UCFB*

Harassment and Sexual Misconduct Policy

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*UCFB is a trading name of University Campus of Football Business Limited

1. Introduction and context

1.1 UCFB is committed to promoting a culture in which any harassment or sexual misconduct will not be tolerated and reports will be thoroughly addressed to ensure the preservation of a safe study and work environment. All members of UCFB have a responsibility for creating a community that is based on dignity and respect.

1.2 UCFB is committed to fostering a positive working and learning environment which celebrates diversity, challenges inequality and nurtures an inclusive and diverse community that is open to all. We are committed to providing an environment that is free from inappropriate behaviour, including bullying and harassment, and require all our staff, students, visitors, members of the public and contractors to be treated, and to treat others, with dignity and respect.

1.3 UCFB takes reports of harassment and sexual misconduct seriously and recognises the mental and physical impact of these incidents upon those who have experienced this conduct, as well as students who are accused of such conduct, acknowledging that being the subject of a report can also have a substantial effect on their wellbeing.

1.4 UCFB students are expected to uphold high standards of conduct by showing respect for the institution, its staff, fellow students, and the wider community. All UCFB students are expected to adhere to the standards of behaviour required of them as a member of the UCFB community.

1.5 UCFB recognises the significant impact of all experiences of harassment and sexual misconduct on any individual, and acknowledges the potential detriment to studies, wellbeing, and employment, regardless of when the experience occurred.

1.6 Some members of our community may be disproportionately affected by experiences of sexual violence and misconduct, such as individuals who identify as female, members of the LGBTQI+ community, vulnerable adults, and individuals with disabilities. UCFB will ensure appropriate support is available, whether internal or external, which is specific to each member of our community.

1.7 This Harassment and Sexual Misconduct Policy applies when UCFB receives a written allegation that a UCFB student may have committed harassment or sexual misconduct either physically or virtually.

2 Scope of the Policy

2.1 This Policy applies to all students registered on any UCFB course, as well as members of staff and witnesses to an incident. It also applies — subject to suitability and a case-by-case assessment — to individuals who are neither staff nor students but who are reporting an incident of harassment or sexual misconduct.

2.2 A student may disclose an incident(s) of harassment or sexual misconduct to any staff member. This is called a disclosure. A disclosure is the sharing of information by a student regarding an incident or concern related to harassment, sexual misconduct, or any other form of inappropriate behaviour. UCFB will not assume that a disclosure constitutes a request to make a formal report or to initiate a disciplinary investigation. Upon receiving a disclosure, UCFB will be guided by the wishes of the student and will prioritise the provision of appropriate support,

guidance, and information. No formal action will be taken unless and until the student chooses to submit a formal complaint through the designated reporting routes, except where UCFB is legally required to act to safeguard the student or others.

2.3 This policy only applies when UCFB receives a written report about a UCFB student which they believe contravenes the UCFB Student Code of Conduct, Section 2.3.

2.4 A report of harassment or sexual 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 a case-by-case assessment). Additionally, a witness to an incident may inform UCFB via the reporting function on the Reporting Unacceptable Behaviour webpage. Dependant on the amount of information and evidence relayed by a witness via the reporting function, this may either initiate disciplinary action or put the case on hold until further information is gathered.

2.5 Whilst UCFB will not normally act in response to anonymous allegations of harassment or sexual misconduct, information will be retained and considered on a case-by-case basis. If a report of harassment or sexual misconduct is submitted by an individual who is not a member of staff or a student, UCFB will acknowledge receipt of, but not disclose whether the report is being investigated. This policy is in place to protect the privacy and personal data of students, in accordance with institutional obligations and data protection regulations.

3. What is harassment or sexual misconduct

3.1 Sexual misconduct and harassment may take many forms. In addition to rape and sexual assault, it includes harassment, i.e. any behaviour that is humiliating, intimidating or hostile, and may include actions like derogatory name-calling, belittling remarks, insults, threats and unwanted personal attention.

3.2 It can also include any form of sexual activity that takes place without the other person's full and informed consent – involving physical contact, words or images online or by text message.

3.3 Consent is a clear, affirmative, voluntary, and mutual agreement to engage in sexual activity.

3.4 Harassment and sexual misconduct can happen to anyone regardless of age, disability, gender, race, sexual orientation, religion, class, or background.

3.5 UCFB recognises that harassment and sexual misconduct refers to a broad spectrum of behaviours that often cannot be separated from other types of gender-based violence including, but not limited to, intimate partner violence or domestic abuse, coercive and/or controlling behaviour and stalking.

4. Policy

4.1 Statement

4.1.1 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 Student Code of Conduct process.

4.1.2 As allegations of harassment and sexual misconduct are serious, possibly criminal offences, they will be investigated at a specialist Resolutions Panel. The investigation and Resolutions Panel will be organised by the Resolutions Team.

4.1.3 A risk assessment may take place prior to or during any disciplinary processes. To support student safety and wellbeing, the Risk Assessment Group will determine proportionate measures to introduce prior to and during any disciplinary processes. The Risk Assessment Group membership can be found at Section 5.2 of this Policy.

4.1.4 For the purposes of this policy the following individual identities are defined as:

Reporting Student: Is the UCFB student reporting themselves to have experienced harassment or sexual misconduct by a UCFB student or UCFB staff member.

Reporting Staff: Is the UCFB staff member reporting themselves to have experienced harassment or sexual misconduct by a UCFB student.

Reporting Third Party: Is the person, neither a member of staff nor a student, reporting themselves to have experienced harassment or sexual misconduct by a UCFB student.

Reporting Witness: Is the person reporting someone else to have experienced harassment or sexual misconduct by a UCFB Student.

Reporting Party: Is used within the Harassment and Sexual 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.

Responding Student: Is the UCFB student who has been reported to have perpetrated harassment or sexual misconduct.

Supported Parties: Refers to both the reporting party/parties and the responding student collectively.

Witness: Is a person who may be able to give supplementary evidence on behalf of any/all Supported Parties.

4.2 There are certain differences in the Harassment and Sexual Misconduct process compared to those referred to in the Student Code of Conduct process. Under this policy the Supported Parties have specific rights afforded to them which are stipulated as follows:

4.2.1 **The Reporting Student** has the right to: report an incident; receive internal wellbeing support; be guided to external wellbeing support; seek guidance and support from the Student Support Team; request support/reasonable adjustments during the investigation and/or hearing stage; provide evidence and witnesses during an investigation; provide additional evidence prior to the hearing; attend the Resolutions Panel hearing; call witnesses for the hearing; be accompanied by a representative at the hearing; receive the outcome documents of the hearing (where deemed appropriate by the Panel or their delegated nominee); appeal the outcome of the hearing (subject to having received the outcome documents).

4.2.2 **The Reporting Staff** has the right to: report an incident; receive internal wellbeing support; be guided to external wellbeing support; request support/reasonable adjustments during the investigation; provide evidence and witnesses during an investigation; provide additional evidence prior to the hearing.

4.2.3 **Reporting Third Party** is able to: report an incident and be guided to external wellbeing support. Those classed as 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 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 a case-by-case assessment. Disclosure does not guarantee that UCFB processes will be initiated.

4.2.4 **The Reporting Witness** has the right to: report an incident; receive internal or external wellbeing support; request further academic support/adjustments during the investigation stage; provide evidence and witnesses during an investigation.

4.2.5 **The Responding Student** has the right to: receive internal wellbeing support; be guided to external wellbeing support; seek guidance and support from the Student Support Team; request academic support/adjustments during the investigation and/or hearing stage; provide evidence and witnesses during an investigation; provide additional evidence prior to the hearing; attend the Harassment and Sexual 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.

4.2.6 Any member of the UCFB community involved in a harassment and sexual misconduct case has access to wellbeing support.

4.3 Principles

4.3.1 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.

4.3.2 The UCFB 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 criminal law and is not a formal legal process.

4.3.3 The standard of proof that shall be used in all cases that are dealt with under this procedure shall be the balance of probabilities, which is the standard of proof that is used in Civil Law. This means that a disciplinary panel will be satisfied that an event occurred if it considers that, on the evidence available, then occurrence of the event was more likely than not. The standard of proof shall not be varied according to the perceived seriousness of an allegation.

4.3.4 UCFB 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.

4.3.5 UCFB 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.

4.3.6 In determining an outcome to the disciplinary process, at the Panel Hearing the panel members will be assessing whether the incident(s), on the balance of probabilities, contravened the UCFB Student Code of Conduct.

4.3.7 In circumstances where the balance of probabilities is not satisfied or insufficient evidence has been provided, UCFB may decide to take no further action in relation to the allegations.

4.3.8 The person who has made a report to UCFB that they have experienced harassment or sexual misconduct (the Reporting Party), will be provided with information about their options in taking forward their case (unless the Party is external to UCFB). This includes but is not limited to progress under this procedure, report to the Police, seek informal Resolutions. UCFB will respect the Reporting Party's wishes and support them whether they wish to report to the Police or not.

4.3.9 A student who is alleged to have perpetrated an act of harassment 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.

4.3.10 Once UCFB receives the report it will conduct the 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. UCFB's investigation is focused exclusively on whether a breach of the institution's policies has occurred, therefore it may be possible to proceed with an investigation whilst criminal proceedings or police investigations are ongoing. Alternatively, there may be cases where the institution needs to pause any investigation or proceedings until the outcome of the criminal proceedings are known.

4.3.11 UCFB will conduct its own investigation into alleged misconduct in a fair and impartial way.

4.3.12 The Reporting and the Responding Students are both entitled to be accompanied at any investigation meeting by a friend or, relative. The accompanying person cannot be a legal representative who has been employed to act on the Student's behalf nor can they act in the capacity of a legal advisor. In addition, they are not permitted to speak on behalf of the student, issue statements, propose questions or address the Panel. An accompanying person is present solely for support.

4.3.13 The Reporting and the Responding Student who are being investigated under this policy are entitled to be accompanied at any disciplinary meeting by a representative who is a support staff member within UCFB. Students may request support from the Student Support Team. A representative is permitted to speak on behalf of the student, issue statements, propose questions and address the Panel. The Reporting Student and the Responding Student are encouraged to seek advice and representation from the Student Support Team.

4.3.14 The Responding Student has the right to appeal against any disciplinary finding or sanction. The Reporting Student may request a review of the outcome of a hearing where they have been notified of the decision.

4.3.15 The Resolutions Team and Resolutions Panel members involved in the process will act with impartiality and discretion.

4.3.16 Confidentiality will be maintained, where possible, throughout the process in recognition of the sensitive nature of harassment and sexual misconduct matters.

As such, information about alleged offences will usually only be shared with relevant individuals/entities with the agreement of the Reporting Party. This may include parties internal or external to UCFB, e.g., Student Support team, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres or the Police.

4.3.17 All individuals involved in any process under this Policy must keep confidential any information that is disclosed to them as part of the process, unless otherwise discussed or communicated with/by the Resolutions Team. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly.

4.3.18 UCFB 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 community from harm or to prevent a crime from taking place.

4.3.19 The Supported Parties will be offered support throughout the process and kept informed of the progress of the investigation where applicable.

4.3.20 UCFB 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. Procedure

5.1 Reporting of an incident

5.1.1 Any incidents of harassment and/or sexual misconduct against students can be reported directly to the Resolutions Team via the reporting function on the Harassment & Sexual Misconduct webpage which is available to all students and staff of UCFB. Additionally, incidents can be reported by emailing the Resolutions Team (Resolutions@ucfb.ac.uk) or by reporting an incident to a staff member, who can then contact the Resolutions Team. Students can request guidance from the Student Support Team on how to report incidents and access emotional support.

5.1.2 Any incidents of harassment and/or sexual misconduct against staff can be reported to the Resolutions Team via the UCFB Sexual Harassment Reporting Tool. These reports will not be pursued under this policy, however, they will be addressed and pursued by the appropriate team and People and Culture policy.

5.1.3 UCFB has zero tolerance towards those whose behaviour is considered to be unacceptable and inconsistent with the UCFB Student Code of Conduct and associated Disciplinary Policies and will take action in this respect. Unacceptable behaviour includes communicating with UCFB in a malicious or vexatious manner, for example:

- Making frivolous claims, or multiple claims regarding the same subject.
- Making claims that are knowingly false, malicious, unfounded, or unreasonable.

5.2 Precautionary Measures Prior to Disciplinary Action

5.2.1 At times it may be necessary to mitigate risk and protect the UCFB community by applying precautionary measures prior to or at the start of the disciplinary process.

5.2.2 Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that UCFB has decided that the Responding Student has committed any misconduct. The aim is to protect all members of the UCFB community.

5.2.3 The Risk Assessment Group is convened to consider whether precautionary measures should be applied in response to a reported concern of harassment and/or sexual misconduct. The purpose of this group is to assess any immediate or potential risks to the safety and wellbeing of individuals and the wider UCFB community prior to the investigation starting.

5.2.4 The Risk Assessment Group will typically include the following members (or their nominees):

- Director of Student and Academic Services;
- Dean of Education and Student Experience;
- Head of Student Support

5.2.5 Additional members of staff with relevant input or expertise may also be asked to participate in a Risk Assessment Group meeting.

5,2,6 The Director of Student and Academic Services (or nominee) makes the final decision on whether to apply precautionary measures. The Director of Student and Academic Services (or nominee) will relay the Risk Assessment Group outcome via a Risk Assessment form to the Resolutions Team.

5.2.7 If the Risk Assessment Group reasonably believes that a student against whom an allegation of harassment or sexual misconduct has been made does pose a risk, they may, under delegated authority from the UCFB Board of Directors, recommend:

- Partial exclusion of the Responding Student: restrict a students' access to certain parts of campus, e.g. particular buildings, or UCFB events.
- Full exclusion of the Responding Student: restrict the students' access to all parts of the campus e.g. all campus buildings including external venues for the delivery of UCFB academic activities or events, and all UCFB events organised on or off campus.
- Recommendation that the Supported Parties refrain from contacting each other, or named individuals, for the duration of the precautionary measures.

5.2.8 As part of their determination, the Risk Assessment Group will consider whether specific arrangements can reasonably be made for any Responding Student, subject to precautionary measures. They will also liaise with the Academic Team, where appropriate, to help minimise the impact on the student's studies.

5.2.9 UCFB may recommend that either Supported Party not have contact with each other and with named others during the precautionary measures period.

5.2.10 This decision will be formally recorded in the meeting minutes by the Resolutions Team.

5.2.11 The Resolutions Team 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 of the decision.

5.2.12 A Reporting Student and the Responding Student have the right to appeal the precautionary measures applied to them. The student can appeal against the precautionary measures at any point during their application by writing to the Resolutions Team via Resolutions@ucfb.ac.uk expressing their reasons for the appeal.

5.2.13 Any precautionary measures will be reviewed at regular intervals (and a minimum of every 4 weeks) to consider whether they should be revoked, extended or the terms amended. In the case of UCFB awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.

5.2.14 If a Responding Student breaches the precautionary measures applied to them, then they may be subject to further disciplinary action and any breach will be considered and addressed during the Resolutions Panel hearing.

5.3 Formal Disciplinary Process

5.3.1 Harassment and sexual misconduct is a very serious allegation, and all allegations received in writing will be considered through a formal process. A student found to have committed harassment and/or sexual misconduct is faced with the possibility of exclusion or expulsion so their case will be heard by a Resolutions Panel.

5.3.2 In the event an allegation is to be investigated, an Investigating Officer will be appointed by the Resolutions Team within 10 working days of receipt of the allegation. The Investigating Officer should not know any Party involved in the case and would be required to declare any conflict of interest to the Resolutions Team prior to the investigation starting.

5.3.3 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).

5.3.4 The Investigating Officer will contact the Responding Student 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 and make any further enquiries that they deem necessary for the investigation.

5.3.5 During the meetings, the Investigating Officer will confirm that the investigation forms part of an internal UCFB process, and that the outcome should not be regarded as a legal ruling.

5.3.6 If the Responding Student does not take up the opportunity to speak to the Investigating Officer the disciplinary process will still proceed, and a Resolutions Panel will sit to hear the evidence collected. It is strongly recommended that the Responding Student engages with the Investigating Officer and the disciplinary hearing. If there is no material evidence and the Reporting Party declines to engage, the Resolutions Team may bypass a Resolution Panel to avoid disadvantaging or

distressing the Responding Party. The case will instead be referred to the Director of Student and Academic Services (or nominee) for review and outcome

5.3.7 A Resolutions Panel will be arranged for the case to be heard. The Resolutions Panel will be convened with administrative support provided by the Resolutions Team. The Resolutions Panel members will be appointed by the Director of Student and Academic Services (or nominee).

5.3.8 The Chair of a Resolutions Panel will usually be a senior member of staff such as a Dean, Director or Head of a Professional Service. 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.

5.3.9 Panel members will be independent of the investigatory process and be required to declare any potential conflicts of interest.

5.3.10 The Responding Student will be notified in writing that they are requested to attend a Resolutions Panel where their case will be heard. The Responding Student will be provided with at **least seven working days' notice** of the hearing date.

5.3.11 The Reporting Student will be notified in writing that a Resolutions 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 Team.

5.3.12 The Resolutions Panel will be organised and carried out via Microsoft Teams unless otherwise requested or deemed necessary by the Chair of the Resolutions Panel.

5.3.13 All relevant documentation available from the Investigating Officer's report to the Resolutions 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 Resolutions Panel.

5.3.14 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 Team in writing at **least five working days** before the panel hearing so 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 Resolutions Panel will decide whether to admit them.

5.3.15 UCFB may also invite further 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 Resolutions Panel will decide whether to admit them.

5.3.16 Both the Reporting Student and the Responding Student have the right to be accompanied at the Resolutions Panel hearing and the names of any accompanying persons' must be submitted in writing to the Resolutions Team 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

Resolutions Panel reserves the right to refuse admission to the accompanying supporter.

5.3.17 If the accompanying person's behaviour at the hearing is deemed inappropriate, the Chair has the right to remove the accompanying person and/or reconvene the hearing to be held at a later date.

5.3.18 It is in the best interest of the Responding Student to attend the Resolutions 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.

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

5.3.20 During the meeting, the Chair of the Resolutions Panel will remind all parties present that the proceedings are an internal UCFB process, and that the outcome should not be regarded as a legal ruling.

5.3.21 At the conclusion of the hearing, the Resolutions Panel will discuss the case in private and will reach a decision based on the available evidence.

5.3.22 The Panel will endeavour to make a decision on the same day as the hearing, but this may not always be possible. The Resolutions Panel may make one of the following decisions:

- Dismiss the allegation as on the balance of probability misconduct was not found.
- Find the allegation not proven but recommend the continuation of precautionary measures for the safety and security of the Supported Parties.
- Conclude that on the balance of probability the misconduct took place but take no further action.
- Conclude that on the balance of probability the misconduct took place and apply a proportionate sanction.
- Conclude that on the balance of probability the misconduct took place and recommend the student be fully excluded or expelled.

5.3.23 Should the Resolutions Panel be unable to reach a consensus, the Chair will make the final decision.

5.3.24 Where the application of a penalty has been deemed appropriate by the Resolutions Panel, they will determine the most suitable penalty based on precedence, disciplinary history, engagement in the process, empathy, apologies, assurances, student record and other relevant mitigating factors. The possible penalties which the Resolutions Panel may include, but not limited to, are:

- A suspension from UCFB for a specific period of time, up to and including three academic semesters or an equivalent period.
- An exclusion from particular areas of UCFB, or UCFB activities, for the duration of a student's enrolment at UCFB.
- An expulsion from UCFB and the student can no longer complete their degree with UCFB.

5.3.25 The Chair of the Panel, through the Resolutions Team, will write to the Responding Student and the Reporting Student (if deemed appropriate by the Risk Assessment Group) conveying the Resolutions Panel's decision, together with reasons and any associated conditions, in writing and **normally within three working days** of the date of the decision.

5.3.26 The Reporting Party will be notified of the outcome. The Responding Student will have the opportunity to speak with a member of the Resolutions Team to understand the implications of this disclosure.

5.3.27 If the decision involves the extensive exclusion of the Responding Student, then the relevant Associate Dean will work with the Student Support and Student Administration Teams to devise and implement a plan to support the student's study where that is possible and appropriate.

5.3.28 In the event that the Resolutions Panel decides the Responding Student should be expelled or fully excluded, a full report should be submitted to the Chief Operating Officer (Accountable Officer) by the Resolutions Team, 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 Team, with the recommendation that the student concerned be expelled or fully excluded under the general disciplinary powers of the UCFB Board of Directors.

6. Appeals

6.1 Appeals against the decision of a Resolutions Panel

6.1.1 An appeal is not a re-hearing of the case previously presented under the relevant procedure. It is solely a review of that process, or procedure, which is intended to establish whether the conduct was fair and the process had been conducted properly, and that the decisions made were not the result of a perversity of judgement in the face of the evidence presented.

6.1.2 There shall be no appeal against the decision of the Resolutions Panel except on the grounds that:

- UCFB has failed to follow the procedure set out in this Policy.
- The decision was unreasonable and/or a disproportionate outcome has been imposed.
- There is new information/evidence which was not reasonably available before and would have made a material difference to the outcome.
- There is documented evidence of bias on the part of members of the Resolutions Panel or its Officer.

6.1.3 No new evidence may be given at an appeal hearing, except where it can be shown that there were justifiable reasons why it had not been presented previously and, if it had been presented previously, would have been likely to have been material to the decision(s) made. Such justification is to be provided as part of the application to appeal.

6.1.4 Any Supported Parties wishing to appeal must submit a written notice to the Resolutions Team stating the ground(s) of appeal **within 10 working days** of the date upon which they were informed of the Resolutions Panel's decision. The appeal will only be accepted if it meets one or more of the following grounds at 6.1.2.

6.1.5 If the Resolutions Team believes the appeal meets the criteria (section 6.1.2) then an Appeal Panel shall be convened by the Resolutions Team and shall be constituted of:

- Two senior staff members (a Dean, Director, Associate Dean or Head of Professional Services).
- Additional members as required.

6.1.6 Where practicable, Panel members will have had no prior involvement with the Supported Parties and will be employed by UCFB.

6.1.7 Where possible UCFB shall seek to ensure that the composition of the panel reflects the diversity of the institution.

6.1.8 Pending the outcome of any appeal the decision and sanction of the Resolutions Panel may remain in place (subject to a further risk assessment).

6.2 Powers of the Appeal Panel

6.2.1 The Appeal Panel shall have the power to:

- Adjourn the hearing to a future date;
- Confirm the penalty imposed;
- Moderate the penalty imposed to a lesser penalty as stipulated above. The Panel may not impose a greater penalty;
- Uphold the appeal;
- Require a rehearing at the disciplinary stage.

6.3 Procedures to be followed by the Appeal Panel

6.3.1 The Resolutions Team will invite both parties to attend the appeal hearing, informing them of the date, time and venue (On MS Teams). The two parties will be the Supported Party and the Chair of the Resolutions Panel which is the subject of the appeal.

6.3.2 The Supported Party will be entitled to be accompanied to the meeting by a relative, friend, or colleague. 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. The accompanying person can comment, assist, and help to present evidence, but cannot answer questions on the student's behalf.

6.3.3 At **least ten working days** prior to the hearing, the Resolutions Team will circulate the case papers to the members of the Appeal Panel, the Supported Party and the Chair of the Resolutions Panel.

6.3.4 In the event of late papers being received by the Resolutions Team, or previously uncirculated papers being presented by either side at the hearing, the Chair of the Appeal Panel shall decide whether they should be admitted, taking into account that, should such admission be permitted, it should not be to the disadvantage of either party.

6.3.5 The Supported Party may elect not to appear in person before the Appeal Panel. In such cases, the Appeal Panel will decide the appeal on the basis of written submissions. If, however, a written submission is not clear, the Panel will arrive at a decision on the basis of the evidence available to it.

6.3.6 Should the Supported Party fail to appear at the hearing without reasonable cause or explanation, the Appeal Panel will hear the appeal in their absence and decide based on the evidence available to it.

6.3.7 The Appeal Panel, having regard to all of the written and oral evidence provided, will decide whether the decision being appealed was fair, reasonable and proportionate.

6.3.8 In the event of the Appeal Panel not being able to reach a unanimous decision the Chair will have the determining voice.

6.3.9 The decision of the Panel will be final and there shall be no further right of appeal. **Within ten working days** of the appeal hearing the Resolutions Team shall issue to the Supported Party and the Chair of the relevant Resolutions Panel, a Completion of Procedures letter which will set out its reasons for either dismissing or upholding the appeal. No further correspondence shall be entered into.

6.3.10 If a Supported Party does not appeal by the end of the appeal window, the disciplinary procedure will be considered complete. The Resolutions Team will provide a 'Completion of Procedures' letter

6.3.11 If the appeal is not upheld, this will be communicated to the student in writing. UCFB will issue a Completion of Procedures letter as soon as possible, or within 28 days of the appeal outcome. The Completion of Procedures letter will include a clear explanation and outline the reasons for the decision. The decision should also advise the student about:

1. Their right to submit a complaint to the OIA for review.
2. The time limit for doing so.
3. Where and how to access advice and support.
4. Information and eligibility rules are available at: www.oiahe.org.uk

6.3.12 If the Supported Parties are dissatisfied with the way UCFB have handled the disciplinary process they can raise a complaint through the Student Complaints Procedure.

6.3.13 UCFB recommends that any student wishing to raise a complaint receives support from the Student Support Team.

6.3.14 If the Supported Party is not satisfied with the way UCFB has handled their complaint, they can raise a complaint to the Office of the Independent Adjudicator (OIA). Complaints must normally be received by the OIA within twelve months of the date of the Completion of Procedures Letter; otherwise the OIA may consider the complaint to be out of time.

6.3.15 Where a Responding Student is also a staff member, they may only utilise the processes above to address any outcomes they may have received from the Resolutions Team which pertain to them as a student.

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

7.1 In the event that the Supported Party 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).

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

7.3 The OIA may be contacted via:

Tel: 0118 959 9813
Email: enquiries@oiahe.org
Website: www.oiahe.org.uk/students/
Postal address: Office of the Independent Adjudicator, Second Floor, Abbey Gate, 57-75 Kings Road, Reading. RG1 3AB

8. Reporting and Monitoring

8.1 Records of all harassment and sexual 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 and regulatory bodies.

9. Related Policies and Procedures

9.1 UCFB Policies:

- UCFB AU Code of Conduct
- UCFB Community Charter
- UCFB Complaints Policy
- UCFB Data Protection Policy
- UCFB Personal Relationships Policy
- UCFB Privacy Policy

- UCFB Safeguarding Policy and Procedure
- UCFB Student Code of Conduct

9.2 OFS Statement of Expectations relating to Sexual Misconduct

10. Links to Support

Support on Campus is available here.
External Support is available here.

11. Definitions

11.1 A list of terminology used within this document and the definitions:

- **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.
- **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.
- **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. 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.
- **Disclosure:** Involves an individual choosing to tell anyone who is part of the UCFB community about their experience of harassment and sexual misconduct. A disclosure to a staff member is not considered a report under this policy.
- **Exclusion:** Refers to a ban set against the Responding Student, excluding them from specific UCFB activities, campuses or spaces within campuses.
- **Expulsion:** Refers to a Responding Student's complete removal from UCFB. Any access to UCFB systems would be halted and the student can no longer complete their degree within the institution.
- **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.
- **Harassment:** Related to a relevant protected characteristic is unwanted conduct that has the purpose or effect of violating the individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment. Conduct may be verbal, non-verbal or physical, and could take place in person and/or online.

- **Misandry:** Misandry refers to behaviours, actions or attitudes that express hostility, prejudice, belittlement, or discrimination towards men or those perceived as male.
- **Misogyny:** Misogyny refers to behaviours, actions or attitudes that express hostility, prejudice, belittling or discrimination towards women or people perceived to be women.
- **Report:** A written sharing of information with a staff member of UCFB regarding an incident of harassment or sexual misconduct experienced by that individual for the purposes of initiating the investigation process by UCFB.
- **Reporting Party:** Is used within the Harassment and Sexual 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.
- **Reporting Staff**: Is the UCFB member reporting themselves to have experienced harassment or sexual misconduct by a UCFB student.
- **Reporting Student:** Is the UCFB student reporting themselves to have experienced harassment or sexual misconduct by a UCFB student.
- **Reporting Third Party:** Is the person reporting themselves to have experienced harassment or sexual misconduct by a UCFB student.
- **Reporting Witness:** Is the person reporting someone else to have experienced harassment or sexual misconduct by a UCFB Student.
- **Responding Student:** Is the UCFB student who has been reported to have perpetrated harassment or sexual misconduct.
- **Retaliation:** Refers to any adverse action taken by a staff member or institution against a student because the student made a complaint, disclosed misconduct, or otherwise exercised their rights — particularly in situations involving allegations of harassment, abuse of power, or inappropriate staff-student relationships. All witnesses will be provided with appropriate support and will be protected from victimisation.
- **Sexual harassment:** Unwanted conduct of a sexual nature that has the purpose or effect of violating the individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment.
- **Supported Parties:** Refers to both the reporting party/parties and the responding student collectively.
- **Suspension:** A suspension from UCFB for a specific period of time, up to and including three academic semesters or an equivalent period.

12. Annex

Definitions of key terms.

Key Terms and Definitions

Term	Definition
Confidentiality	Confidentiality will be maintained, where possible, throughout the process in recognition of the sensitive nature of harassment and sexual 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, 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. 4.3.18: 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 Team. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly. 4.3.19 UCFB 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 community from harm or to prevent a crime from taking place.
Disclosure	A disclosure is the sharing of information by a student regarding an incident or concern related to harassment, sexual misconduct, or any other form of inappropriate behaviour. UCFB will not assume that a disclosure constitutes a request to make a formal report or to initiate a disciplinary investigation. Upon receiving a disclosure, UCFB will be guided by the wishes of the student and will prioritise the provision of appropriate support, guidance, and information. No formal action will be taken unless and until the student chooses to submit a formal complaint through the designated reporting routes, except where UCFB is legally required to act to safeguard the student or others.
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.
Investigation	As allegations of sexual violence and misconduct are serious, possibly criminal, offences they will be investigated. The investigation and Resolutions Panel will be organised centrally by the Resolutions Team.
Retaliation	*Paragraph 45 of condition E6 refers to protection from staff retaliation.* Retaliation refers to any adverse action taken by a staff member or institution against a student because the student made a complaint, disclosed misconduct, or otherwise exercised their rights—particularly in

	situations involving allegations of harassment, abuse of power, or inappropriate staff-student relationships. All witnesses will be provided with appropriate support and will be protected from victimisation.
Staff	Employees, officers, consultants, contractors, volunteers, interns, casual workers and agency workers engaged in work for or on behalf of UCFB.
Students	A person who is studying, any course, at a university or other place of higher education.