misconduct Panel has been convened to hear their case. The Reporting Student will be provided with at least seven working

days' notice of the hearing date. The Reporting Student has the right to choose whether they would like to attend the hearing. Both Parties can request the other to not be present throughout sections of the hearing, this would be agreed in advance with the Resolutions Officer.

- 5.5.10. The Disciplinary Hearing will be organised and carried out via Microsoft Teams unless otherwise requested or deemed necessary by the Chair of the Panel or the Resolutions Officer.
- 5.5.11. All relevant documentation available from the Investigating Officer's report to the Sexual Violence and Misconduct Panel will be shared with both Supported Parties at least 3 working days before the hearing. The Investigating Officer will also verbally present the evidence collected through their investigation to the Sexual Violence and Misconduct Panel.
- 5.5.12. The Responding Student and/or Reporting Student can call witnesses to the alleged incident(s) to the hearing. The names of any witnesses must be provided to the Resolutions Officer in writing at least five days before the panel hearing to ensure that logistical arrangements can be put in place. If any of the witnesses are new to the case, i.e., they were not called as witnesses during the investigation, the Chair of the Sexual Violence and Misconduct Panel will decide whether to admit them.
- 5.5.13. UCFB|GIS may also invite witnesses to the hearing. If it does so, the Supported Parties will be informed of this in advance of the hearing. If any of the witnesses are new to the case, for example they were not called as witnesses during the investigation, the Chair of the Sexual Violence and Misconduct Panel will decide whether to admit them.
- 5.5.14. Both the Reporting Student and the Responding Student have the right to be accompanied at the panel hearing and the names of any accompanying supporters must be submitted in writing to the Resolutions Officer at least five working days before the date of the hearing. If details of the accompanying supporter are not provided by the stipulated date, the Chair of the Sexual Violence and Misconduct Panel can reserve the right to refuse admission to the accompanying supporter.
- 5.5.15. If the accompanying supporter's behaviour at the hearing is deemed inappropriate, the Chair has the right to remove the accompanying supporter or convene the hearing to be held at a later date.
- 5.5.16. It is in the best interest of the Responding Student to attend the Sexual Violence and Misconduct Panel hearing. If the Responding Student chooses not to appear before the Panel, the Panel has the right to hear the case in their absence.
- 5.5.17. At the Sexual Violence and Misconduct Panel hearing the Investigating Officer, Reporting Student and Responding Student will have the opportunity to address the Panel. The Hearing will follow the order of proceedings set out in the Sexual Violence and Misconduct

Agenda. The Panel will ask questions of the Investigating Officer, Responding Student and any witnesses, including, if appropriate the Reporting Student.

- 5.5.18. At the conclusion of the hearing, the Sexual Violence and Misconduct Panel will discuss the case in private and will reach a decision based on the available evidence.
- 5.5.19. The Panel will endeavour to make a decision on the same day as the hearing, but this may not always be possible. The Sexual Violence and Misconduct Panel may make one of the following decisions:
- Dismiss the allegation as on the balance of probability misconduct was not found to have taken place.
  - Find the allegation not proven but recommend the continuation of precautionary measures.
  - Conclude that on the balance of probability the Sexual Violence and Misconduct took place but take no further action.
  - Conclude that on the balance of probability the Sexual Violence and Misconduct took place and apply a proportionate sanction.
  - Conclude that on the balance of probability the Sexual Violence and Misconduct took place and recommend the student be fully excluded or expelled.
- 5.5.20. Should the Sexual Violence and Misconduct Panel be unable to reach a consensus the Chair will have the determining voice.
- 5.5.21. The Chair of the Panel, through the Resolutions Officer, will write to the Responding Student and the Reporting Student (if deemed appropriate by the Risk Assessment Team) conveying the Panel's decision, together with reasons and any associated conditions, in writing and normally within three working days of the date of the decision.
- 5.5.22. If the decision involves the suspension or extensive exclusion of the Responding Student, then the relevant Academic staff will work with the department of Student Support to devise and implement a plan to support the student's study where that is possible and appropriate.
- 5.5.23. In the event that the Panel decides the Responding Student should be expelled or fully excluded a full report should be submitted to the Chief Operating Officer by the Resolutions Officer, with the recommendation that any student concerned be expelled or fully excluded under the general disciplinary powers of the Chief Operating Officer. Should the Chief Operating Officer be conflicted through involvement in the matter concerned or be unavailable, the report should be submitted to the UCFB Board of Directors by the Resolutions Officer, with the recommendation that the student concerned be expelled or fully excluded under the general disciplinary powers of the UCFB Board of Directors. The response to this report initiates the Students' Appeal Process.

## 5.6. **Appeal against a sanction (expulsions and non-expulsion)**

- 5.6.1. The Responding Student and the Reporting Student (subject to having received the outcome documents) can appeal the decision within ten working days of either the date of their outcome letter detailing the Sexual Violence and Misconduct Panel's decision, or the date of the endorsement letter confirming endorsement of expulsion or full exclusion by the Chief Operating Officer or UCFB Board of Directors.
- 5.6.2. The Responding Student or the Reporting Student (if applicable) can appeal by contacting the Resolutions Team at [resolutions@ucfb.ac.uk](mailto:resolutions@ucfb.ac.uk) and detailing the reasons for their appeal. An appeal against any penalty can only be made because of one or more of the following grounds:
- UCFB|GIS has failed to follow the procedure set out in this document.
  - The decision was unreasonable and/or a disproportionate outcome has been imposed.
  - The student has material new information/evidence which was not reasonably available before.
- 5.6.3. Pending the outcome of any appeal the decision and sanction of the Sexual Violence and Misconduct Panel may remain in place (subject to a further risk assessment).
- 5.6.4. The Resolutions Officer will consider the appeal submission and determine whether there are valid grounds to proceed.
- 5.6.5. The Responding Student or the Reporting Student (if applicable) will be notified by the Resolutions Officer within seven working days of their appeal being received whether there are valid grounds to proceed, or not.
- 5.6.6. Should the Chief Operating Officer, or nominee, require further clarification on the case and/or the outcome recommended by the Panel, a request can be issued to the Resolutions Officer to organise a further outcome meeting with the Panel in order to provide additional clarification on how the recommended outcome was determined.
- 5.6.7. The Resolutions Officer will produce a report of the further outcome meeting which will be submitted to the Chief Operating Officer, or nominee, within ten working days from the date of the request. This report will then be considered alongside the initial outcome details prior to reaching an outcome of the appeal.
- 5.6.8. **In cases not involving expulsion**, where valid grounds have been determined for an appeal, a nominated member of the Executive Leadership Team (ELT) not previously involved in the case will determine the appeal solely by review of the documentary evidence available and will either:
- Dismiss the appeal (in whole or part) or
  - Uphold the appeal (in whole or part) and:
  - Refer the matter back to an earlier Stage of this Procedure for reconsideration, e.g., if procedure had not been followed

- Refer the matter back to an earlier Stage of this Procedure for fresh consideration, for example if material new information or evidence was made available, or
- Impose an alternative sanction.

5.6.9. **In cases involving an expulsion**, where valid grounds have been determined, the Resolutions Officer will invite the Responding Student or the Reporting Student (if applicable) to submit an evidence-based proposal for further consideration if this is deemed appropriate based on the evidence presented. The evidence-based proposal will be submitted to the Chief Operating Officer to determine the outcome of the appeal.

5.6.10. The Chief Operating Officer, or nominee, will determine the appeal, and will make one of the following decisions:

- Dismiss the appeal (in whole or part) or
- Uphold the appeal (in whole or part) and:
- Refer the matter back to an earlier Stage of this Procedure for reconsideration, e.g., if procedure had not been followed
- Refer the matter back to an earlier Stage of this Procedure for fresh consideration, for example if material new information or evidence was made available, or
- Impose an alternative sanction.

5.6.11. The Responding or the Reporting Student will be notified of the appeal outcome by the Resolutions Officer within ten working days of the date of the letter informing them that the appeal was being considered, if applicable.

5.6.12. Any decision made regarding an appeal outcome will be final, and there shall be no further right of appeal.

## 5.7. **Completion of the UCFB|GIS Sexual Violence and Misconduct Policy procedure**

5.7.1. If either the Responding Student or the Reporting Student appeals, a **Completion of Procedures** letter will be issued to the student by the Resolutions Officer within 28 days of the conclusion of the appeal. This conclusion will be one of the following:

- The student's appeal will not proceed.
- The student's appeal has not been upheld.
- The student's appeal has been wholly upheld, and no further action is required

5.7.2. If the Responding Student or the Reporting Student (if applicable) does not appeal by the end of the appeal window, the disciplinary procedure will be considered complete. The student may request a **Completion of Procedures** letter from the Resolutions Officer.

## 6. **Office of the Independent Adjudicator for Higher Education (OIA)**

6.1. In the event that the complainant is not satisfied with the final outcome after the internal procedures have been completed, they may lodge a request for

external review directly with the Office of the Independent Adjudicator for Higher Education (OIA).

6.2. Any request for review to the OIA must be submitted within 12 months of the Completion of Procedures letter being received by the student. The OIA will not usually review complaints which have not been considered by UCFB|GIS.

6.3. The Office of the Independent Adjudicator for Higher Education may be contacted via:

Tel: 0118 959 9813

Email: [enquiries@oiahe.org](mailto:enquiries@oiahe.org)

Website: [www.oiahe.org.uk/students/](http://www.oiahe.org.uk/students/)

Postal address: Office of the Independent Adjudicator, Second Floor, Abbey Gate, 57-75 Kings Road, Reading. RG1 3AB

## **7. Reporting and Monitoring**

7.1. Records of all Sexual Violence and Misconduct cases will be maintained for the purposes of monitoring and improvement. An appropriately anonymised annual report will be prepared for the Education and Student Experience Committee and Academic Board. This will detail any potential areas for improvement, including relevant action points. The annual report will also be shared with the relevant validating body.

## **8. Related Policies and Procedures**

8.1. [UCFB|GIS Policies:](#)

- UEL Student Code of Conduct
- UEL Non-Academic Misconduct Policy
- UCFB|GIS Complaints Policy
- UCFB|GIS Academic Appeals Procedure
- UCFB|GIS Privacy Policy
- UCFB|GIS Safeguarding Policy and Procedure

8.2. [OFS Statement of Expectations relating to Sexual Misconduct](#)

## **9. Links to Support**

9.1. Student Support Team – [studentsupport@ucfb.ac.uk](mailto:studentsupport@ucfb.ac.uk)

9.2. Student Assistance Programme:

HEALTH ASSURED

Phone line: 0800 028 3766 (24/7 support)

Website:

<https://healthassuredeap.co.uk/home>

Login with Username: 'Wellbeing'

Password: 'RollBootBare'

App:

'My Health Advantage' available on the App store / Google Play store  
(Code MHA181050)



- 9.3. [Revenge Porn](#)
- 9.4. [Galop](#) (LGBTQI+ anti-violence charity)
- 9.5. [Survivors UK](#) (for men overcoming sexual violence)
- 9.6. [NSPCC](#)
- 9.7. [Respect](#) (perpetrators of domestic or sexual violence)
- 9.8. [The Survivors Trust](#)
- 9.9. [The Havens](#) (London-based Sexual Assault Support)
- 9.10. [Manchester Victims Services](#) (Manchester-based Sexual Assault Support)
- 9.11. [National Stalking Victim Support](#)
- 9.12. [NHS Advice and Support for sexual violence](#)
- 9.13. [Victim Support](#)

## 10. Helplines

- 10.1. The 24-hour freephone National Domestic Abuse Helpline, run by Refuge, on 0808 2000 247
- 10.2. The Rape Crisis national freephone helpline on 0808 802 9999 (12 - 2.30pm and 7 - 9.30pm every day of the year).

**Are you in immediate danger?** If you are in immediate danger or seriously injured, you can call 999 or 101 to connect directly with the police.