



Sexual Violence and Misconduct Policy

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1 Purpose and Scope of the Policy

Purpose

- 1.1 The University 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. This Sexual Violence and Misconduct policy is to be used when the University receives a written allegation that a student may have perpetrated sexual violence or sexual misconduct either physically or virtually.
- 1.2 The University recognises the significant impact of all experiences of Sexual Violence and Misconduct on any individual, and acknowledges the potential detriment to studies and employment, regardless of when the experience occurred.
- 1.3 Some members of our community are disproportionately affected by experiences of sexual violence and misconduct, such as members of the LGBTQI+ community, females and individuals with disabilities. The University will ensure appropriate support is available, whether internal or external, which is specific to any such members of our community.
- 1.4 The University 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 the University of East London have a responsibility for creating a community that is based on dignity and respect.
- 1.5 The University of East London aims to foster 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.



Scope

- 1.6 This Policy applies to all students registered on any University module, or course (including apprenticeship courses), members of staff, 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 University of East London student for sexual violence or misconduct. There may be some exceptions to this, for example University Partnership Programmes, which in such cases would follow the policy of the applicable partner institution – this policy may be utilised by Academic Partners with appropriate modifications for local application.
- 1.7 A student may disclose an incident(s) of sexual violence or sexual misconduct to any staff member. The University will not assume a disclosure means a student wishes to initiate a disciplinary investigation.
- 1.8 This policy only applies when the University receives a written report against a University of East London student which they believe contravenes the Sexual Misconduct section of the University's Code of Conduct.
- 1.9 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 [Student Conduct Team](#). Depending on the amount of information and evidence relayed by a witness the [Student Conduct Team](#) may either initiate disciplinary action or put the case on hold until further information is gathered.
- 1.10 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 under any University policy as the University has a duty to protect the information and data pertaining to any student.



2 Policy Statement and Principles

Statement

- 2.1 All University of East London students are expected to adhere to the standards of behaviour required of them as a member of the University community. The University recognises that students are responsible for their own behaviour and that in any community of adults' disputes between individuals will arise. The University has a range of policies and procedures in place to manage breaches of student codes 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.
- 2.2 Sexual Violence and Misconduct is defined as any unwanted conduct of a sexual nature. The University Code of Conduct cites the following as examples of sexual 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.
- 2.3 The University 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.
- 2.4 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 engenders alarm and distress in the victim.

These examples are intended to be illustrative and not exhaustive.

- 2.5 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 [Student Conduct Team](#) following which the case will be heard by a Sexual Violence and Misconduct Panel.
- 2.6 The Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services, or nominee, will decide if the allegation is to be investigated via the Sexual Violence and Misconduct Policy or the Non-Academic Misconduct Policy.
- 2.7 A risk assessment may take place prior to or during any disciplinary processes. The Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student 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.
- 2.8 The Risk Assessment Team will include senior staff from within Student Services including representatives with clinical knowledge, safeguarding training, and conduct policies. The Risk Assessment Team processes will be conducted in line with Guidance ([link](#)) agreed with the University Data Protection Officer.
- 2.9 There are certain differences in the Sexual Violence and Misconduct process as compared to the Non-Academic Misconduct process. Under this policy the Supported Parties have specific rights afforded to them which are stipulated as follows:
 - **The Reporting Student** has the right to: report an incident/initiate the disciplinary procedure; receive internal wellbeing support; be guided to external wellbeing support; seek guidance and representation by the Student's 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 (where deemed appropriate by the risk assessment



team or their delegated nominee); appeal the outcome of the hearing (subject to having been shared the outcome documents).

- **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.
- **Neither a member of staff nor a student** is 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. The University 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 University 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 Student's 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.

These individual identifiers are defined in the section below.



Terminology

- **Reporting Student** is the University of East London student reporting themselves to have experienced sexual violence or sexual misconduct by a University of East London student.
- **Reporting Staff** is the University of East London staff member reporting themselves to have experienced sexual violence or sexual misconduct by a University of East London student.
- **Neither a member of staff nor a student** is the person reporting themselves to have experienced sexual violence or sexual misconduct by a University of East London student.
- **Reporting Witness** is the person reporting someone else to have experienced sexual violence or sexual misconduct by a University of East London Student.
- **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.
- **Responding Student** is the University of East London student who has been reported to have perpetrated sexual violence or sexual misconduct.
- **Supported Parties** refers to both the reporting party/parties and the responding student collectively.

Principles

- 2.10 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.
- 2.11 The University of East London's 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.
- 2.12 The University 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.
- 2.13 The University of East London 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 University's disciplinary procedures.



- 2.14 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 University of East London's Code of Conduct.
- 2.15 In circumstances where the balance of probabilities is not satisfied or insufficient evidence has been provided, the University or the Disciplinary Panel may decide to take no further action in relation to the allegations.
- 2.16 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. The University 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.
- 2.17 The Party who has made a report to the University 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 the University) e.g. progress under this procedure, report to the Police, seek informal resolution. The University will respect the Reporting Party's wishes and support them whether they wish to report to the Police or not.
- 2.18 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.
- 2.19 Once the University 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.
- 2.20 The University will conduct its investigation into alleged misconduct in a fair and impartial way.
- 2.21 The Reporting and the Responding Student who are being investigated under this policy are entitled to be accompanied at any disciplinary meeting by a friend or a relative. 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, additionally, 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 moral support.



- 2.22 The Reporting and the Responding Student who are being investigated under this policy is entitled to be represented at any disciplinary meeting by a representative who is a support staff member within UEL. Students may request representation from the Wellbeing Team, the Independent Sexual and Domestic Violence Advisory Team or the Student Union Advice 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 UEL Students' Union.
- 2.23 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.
- 2.24 All Student Conduct and Panel staff involved in the process will act with impartiality and with discretion.
- 2.25 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 the University, 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.
- 2.26 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 [Student Conduct Team](#). Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly.
- 2.27 The University 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 University community from harm or to prevent a crime from taking place.
- 2.28 The Supported Parties will be offered support throughout the process and kept informed of the progress of the investigation where applicable.
- 2.29 The University 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.

3 Procedure

Disclosure and Reporting of an Incident



- 3.1 Any incidents of sexual violence and/or misconduct against students can be reported directly to the [Student Conduct Team](#) via the [Report and Support](#) tool available to all students and staff of the University of East London. Additionally, incidents can be reported by emailing the [Student Conduct Team](#) directly at studentconduct@uel.ac.uk or by reporting an incident to a staff member, who can then get in contact with the [Student Conduct Team](#). Students can request guidance from the University's [IDSV](#) (Independent Domestic & Sexual Violence Advisor) on how to report incidents and get emotional support.
- 3.2 Any incidents of sexual violence and/or misconduct against staff can be reported via the [Report and Support](#) tool available to all students and staff of the University of East London. These reports will not be pursued under this policy, however, will be addressed and pursued by the appropriate team and process from within the University.

Precautionary Measures Prior to Disciplinary Action

- 3.3 At times it may be necessary to mitigate risk and protect the University community by applying precautionary measures prior to the commencement of the Sexual Violence and Misconduct disciplinary process.
- 3.4 Any such action is a precautionary measure only; it is neither a penalty nor sanction and does not indicate that the University has decided that the Responding Student has committed any misconduct. Its aim is to protect all members of the University community. Precautionary measures can be imposed prior to an investigation starting.
- 3.5 The Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services, or nominee, makes the decision on whether to apply precautionary measures. The Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services, or nominee, will undertake a risk assessment and relay the Risk Assessment Outcome via a [Risk Assessment Request form \(Appendix A\)](#) to the Student Conduct Team before an outcome is applied.
- 3.6 If the Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student 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 Vice-Chancellor and President:
 - Partial exclusion of the Student. Restrict the Students' access to certain parts of the campus(es), e.g. particular buildings, Halls of Residence or University event.



- Full exclusion of the Student. Restrict the Students' access to all parts of the campus(es), e.g. all on campus buildings including lecture halls, all University events.
 - Restriction on who the Student is permitted to contact (e.g. a no-contact order may be issues)
 - For apprenticeship courses , the University has the authority to exclude the apprentice from University activities, however, the future employment status of the apprentice is at the discretion of their employer.
- 3.7 As part of their determination, the Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services 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 student's Academic School as appropriate.
- 3.8 The University may impose a requirement on either Supported Party not to have contact with each other and with named others. This is called a mutual no-contact order.



- 3.9 The relevant Supported Party will be informed in writing when a precautionary measure has been applied in their case, and the reasons for this, normally within two working days of the decision.
- 3.10 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 Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services or nominee, expressing their reasons for the appeal.
- 3.11 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 the University awaiting the outcome of any criminal proceedings or investigations the precautionary measures are likely to remain in place for the duration.
- 3.12 If a Responding Student breaches the precautionary measures applied to them, then they may be subject to further disciplinary action and/or any breach will be considered and addressed during the Sexual Violence and Misconduct hearing.

Formal Disciplinary Process

- 3.13 Sexual Violence and Misconduct is a very serious allegation, and all allegations 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 disciplinary Panel.
- 3.14 In the Formal Disciplinary process an Investigating Officer will be appointed centrally by the [Student Conduct Team](#). The Investigating Officer should not know or be aware of any Party involved in the Formal Disciplinary Process.
- 3.15 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).
- 3.16 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 e.g., witnesses and make any further enquiries that they deem necessary for the investigation.



- 3.17 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 student engages with the Investigating Officer and the disciplinary hearing.
- 3.18 Where no material evidence to support allegations made against the Responding Party are found and the Reporting Party refuses to participate in the process the Student Conduct Team may forgo a disciplinary hearing to mitigate disadvantage and mental strain to the Responding Party. Instead, the matter would be referred to Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services or nominee for review and outcome.
- 3.19 A Sexual Violence and Misconduct Panel will be arranged for the case to be heard. This Panel will be convened with administrative support provided by the [Student Conduct Team](#). The Sexual Violence and Misconduct Panel members will be appointed by the Assistant Chief Operating Officer (Health Gain and Student Experience) & Director of Student Services, or nominee.
- 3.20 The Chair of a Sexual Violence and Misconduct Panel will usually be a senior member of staff, such as a Dean of School, Director of a Professional Service 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.
- 3.21 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.
- 3.22 Where deemed appropriate 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 Student Conduct Team.
- 3.23 The Disciplinary Hearing will be organised and carried out through Microsoft Teams unless otherwise requested or deemed necessary by the Chair of the Disciplinary Panel or the [Student Conduct Team](#).



- 3.24 All relevant documentation available from the Investigating Officers 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.
- 3.25 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 [Student Conduct Team](#) in writing at least 5 days before the hearing date so logistical arrangements can be put in place unless otherwise communicated by the [Student Conduct Team](#). 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.
- 3.26 The University 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.
- 3.27 Both the Reporting Student and the Responding Student have the right to be accompanied at the hearing but the accompanying persons' name needs to be submitted in writing to the [Student Conduct Team](#) at least five working days before the date of the hearing unless otherwise communicated by the [Student Conduct Team](#). If details of the accompanying person are not provided by a stipulated date, the Chair of the Sexual Violence and Misconduct Panel can reserve the right to refuse admission to the accompanying person.
- 3.28 If the accompanying person's behaviour at the hearing is deemed inappropriate, the Chair has the right to remove the accompanying person or convene the hearing to be held at a later date.
- 3.29 It is in the best interest of the Responding Student to attend the Sexual Violence and Misconduct Panel hearing. If the student chooses not to appear before the Panel, the Panel has the right to hear the case in their absence.



- 3.30 The University strongly advises that a student attending a disciplinary Panel seeks the advice and support of the [Student Union Advice Team](#).
- 3.31 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.
- 3.32 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.
- 3.33 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
 - 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.



- 3.34 Should the Sexual Violence and Misconduct Panel be unable to reach a consensus the Chair will have the determining voice.
- 3.35 The Chair of the Panel, through the [Student Conduct Team](#), 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.
- 3.36 If the decision involves the suspension or extensive exclusion of the Responding Student then the relevant Dean of School will work with the [Department of Student Services](#) to devise and implement a plan to support the student's study where that is possible and appropriate.
- 3.37 In the event that the Panel decides the Student should be expelled a full report should be submitted to the Provost (or nominee) by the [Student Conduct Team](#), with the recommendation that any student concerned be expelled or fully excluded under the general disciplinary powers of the Provost. Should the Provost be conflicted through involvement in the matter concerned or be unavailable the report should be submitted to the Deputy Vice Chancellor by the [Student Conduct Team](#), with the recommendation that any student concerned be expelled or fully excluded under the general disciplinary powers of the Pro-Vice Chancellors.

4 Appeals

Appeals against the decision of a Sexual Violence and Misconduct Panel

- 4.1 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 of that process under the relevant procedure, prior to the appeal, was fair and 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.
- 4.2 There shall be no appeal against the decision of the Sexual Violence and Misconduct Panel except on the grounds that:
- There is new and material evidence that the student was for exceptional reasons unable to present to the Sexual Violence and Misconduct Panel.
 - The procedures were not complied with to the extent that it was questionable whether the outcome would have been different had the new evidence been complied with.



- There is documented evidence of bias on the part of the members of the Sexual Violence and Misconduct Panel or its Clerk.
 - The penalty imposed exceeded that available to the Sexual Violence and Misconduct Panel and/or the penalty was disproportionate.
- 4.3 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.
- 4.4 Any student wishing to appeal must submit to the Chief Student Officer (or nominee), a written notice stating the ground(s) of appeal within 20 working days of the date upon which they were informed of the Sexual Violence and Misconduct Panel's decision.
- 4.5 If the Chief Student Officer believes the appeal meets the criteria (section 4.2). Then Appeal Panel shall be convened by the Chief Student Officer (or nominee), and shall be constituted of:
- Two staff members one of whom will be Dean or Head of School or Professional Services.
 - Student Union Chief Executive Officer or nominee.
 - A senior member of the Appeals Team.
- 4.6 The Chair of a Appeal Panel will usually be a senior member of staff, such as a Dean of School, Director of a Professional Service or Head of a Professional Service. Where practicable, Panel members will have had no prior involvement with the Student(s) and will be employed by the University of East London. Where possible we will seek to ensure the composition of the Panel reflects the diversity of our institution.
- 4.7 Where possible our University shall seek to ensure that the composition of the panel reflects the character of the institution.
- 4.8 The panel shall, where practicable, be composed of members who are unlikely to know personally any student whose case it may consider.



4.9 The panel shall appoint a Secretary, who will be responsible for keeping a written record of the decisions made.

Powers of the Appeal Panel

4.10 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.

Procedure to be followed by the Appeal Panel

4.11 The Secretary will invite both parties to attend the appeal hearing, informing them of the date, time and venue (if not online). The two parties will be the student and the Chair of the Non-Misconduct Panel which is the subject of the appeal or a member of the Student Conduct Team. There shall be no other persons invited to attend the hearing, save that the student may be accompanied.

4.12 The student will be entitled to be accompanied to the meeting by a relative, friend, colleague, or a Student Union advisor. 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.

4.13 At least ten working days prior to the hearing, the Secretary will circulate the case papers to the members of the Appeal Panel, the appellant and the Chair of the Sexual Violence and Misconduct Panel or member of the Student Conduct Team.



- 4.14 In the event of late papers being received by the Secretary, 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.
- 4.15 The appellant 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.
- 4.16 Should the appellant fail to appear at the hearing without reasonable cause or explanation, the Appeal Panel will hear the appeal *in absentia* and decide based on the evidence available to it.
- 4.17 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.
- 4.18 In the event of the Appeal Panel not being able to reach a unanimous decision the Chair will have the determining voice.
- 4.19 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 Panel shall issue to the appellant and the Chair of the relevant Sexual Violence and Misconduct Panel or member of the Student Conduct Team, 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.
- 4.20 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 [Student Conduct Team](#).
- 4.21 If either the Responding Student or Reporting Student are dissatisfied with the way the University have handled the disciplinary process they can raise a complaint through the [Student Complaints Procedure](#).
- 4.22 The University recommends that any student wishing to raise a complaint receives support from the [Student Union Advice Team](#).



- 4.23 If the Student or the Complainant is not satisfied with the way the University have handled their complaint, they can raise a complaint to the [Office of the Independent Adjudicator \(OIA\)](#). The University recommends any student wishing to raise a complaint receives support from the [Student Union Advice Team](#). 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.
- 4.24 If the appeal is not upheld, this will be communicated to the student in writing. The University will issue a Completion of Procedures letter as soon as possible, or within 28 days of the appeal outcome, if requested. 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:
- their right to submit a complaint to the OIA for review.
 - the time limit for doing so.
 - where and how to access advice and support.
 - Information and eligibility rules are available at: www.oiahe.org.uk
- 4.25 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 Student Conduct Team which pertain to them as a student.

5 Links to other Policies & Procedures

Internal Policies

- 5.1 This Policy/Regulation relates to the following institutional regulations, policies or procedures:

[Student Code of Conduct](#)

[Non-Academic Misconduct Policy](#)

[Complaints Procedure](#)

[Equality and Diversity Policy](#)

[University Safeguarding Policy and Procedure](#)



[Freedom of Speech Policy](#)

For procedural guidance, refer to the [Appendices](#).

External Policies

- 5.2 This Policy/Regulation complies with the following guidance put forth the Office for Students (OfS):

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

Links to Support Organisations and Networks

- 5.3 Community Support Available and Reporting

[Student Union Advice Team](#)

[Independent Sexual and Domestic Violence Liaison](#) [Sexual](#)

[Assault Referral Centres](#)

[NSPCC](#)

National Support Available and Reporting

[The Havens Victim](#)

[Support](#)

[The Survivors Trust](#)

[Survivors UK](#) (for male victim survivors of sexual assault) [Galop](#)

(LGBT+ anti violence charity)

[Respect](#)

[Women and Girls' Network](#)

[Women Against Rape](#) [The](#)

[Survivors Trust](#)

[One in Four](#)



[Revenge Porn Helpline](#) [Respond](#)

[Woman's Trust](#)

[National Stalking Helpline](#)

6 Helplines

The 24-hour freephone [National Domestic Abuse Helpline](#), run by Refuge, on 0808 2000 247

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.

7 Definitions

7.1 A list of terminology used within this document and the definitions

- **Disclosure:** Involves an individual choosing to tell anyone who is part of the University community about their experience of Sexual Violence and Misconduct. A disclosure to a staff member is not a report under this policy.
- **Report:** A written sharing of information with a staff member of the University regarding an incident of sexual violence or sexual misconduct experienced by that individual for the purposes of initiating the investigation process by the University.
- **Consent:** is 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.
- **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 results from coercion, force, threat, intimidation or the exploitation of power.



- **Coercion or Force** includes any physical or emotional harm 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.
- **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.
- **Expulsion** - refers to a Responding Students' complete removal from the University. Any access to the University systems would be halted and the student can no longer complete their degree within the University.
- **Suspension** – refers to a halt on the Responding Students' record, disabling them to continue with their academic studies for a specified amount of time.
- **Exclusion** – refers to a ban set against the Responding Student, excluding them from specific University activities, spaces within campuses or campuses in whole.

8 Appendices

Appendix A [Risk Assessment Request Form](#)

Appendix B [Disciplinary Hearing Agenda](#)

Appendix C [FAQs for the Reporting Party](#) and [FAQs for the Responding Student](#) Appendix

D [Student Disciplinary Full Guidance on Process and Procedure](#)

9 Policy Owner: ACPO Health Gain & Student Experience and Director of Student Services

Department: Student Conduct Team

Version	Effective From	Amendments	Equality Analysis	Stakeholders Consulted	Approval Date	Author	Date for Review
V1.0	01/09/2022	<p>Clarification of the following:</p> <ul style="list-style-type: none"> - Who this policy applies to, including members of the public - The rights of all Parties that this policy applies to - Data practices utilised by the Student Conduct Team. - That all disciplinary hearings will be held virtually 	07/07/2022	DDT, EEC, AB, Complaint and Appeals, the SU, Legal Counsel, DPO, EDI	26/08/2022 Via Chairs' Action	Sam Liivar and Nicole Redman	01/03/2023

		<ul style="list-style-type: none"> - Internal processes in circumstances of criminal offences - That a student who appeals will receive a CoP letter automatically from the Appeals Team whereas a Student who has not appealed would need to request it from the Student Conduct Team. 					
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Version	Effective From	Amendments	Equality Analysis	Stakeholders Consulted	Approval Date	Author	Date for Review
V1.0 ctd	Ctd – See Above	Inclusion of the following: <ul style="list-style-type: none"> - In instances where 	Ctd - See Above	Ctd - See Above	Ctd - See Above	Ctd – See Above	Ctd - See Above

		<p>a student is expelled or fully excluded, a recommendation report on behalf of the disciplinary panel will be presented to the Provost for endorsement</p> <ul style="list-style-type: none"> - In instances involving expulsion, a student who is appealing will no longer be able to request a meeting with the Vice Chancellor - Explanation of terminology used - FAQ document 					
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Version	Effective From	Amendments	Equality Analysis	Stakeholders Consulted	Approval Date	Author	Date for Review
V1.1 ctd	01/09/2023	<p>Amendment of the following:</p> <ul style="list-style-type: none"> - Addition of up to date links throughout the document. - Inclusion of bullying and harassment statement. - Inclusion of OfS Statement of Expectations in relation to Sexual Misconduct. - Amendments to language and grammar 	07/06/2023	DDT, EEC, AB, Complaint and Appeals, the SU, Legal Counsel, DPO, EDI	14/06/2023	Sam Liivar Nicole Redman	01/03/2024

		throughout for ease of read.					
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This Policy is reviewed by **Education & Experience Committee** and approved by **Academic Board**

