

Prifysgol Wreccsam  
**Wrexham** University

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# **Student Code of Conduct & Disciplinary Procedure**

2025/26

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## 1 Purpose of the Policy

1.1 This policy sets out the approach that the University will take to address student conduct in relation to:

- Anti-Harassment and Anti Bullying.
- Sexual Misconduct and Domestic Abuse.
- Other disciplinary concerns not covered under the above or by Fitness to Practise.

1.2 Its purpose is to provide clear guidance on the processes related student conduct, be clear about the basis upon which the University will secure academic standards and best support students' learning including in accordance with the requirements of the [Quality Assurance Agency \(QAA\)'s UK Quality Code](#) and the Office of the Independent Adjudicator's (OIA) [Good Practice Framework](#).

1.3 The Equality Act 2010 prohibits harassment related to age, disability, gender reassignment, marital or civil partner status, pregnancy or maternity, race, colour, nationality, ethnic or national origin, religion or belief, sex or sexual orientation. For more information refer to the University's Equal Opportunities Policy.

1.4 The Protection from Harassment Act 1997 also makes it unlawful to pursue a course of conduct which you know, or ought to know, would be harassment, which includes causing someone alarm or distress.

1.5 Fitness to Practise concerns will be considered under the [Fitness to Practise procedure](#).

1.6 Academic Integrity concerns will be considered under the [Academic Integrity Procedure](#).

## 2 General Principles

2.1 The University is committed to ensuring an inclusive and safe environment where students are treated with dignity and respect whilst studying at the University. The University expects all members of its community to treat each other with respect, courtesy and consideration at all times.

2.2 The University operates a zero-tolerance approach to behaviours of harassment, bullying, hate crime, sexual misconduct, domestic abuse and victimisation and seeks to promote fair treatment of students through the implementation of this procedure.

2.3 The University will provide a framework within which allegations can be explored and resolved informally if possible, providing support for both the student expressing the concern and the person against whom the allegation is made. Where an allegation is resolved informally, this will be investigated and may result in disciplinary action. The process for disciplinary action for students is covered within this procedure. At all stages the University will seek to support any

student involved in the process, including Reporting Student/s, Responding Student/s and any witnesses.

2.4 A separate procedure is in place for disciplinary action for staff, further information can be sought from the University's Human Resources Department.

2.5 The University aims to balance the rights of the person making the allegation (reporting party) and those of any person against whom an allegation is made (responding party); all parties must be treated with dignity and respect. A student should not expect to suffer any reprisals for making an allegation in good faith, and any evidence of recrimination should be brought immediately to the attention of the Director of Strategic Planning and Student Administration.

2.6 If there is reason to believe that an allegation is malicious or vexatious, the individual making the allegation may be subject to disciplinary procedures.

2.7 The University may decide, at any stage, that it is unable to consider an allegation from a student further if there is evidence of the individual making the allegation has:

- Been aggressive or abusive towards staff or other students.
- Made demands that are unreasonable in the set of circumstances e.g. relating to timescales, particular staff involvement or other issues.

2.8 This procedure applies to students who are formally enrolled on a Wrexham University programme of study including those who have associated Professional, Statutory and Regulatory Body (PSRB) standards and competencies, and whose professional conduct and practice during the period of academic study is a key element of their satisfactory progress toward an award and toward professional recognition. This includes all students who are enrolled on such Wrexham University programmes of study at partner organisations / institutions or through an outreach arrangement.

2.9 The procedure shall apply regardless of any suspension/withdrawal of enrolment requested by the student. Where a student (Reporting or Responding) is suspended or withdrawn from the University and an allegation under this procedure is in progress, the Director of Strategic Planning and Student Administration shall decide whether to proceed with investigation of the allegations. The purpose of continuing the investigation would be to ensure that sufficient information and witness statements would be available should the student seek to re-enter the University. Following the suspension/withdrawal of the Responding student, the case may be adjourned. In these circumstances, the Reporting Student will be informed of the investigation being held in abeyance. However, should the Responding student seek to re-enter the University, it shall be conditional upon the Responding Party engaging with the investigation to establish a decision about readmission.

2.10 The University will not normally consider a formal allegation in respect of bullying or harassment that has happened in the past, if the behaviour has ceased more than twelve weeks prior to the allegation being submitted. This time limit may be varied in the presence of appropriate evidence or other factors.

2.11 Wrexham University will adhere to relevant laws and policies, applying the principle of 'balance of probability' in resolving concerns. All information related to cases will be handled confidentially, in line with data protection regulations.

### **3 Police Investigations & Judicial Proceedings**

3.1 In the interest of not causing impediment to the criminal proceedings, the University will not commence an internal investigation or will suspend an ongoing investigation. In all instances the University will undertake necessary precautionary action for example putting in measures to separate the reporting and responding parties.

3.2 Reports under this procedure of alleged incidents will be considered at an Initial Review Meeting (IRM) including situations where the Reporting Party chooses not to report the matter to the Police. An IRM may also be called after the conclusion of a criminal investigation or judicial proceedings where there are issues outstanding and pertinent to the student involved.

3.3 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter or an acquittal at a trial does not preclude the University from continuing to investigate and if appropriate taking action under this procedure. This is because the Police and the CPS are required to meet the Criminal Burden of Proof (that the finding is 'beyond reasonable doubt') where the University is required to meet the Civil Burden of Proof (that the finding is made 'on the balance of probabilities'). This means that Universities are required to investigate incidents, even where the Police may have ceased investigating.

3.4 In all cases, the University will advise the Reporting Party that it does not have the legal investigatory powers of the Police and cannot make a determination on criminal guilt. An internal investigation is focussed exclusively on whether a breach of the University's student conduct procedure (or another Policy, if so determined at the IRM) has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

3.5 Where a student has been convicted of a criminal offence or accepts a Police caution in relation to behaviour that falls within the scope of the University's student conduct procedure, the conviction/caution will be taken as conclusive evidence that the behaviour took place, and no further investigation shall be required by the University.

### **4 Support**

4.1 The University is committed to providing support for those members of its community affected by these issues. The University will provide information on support resources available and offer interim measures as appropriate to the Reporting Party, Responding Party, and witnesses involved in allegations made under the remit of this procedure.

4.2 Support resources are available to any member of the University who discloses an incident regardless of their choice to make a Report to the University or Police. Support remains available irrespective of the outcome of an investigation.

4.3 The Reporting Party and Responding Party will each have a member of staff assigned to them to offer welfare and pastoral support. This support will be separate; one member of staff will not provide support to both parties. Staff in these roles will be trained specifically to support either party during and after an investigation.

## **5 Safeguarding**

5.1 The University reserves the right, and may be under an obligation, to share information in circumstances where it may be necessary to protect any individual or the wider University community from harm or to prevent a crime from taking place. When the University receives information of an incident and a decision is made to refer to statutory services, wherever possible this information will be communicated to the Reporting Party.

## **6 Related Policy Statements (under which the Disciplinary procedure also operates)**

### **6.1 Anti-Harassment and Anti Bullying Policy Statement**

6.1.1 This procedure covers harassment or bullying by a student against another student, by a student against a member of staff (or individual attending the University such as a contractor, visitor, consultant, casual or agency worker) or by a member of staff against a student. Only current students may pursue an allegation under this Procedure.

6.1.2 Bullying and harassment cover a range of behaviours which are deemed to be offensive, unwanted by the recipient and unreciprocated. Bullying and Harassment may occur on a single occasion, but it is more likely to be repeated over a period of time or constant. Such behaviour can take a variety of forms including physical contact, verbal, written and electronic communication.

6.1.3 It is not the intention of the reporting party that is key in deciding if harassment or bullying has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome and distressing to the individual(s) subjected to it.

6.1.4 For further information please see the Anti-Harassment and Anti-Bullying Policy Statement.

## 6.2 Fitness to Practise Procedure

6.2.1 Fitness to Practise refers to a student's ability to meet the professional standards required for their chosen field, encompassing character, professional competence, and health. The process aims to ensure the safety of students, those around them, and the public, while also upholding or maintaining public confidence in the profession. The procedure is supportive in nature, focusing on addressing concerns without punishing students, even when it results in a student being unable to continue their studies or graduating without professional body recognition.

6.2.2 Providers have a responsibility to:

- Ensure students in professional programmes are fit to practice or will be upon completion.
- Protect patients, clients, service users, and the public.
- Uphold / Maintain public trust in the profession.
- Comply with professional and regulatory body requirements.
- Ensure students are not awarded qualifications permitting them to practice if they are not fit to do so.

6.2.3 The process addresses concerns regarding students' behaviour, professional practice, or physical and/or mental health, which may affect their Fitness to Practise. Concerns can be resolved informally or through more formal procedures, depending on the case. The procedure is distinct from disciplinary processes, and advice may be sought from the Director of Strategic Planning and Student Administration (and other departments as appropriate) to ensure the correct procedure is followed.

6.2.4 The policy aims to provide fairness, consistency, and transparency while considering both academic progress and professional conduct as integral elements of a student's ability to practice in their chosen field.

6.2.5 Wrexham University offers a range of continuing professional development programmes intended for existing practitioners. For these programmes, the Fitness to Practise Procedure cannot be invoked to prevent a student from entering practice, as they are already employed in practice. Instead, they will be used to invoke the following set of actions:

- If the student who is an existing practitioner suspends or withdraws while an allegation under this procedure is in progress, the Director of Strategic Planning and Student Administration will decide whether to proceed with the investigation and whether the student's employer/placement provider and the relevant PSRB (if applicable) should be made aware of the allegations.
- Where an outcome from a Hearing finds that a student has exhibited behaviour which is inappropriate or unacceptable to standards of the profession, then a course of action open to the hearing will include informing the student's employer/placement provider and also the relevant PSRB of the facts of the matter and the outcome of the hearing.

- A further action open to the hearing panel is to terminate the student's studies with Wrexham University.

### **6.3 Sexual Misconduct and Domestic Abuse Policy Statement**

6.3.1 Wrexham University is committed to fostering a safe, respectful, and inclusive environment for all members of its community. We adopt a zero-tolerance approach to all forms of sexual misconduct and domestic abuse.

6.3.2 We recognise the serious impact such experiences can have on individuals and are dedicated to providing trauma-informed, survivor-led support. This includes confidential advice, emotional support, and clear information about available reporting options—both within the University and externally.

6.3.3 Disclosures can be made by students or staff without any obligation to pursue formal action. However, where a safeguarding concern exists, the University may be required to act to protect individuals or the wider community, in line with its duty of care.

6.3.4 The University ensures that all reports are treated sensitively, fairly, and confidentially. We work in collaboration with internal teams and external agencies to offer appropriate support and take action when necessary. All staff receive appropriate training to respond effectively.

6.3.5 This procedure applies to all students of the University, across all settings—including online spaces—and is aligned with relevant legislation including the Sexual Offences Act 2003, Domestic Abuse Act 2021, and the Equality Act 2010. A staff procedure is in place for Sexual Misconduct and Domestic Abuse and an overarching policy is available which sets out the University's expectations in relation to this area.

6.3.6 For further information please see the SMDA Policy.

## **7 Code of Conduct**

7.1 Students of the University are expected to abide by the following Code of Conduct. They should always behave in a manner which demonstrates respect for the wider community, the University, its staff, other students and property.

7.2 The following is a list of behaviours that are prohibited. This list is not intended to be exhaustive, and other behaviours may be addressed at the University's discretion:

- Behaving in manner which is dangerous or is likely to lead to a breach of the peace or damage to property.
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University.
- Obstruction of, or improper interference with the functions, duties or activities of any student, member of staff or any authorised visitor to the University.



- Violent, indecent, disorderly, aggressive, threatening or offensive behaviour or language by any means, including on social networking sites.
- Distributing or publishing a poster, notice, sign, publication or any material which is threatening, abusive, insulting, obscene, offensive or constitutes harassment or is illegal or makes others fear violence.
- Fraud, deceit, deception, misrepresentation, bribery, falsification of records or dishonesty in relation to the University, its staff or students, including misuse of the attendance monitoring system.
- Making defamatory and/or false claims about other students or staff which are not substantiated and where there is reason to believe they are malicious or vexatious.
- Action likely to cause injury or impair safety on University premises or whilst on placement, including tampering with fire-safety equipment and alcohol/drug misuse
- Smoking, including using e-cigarettes, in University buildings or other areas prohibited by the University.
- Harassment of any student, member of staff, any third party while on placement or any visitor to the University - as defined in the University's Anti-Harassment and Anti-Bullying Policy Statement.
- Sexual misconduct including any behaviour or attempted behaviour of a sexual nature, as defined by the University's Sexual Misconduct and Domestic Abuse Policy Section 6.
- Domestic abuse including any incident or pattern of incidents of controlling, coercive threatening, degrading behaviour, violence or abuse, as defined by the University's Sexual Misconduct and Domestic Abuse Policy Section 7.
- Breach of the provisions contained within any of the University's regulations, rules, procedures or policies, including failure to comply with the outcomes of any such proceedings.
- Assessment offences not covered by the Academic Misconduct Procedure which may include, theft, falsification, impersonation, bribery, advertising or contacting services which promote academic dishonesty.
- Damage to, defacement or misappropriation of University property or the property of other members of the University, caused intentionally or recklessly.
- Misuse or unauthorised use of the University premises or items of property, including computer misuse.
- Deliberate disclosure of privileged and confidential information to unauthorised people; failure to adhere to intellectual property rights and/or breach of copyright.
- Where there has been a conviction for a criminal offence and where that conduct: a. took place on University premises; or b. affected any student, member of staff or agent of the University; or c. damages or may damage the good name of the University; or d. renders the student unfit to practise any particular profession or calling to which that student's course directly leads; or e. raises questions about a student's suitability for a particular

course or whether a student should remain a member of the University community because they pose a risk to others or to the good order of the University.

- Failure to declare a relevant criminal conviction incurred whilst enrolled as a student.
- Behaviour which brings or may bring the University into disrepute, irrespective of where the behaviour took place, including behaviour which damages or may damage the University's relationship or reputation with local communities or external organisations.
- Failure to comply with the reasonable instruction of any member of University staff, including failure to disclose personal identification details or carry a University ID card whilst on campus or engaged in a University activity.
- Entering parts of the University premises that are not open for academic or student activity, unless invited to do so by an authorised member of staff of the University.
- Engaging in any trade, business or employment on University premises, without the express consent of the University.
- Conduct which renders a student enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession, not fit to be admitted to, and practise that profession.
- Making or publishing a recording of a member of University staff in the course of their duties without express permission.
- Conduct which is intended to or has the effect of inciting or enticing, aiding or abetting another student in the breach of any University regulations, rules, procedures or policies.
- Any breach of the terms of any visa or failure to comply with the requirements of UK Visa and Immigration (UKVI).

## 8 Disciplinary Procedure

8.1 The University provides a framework within which allegations can be explored and resolved, providing support for both the student expressing the concern (Reporting party) and the person against whom the allegation is made (Responding party).

8.2 Upon receipt of an allegation from the Reporting Party, a written statement of the allegation will be requested by the University. If a student has support needs that necessitate alternative formats of submission, that will be facilitated. All reports should be sent to [StudentConduct@Wrexham.ac.uk](mailto:StudentConduct@Wrexham.ac.uk) in the first instance.

8.3 Please note, anonymous reports, or a report where the Reporting Party does not wish the substance of the allegations to be shared with the Responding Party cannot usually be investigated.

8.4 The Head of Quality or nominee shall determine:

- Whether the allegation should be referred to be dealt with through the Stage One Informal procedure (if it has not been referred through that route).
- Whether the allegation is frivolous or vexatious and should be dismissed.
- Whether the allegation should be referred for consideration under the Fitness to Practise Procedure; the Fitness to Study Procedure or be dealt with under this procedure.
- Whether an Initial Review Meeting is required.

8.5 Where the offence is a criminal matter and the police, court or other external statutory agency (ESA) is involved, the University investigation may only extend to a risk assessment of whether suspension is required pending the outcome of the ESA procedures. Further investigation by the University will not be undertaken without first liaising with the relevant ESA. The student will, however, be made aware of the initiation of the University Disciplinary procedure and provided with a copy of the procedure but the full University investigation may be postponed until the outcome of the official investigation by the ESA is known.

## 9 Precautionary Measures Process

### 9.1 Disclosures and Reports

9.1.1 The Disciplinary process commences when an incident is reported by an individual or third party. A disclosure does not constitute a report, but in both cases, it is advised that a written record of incidents, with dates, times and the names of any witnesses is kept.

9.1.2 An informal disclosure about any form of alleged misconduct (for confidential advice /referral for support), can be made in a number of ways, including, but not restricted to, via the Dean of Faculty, Student Services, a student's personal tutor or a representative of the Students' Union. Staff members who receive a disclosure of sexual misconduct or domestic abuse must refer students to Student and Campus Life. Students will receive support and information on the next steps available to them, with no pressure for the student to make a formal report.

9.1.3 Following advice and guidance, the individual may wish to make a formal report to the University for consideration under the appropriate procedure.

9.1.4 Forms to submit formal reports of misconduct are available from [StudentConduct@wrexham.ac.uk](mailto:StudentConduct@wrexham.ac.uk).

9.1.5 The decision about what Stage the allegations within the report, are responded to, is at the discretion of the Quality Manager. At any point, should the Quality Manager have a further concern about the appropriateness of a Stage, they are able to refer onwards to the next stage.

9.1.6 In the instance requiring formal investigation the steps set out within the formal stage of this procedure and the related Investigation Guidance Handbook should be followed.

9.1.7 As a general principle, the decision whether to progress a disclosure is up to the individual (Reporting party). However, the University has a duty to protect all of its staff and students and may pursue the matter independently, where the University considers it appropriate to do so.

9.1.8 If a staff member receives a disclosure regarding sexual misconduct or domestic violence involving a student, Student and Campus Life should be informed. Support will be offered to the both the Reporting and Responding party, if they are both students. If the Reporting Party does not want their information shared with support services then staff should still seek support from Student and Campus Life, without sharing the student's details, so that there is institutional oversight of the student's situation. Informing Student and Campus Life of an allegation of sexual misconduct or domestic abuse does not trigger a formal investigation but full support will be offered to the Reporting Student on options available to them, including a formal report to the University where appropriate.

9.1.9 If the Responding Party is a staff member the Executive Director of Human Resources should be contacted and informed of the allegation.

9.1.10 The University will determine if there is a need for an Initial Review Meeting. This will occur where the University needs to consider risk for any of the parties or the wider University Community. An Initial Review Meeting will also consider if the threshold is met for referral to or contact with, statutory services external to the University.

## **9.2 Initial Review Meeting**

9.2.1 Once the DSpSA (or other appropriate senior staff member) has determined that there should be an Initial Review Meeting, the Quality and Regulations Team will be in touch with appropriate parties to arrange an Initial Review Meeting (IRM) as soon as practicable. The purpose of the IRM is to:

- Assess support needs.
- Consider how to protect the interests of all parties and members of the University community who may be affected by the case.
- Undertake a risk assessment in order to determine whether any precautionary measures that may need to be put in place.
- ensure that a full and proper investigation can be carried out.
- Agree next steps.
- Determine whether a formal investigation will take place, or if the matter should be handled under a separate procedure or stage.

9.2.2 The IRM will be attended by the following where relevant:

- Chair (nominated senior staff member –) NB Lead or deputy SVO in the instance of SMDA allegation.
- Legal department representative.

- A representative of the Programme team.
- A Quality & Regulation Team representative.
- A member of Student and Campus Life team (& where applicable a representative from the Residences Team).

9.2.3 Depending upon the nature of the allegation a student's studies may be suspended for a period of up to 28 days whilst the allegation is investigated. In order to suspend a student's studies approval must be given by the appropriate Associate Dean and the DSPSA. The student will be informed initially by telephone call, where possible, with an immediately following email. The decision regarding suspension can be made at any time during the period of investigation, as new evidence is gathered.

9.2.4 Any student suspended will continue to receive support from University services wherever possible, although this maybe via restricted means (eg via Teams / email). This is conditional upon the student conducting themselves appropriately within this context. There may be rare cases where it is not appropriate for the University to continue to provide support in which case efforts will be made to refer the student to external support services.

9.2.5 It is not the intention of the person reported, that is key in deciding if misconduct has occurred, but whether the behaviour is unacceptable by reasonable normal standards and is unwelcome and distressing to the individual(s) subjected to it.

9.2.6 If the IRM determines that a formal Stage 2 investigation will take place, an independent investigator, who has received the necessary training, will be appointed. They will be supported by a member of the Quality and Regulations Team. The investigator will seek to:

- Gather evidence as to whether or not a breach of the student conduct procedure.
- Provide each party with a full and fair opportunity to explain or present their version of events.

### **9.3 Emergency Precautionary Suspension Procedure**

9.3.1 See Emergency Suspension Procedure

## **10 Informal Stage (Stage 1)**

### **10.1 How Stage 1 (informal stage) will proceed**

10.1.1 In the case of reports made addressed by the Sexual Misconduct & Domestic Abuse Policy, investigation will progress directly to Stage 2 formal stage.

10.1.2 The Informal Stage will usually be progressed by the following members of staff, who are authorised to deal with matters of misconduct within their area of responsibility under the Stage One procedure (referred to hereafter as authorised persons):

- Deans of Faculties, Associate Deans of Faculties or staff with appropriate seniority, nominated by Deans.
- Head of Estates and Campus Management.
- Executive Director of Operations.
- Residential and Campus Life Manager.
- Student Support Manager.

*The authorised person must not have been involved in / witness to, the allegation.*

10.1.3 The Reporting and Responding Student are entitled to bring an appropriate support person with them to any meetings. This could be a friend, family member or member of the SU Advice Team. NB. Students must not bring witnesses as a support person.

10.1.4 The appointed person and a notetaker, will meet with the Reporting student (ensuring notes are kept and shared with the Reporting Party) to establish:

- The alleged events and concerns.
- Identity of the Responding student and any witnesses.
- What the Reporting Student's desired outcome to be.

10.1.5 Provided the Reporting Student is satisfied\* that the matter is addressed informally the appointed person and notetaker, will then meet with the Responding Student (ensuring notes are kept and shared with the Responding Party) to give:

- An explanation of why the alleged behaviour breaches the Regulations.
- An explanation of the evidence /accounts received; this may include a redacted copy of the Reporting Student's statement.
- The Responding Student's version of the alleged events and concerns.

\*In some circumstances the appointed person may deem it inappropriate to pursue the allegations at formal stage, for example in circumstances where there is a significant lack of evidence and the likelihood of one of the outcomes noted above as appropriate for informal stage. In this case, the Reporting party will be informed in writing (via email or letter) of the reason for this decision and limited details of the outcome under the Informal procedure.

NB, if at any point, it becomes clear that an allegation is more serious, the appointed officer is able to refer this to the formal stages (Stage 2) of the procedure.

10.1.6 If the allegation is proven, the appointed person will give the Responding Student guidance on future conduct and require one of the outcomes noted in items a-n of the Sanctions table in Section 12 of this procedure.

10.1.7 If the Responding or Reporting Party wishes to appeal at this stage, the appeal will comprise of a full investigation under stage 2 of this procedure.

10.1.8 Grounds for progression to Stage 2 full investigation as an appeal are as follows:

- That the procedures were not followed properly.
- That the decision maker(s) reached an unreasonable decision.
- That the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
- That there is bias or reasonable perception of bias during the procedure.
- That the penalty imposed was disproportionate or not permitted under the procedures.

## **11 Formal Stage (Stage 2)**

11.1 Where it is decided to proceed with the formal disciplinary procedure, the Head of Quality (or nominee) shall appoint a member of academic or operational staff (Investigating Officer) to investigate the case and to present the case findings to the Disciplinary Panel hearing. The Director of Strategic Planning and Student Administration may decide to undertake this role personally.

11.2 Every effort will be made to safeguard the academic position of the student pending the outcome of the Disciplinary Panel hearing

### **11.3 Formal Stage (Stage 2): The Investigation**

11.3.1 An investigation will normally commence within five working days of the IRM meeting. At the outset of the investigation the Reporting Party and Responding Party will be informed that they must not make any contact with each other during the course of the investigation unless otherwise instructed by the Investigators(s).

11.3.2 The investigation process will include meetings in order to collate evidence with the Reporting Party, Responding Party, witnesses and any individual(s) the investigator(s) identify are relevant to the investigation. During each meeting:

- The procedure will be explained.
- Details of the allegation and any available supporting evidence will be confirmed.
- Parties will be given a full and fair opportunity to explain or present their version of events.
- Notes will be taken and shared for approval/comment with each party attending.

11.3.3 The Investigating Officer shall conduct an investigation of the allegation and shall endeavour to complete the investigation within 20 working days of their appointment as Investigating Officer. Where this timescale is not feasible, the Investigating Officer shall notify the Quality Manager, who shall keep all parties informed of progress with the investigation.

11.3.4 The Investigating Officer appointed to investigate the case shall seek to establish the facts associated with the allegations of misconduct promptly, before recollections fade. The Investigating Officer shall seek to interview, and if necessary, re-interview all persons whom they



believe, on reasonable grounds, possess information relevant to the allegations of misconduct. The Investigating Officer shall interview the student against whom the allegation has been made. The student may be accompanied for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, an adviser of the Students' Union or any other person who is needed to support them because of individual needs e.g. a carer or translator.

11.3.5 Wherever practicable, all prospective witnesses and the student should be interviewed by the Investigating Officer in the presence of an independent person. The Investigating Officer will be responsible for taking detailed notes of the interview and transcribing those notes into a statement which the witness will have an opportunity to review before signing as an assurance that they are not being misrepresented in the statement. Where a witness or the student who is the subject of the disciplinary case is unable for good cause to meet with the Investigating Officer, within a reasonable timescale, the witness or student can submit a written statement to the Investigating Officer who may refer to the statement in their report.

11.3.6 In all investigatory meetings, notes will be made, and the interviewee will be asked to confirm that it is an accurate summary of the discussion. Copies of the notes, with any comments, will be retained by the interviewee and the Investigator/s; these notes will not be shared with other parties, other than the Responding student, as appropriately redacted evidence, unless permission is granted by the Quality and Regulation Team to do otherwise. Students and staff have the option to choose to have the meeting audio recorded by request.

11.3.7 All parties involved in the investigation will also be required to submit any and all relevant evidence at the time of the investigation. All evidence submitted will be shared with the Investigator(s), Reporting Party and Responding Party. In relation to Fitness to Practise this will include evidence from the placement provider

11.3.8 The Reporting Party and Responding Party may identify witnesses for the Investigator(s) to contact. Witnesses will be required to keep the details of the investigation confidential. Witnesses (in all cases willing) will be required to submit a written statement for the investigation and may be asked to attend an investigation meeting at the discretion of the Investigator(s). The witnesses' statements will be provided to the Reporting and Responding Parties. The witnesses will not normally be provided with any investigation materials.

11.3.9 All those involved in the investigation process have the right to attend meetings accompanied for support by a member of the University community such as a member of staff, Students' Union representative or a fellow student. It is at the University's discretion as to whether the accompanier is permitted to address the meeting.

11.3.10 The Investigator(s) will act promptly and tactfully, always observing appropriate levels of confidentiality. The Investigator(s) will take appropriate measures to provide a safe, comfortable and supportive environment in which to discuss the Report with the Reporting Party, Responding Party and any witnesses during investigation meetings. The Investigator(s) may consult external parties to seek specialist advice as required while maintaining confidentiality.



Where meetings are conducted as part of the investigation all parties will be will provided with opportunities for breaks.

#### **11.4 Findings of the investigation**

11.4.1 The Investigating Officer shall prepare a report specifying the allegations against the student with reference to this Procedure and outlining the evidence pertaining to the investigation, a copy of which shall be delivered to the Director of Strategic Planning and Student Administration. The report shall include copies of witness statements (or in some circumstances an outline of witness evidence) and other documentary evidence. The report will be provided to the student as part of the documentation to be considered by the Panel.

11.4.2 Following the completion of the investigation, the Investigating Officer will produce a report of their findings for referral to the appropriate person / body for consideration of the penalty if appropriate.

11.4.3 The Responding Party will receive written notification of the procedure being followed and a copy of the original report submitted, outlining the allegations made against them and any additional supporting documentation submitted by the Reporting Party. This will be received a minimum of 5 working days ahead of the meeting. The next step for the Responding Party is to submit a written response in reply to the documentation provided. A meeting between the Responding Party and the Investigator(s) will be arranged and the written response is required two working days ahead of the investigation meeting.

11.4.4 On the balance of probabilities, the Investigator(s) will determine whether the evidence available indicates a breach of the procedure. This will determine whether:

- The evidence does not support a breach of the policy/procedure which means the allegation has not been upheld.
- The evidence does indicate a breach of the policy/procedure which means the allegation has been upheld or partially upheld.

11.4.5 The Investigator(s) will produce a report, explaining their written decision summarising their findings and considerations which led them to reach their decision and outlining any sanctions, recommendations or next steps required. A copy of the report will be provided to the Reporting Party and the Responding Party.

#### **11.5 Direction for Consideration of Investigation Report**

11.5.1 A decision will then be taken by the DSPSA or nominee that the case should be addressed under one of the items below:

- If the student has admitted they are guilty of the breach, the matter will be passed to the Dean of Faculty or Director of Strategic Planning and Student Administration who will determine an appropriate penalty in line with items a-n of the Sanctions section 12. The Disciplinary Interviewer will meet with the student to deliver the outcome. However, if it

is determined that the appropriate penalty would be exclusion or expulsion (sanctions p-s), the matter will be referred to a full Disciplinary Panel.

- If the case is to proceed to be considered by a Panel, the Chair of the Panel will decide which of the persons interviewed during the investigation will be required to attend the Disciplinary Hearing as witnesses to assist in presenting the evidence. The Secretary to the Panel will invite witnesses as appropriate; The Panel will have all Sanctions available to them for issue.
- That an initial case has not been established by the facts gathered and the case should be dismissed. This outcome will only be implemented with the agreement of the Director of Strategic Planning and Student Administration.

## **11.6 The Disciplinary Interview**

11.6.1 If the case is to be dealt with in line with the above and the Dean of Faculty or Director of Strategic Planning and Student Administration has determined the penalty and delivered this during a disciplinary interview, the student will have the right to appeal against the penalty imposed on the following grounds:

- That the procedures were not followed properly.
- That the decision reached, or the outcome, was unreasonable.
- That the provider did not consider the request properly, for example, it overlooked relevant information that the student included.
- That the provider did not give reasons for its decision.
- That the student has new material evidence that they were unable, for good reason, to provide earlier in the process.
- That there was a reasonable perception of bias during the process.

11.6.2 If grounds for appeal are established, the appeal will be dealt with in accordance with the process detailed below.

## **11.7 Preparing for the Disciplinary Panel Hearing**

11.7.1 The Head of Quality shall appoint a Secretary to the Disciplinary Panel, who shall be responsible for convening a Disciplinary Panel comprising:

- A Chair (from the pool of Chairs of Panels approved by Academic Board, from a Department other than that in which the student is studying).
- One other member of academic or operational staff deemed to be appropriate by the Director of Strategic Planning and Student Administration.
- The Students' Union President or their nominee, who will be a member of the Students' Union Executive.

Additionally:

- The Chair may elect either to appoint additional members to the Panel, to a maximum of five members in total, or to appoint specialist advisors to the Panel. One member of the Panel and the specialist advisors may be external to the University.

11.7.2 No member of the Panel shall have been involved previously with the case.

11.7.3 The Director of Strategic Planning and Student Administration or their nominee shall attend to provide regulatory guidance. The Director of Strategic Planning and Student Administration shall not act in this capacity if they are acting as Investigating Officer.

11.7.4 If two or more students are accused of related offences, it is likely to be helpful to deal with their cases together, although the students should be given the opportunity to argue that the cases should be heard separately.

11.7.5 The Secretary will send the student notification of the date of the disciplinary hearing, providing 10 working days' notice. The Secretary shall also notify the Investigating Officer's witnesses of the date of the disciplinary hearing.

11.7.6 The student will be given the option to present their case in Welsh or English and prior notice should be given of their preferred language.

11.7.7 The student may be accompanied at the hearing for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, an adviser of the Students' Union or any other person who is needed to support them because of individual needs e.g. a carer or translator. However, that person may not act in a legal capacity and may not speak on behalf of the student unless the Chair gives express permission, unless advance notice has been given that the student will be represented (see below regarding legally qualified or professional body representation). If the student intends to be accompanied, they must advise the Secretary of the name of the accompanying person in advance of the hearing and state whether or not that person has legal qualifications. The student will be responsible for ensuring that the date, time and venue and the necessary documentation is provided to the person accompanying them.

11.7.8 The student is entitled to access support from relevant support departments such as Student and Campus Life departments throughout this process. The student can also access independent support in preparation for the disciplinary, from the Students' Union.

11.7.9 A student may request to be accompanied to a hearing under this procedure. It is recognised that in limited circumstances the student may wish to request legal accompaniment at an investigatory meeting or panel hearing. In such limited circumstances a written request should be submitted at least 5 working days prior to the meeting/hearing, including the name of the individual being invited and the reason for the request. Requests will be considered on a case by case basis by the Director of Strategic Planning and Student Administration (or nominee).

11.7.10 If the request is permitted, the University reserves the right to have its own legal accompaniment. Each party will bear its own legal costs and will be responsible for ensuring that the meeting arrangements and necessary documentation are provided to those accompanying them.

11.7.11 The Secretary shall send the Investigating Officer's report and all other documentation to be considered by the Panel to the student at least seven working days before the hearing.

11.7.12 The student shall be entitled to submit a statement for consideration by the Panel. This should be submitted to the Director of Strategic Planning and Student Administration at least three working days before the hearing. Exceptionally, the Chair of the Panel may agree to accept a statement at a later stage.

11.7.13 The student shall notify the Director of Strategic Planning and Student Administration at least three working days before the hearing if they wish to call witnesses to attend the Panel. Where a student wishes to call witnesses, they shall list the names of the persons. The Chair of the Panel shall determine whether it would be relevant for the witnesses to attend. It shall be the responsibility of the student to notify their witnesses of the details of the hearing.

11.7.14 If a student advises that they will attend the hearing but subsequently, does not attend and no reason or apologies are provided, the hearing will continue in their absence. If reasons are provided, the Chair will decide whether or not to grant a postponement.

11.7.15 If the student requests a postponement, evidence of mitigation may be requested and presented to the Chair for approval. If approved by the Chair, a postponement will be granted but on one occasion only.

11.7.16 If a student advises that they will not be attending the hearing without good reason, or no reply is received, the hearing will proceed in their absence.

11.7.17 In the event that a witness for either party is unable, for a good reason, to attend the disciplinary hearing, the Panel may, in exceptional circumstances, agree to consider the written evidence of that absent witness where the Panel is of the view that that is in the interests of natural justice. Before agreeing to do so, the Panel may need to adjourn to consider whether it should do so.

11.7.18 Exceptionally, the Chair of the Panel may agree that a witness may present evidence anonymously. In this instance, the witness will submit a written statement.

11.7.19 The Panel shall have the discretion to adjourn the hearing for good reason, for example, to seek additional information or because of the unavailability of a witness due to illness. The student has a right to request an adjournment, providing their reason and/or evidence for the request; the Panel will consider the request and give their reasoning, if the request is denied

## **11.8 Conduct of the Disciplinary Panel Hearing**

11.8.1 The disciplinary hearing will be conducted in accordance with the following procedure:

11.8.2 At the outset of the hearing, there shall be an introduction of all individuals present and a brief description of their role in the proceedings.

11.8.3 There shall be a description of the outline procedure for the hearing, including a clear statement of the purpose of the hearing, the possible outcomes (Sanctions a-s) and the means by which the outcome will be communicated to parties involved.

11.8.4 The student and their representative or person accompanying them shall be present throughout the hearing until the Panel begins its deliberation.

11.8.5 The Investigating Officer shall present the case of the alleged misconduct to the Panel in the presence of the student and their representative or person accompanying them, unless it has been agreed under the terms of 12.7.16 that the hearing should proceed in the absence of the student.

11.8.6 The person accompanying the student may act as their representative and may respond on the student's behalf if the express permission of the Chair is given. The Chair / Panel have the right to require a student to answer the question directly if they wish.

11.8.7 The student or their representative shall be given the opportunity to provide an account of the incident and any other information or explanation they wish the Panel to consider.

11.8.8 The Panel may invite the Investigating Officer to call witnesses, or the Panel may elect to undertake this responsibility itself.

11.8.9 The Panel members shall have the opportunity to ask questions of the Investigating Officer and of witnesses and of the student.

11.8.10 The student or their representative shall have the opportunity to ask questions of the Investigating Officer and of witnesses and of the Panel and to call their own witnesses. The Chair shall have the authority to require the student to withdraw any question that they consider to be irrelevant to the case.

11.8.11 The witnesses shall be present at the hearing normally only to present their own evidence and to answer questions. Witnesses normally will withdraw after giving evidence but may be re-called.

11.8.12 The student's personal tutor or practitioner, if invited by the student, and present may be requested to present a statement to the Panel.

11.8.13 The student or their representative shall be given the opportunity to respond to any of the information provided and to present a summary statement at the end of the proceedings.

11.8.14 The Investigating Officer, the student and their representative and the student's personal tutor or counsellor shall withdraw when the Panel begins its deliberation.

11.8.15 The Panel shall deliberate in private only calling the Investigating Officer and the student (and their representative or person accompanying them) to clarify points of uncertainty on facts already given. If recall is necessary, both parties are to return notwithstanding whether only one is required to clarify the point in question.

11.8.16 Any professional advisers appointed by the Panel (appointed in addition to members of the Panel) may be retained whilst the Panel deliberates in private but only to the extent that it may be necessary to call on them to provide further specialist advice requested by the Panel.

## **11.9 The Panel Findings**

11.9.1 The Panel will uphold the allegation of misconduct only if, on the evidence before it, it is satisfied on the balance of probabilities, it believes the case is proven. Should the members of the Panel be unable to agree, then the decision shall be that of the majority of the members. In the event of a split decision the Chair of the Panel will have a casting vote.

11.9.2 If the student has previously been the subject of the Disciplinary Procedure, the details of the previous outcome will be shared with the panel members once the final decision has been made, the allegations have been upheld and the panel members are ready to impose sanctions. The sharing of previous outcomes will enable the cumulative impact of repeat behaviours to be considered, when such behaviours are relevant to the current case.

11.9.3 The Panel may find that the misconduct is not proven.

11.9.4 All the parties will be informed of the decision and the disciplinary actions (from Sanctions at 12 a-r) to be taken.

11.9.5 The decision will be confirmed in writing to the student within five working days. If a decision as to the penalty is delayed, it will be confirmed in writing within a further 15 working days.

11.9.6 A report of the proceedings shall be made and retained on file. The report should include the misconduct alleged, and, a record of the decision. Where the misconduct is proven, the statement should give a brief summary of the evidence received, the grounds for the finding, the penalty imposed, and the factors taken into account in deciding the penalty.

## 12 Sanctions

12.1 If the alleged offence is admitted by the responding student or is found to be proven, the decision may be made to impose one or more of the following:

- To require an apology, either verbally or in writing to any person affected by the responding student's actions.
- To issue an informal, pre-regulatory warning with advice as to future behaviour and the consequences of further misconduct.
- To require the responding student to sign an undertaking of good conduct which will remain on the responding student's record for the duration of their time at the University.
- To impose reasonable restrictions on communication with named students or staff, both verbally or via written, electronic or other means, either directly or indirectly.
- To require the responding student to participate in a suitable educational programme to raise awareness about their behaviour and its consequences.
- To require the responding student to complete a reflective piece of work exploring the impact of their behaviour and the lessons learned.
- To recommend the responding student to engage with a relevant support service.
- To require the responding student to attend a restorative justice or mediation session.
- To issue a written reprimand which will normally be held on the responding student's record for the duration of their time at the University.
- To issue a final written warning which will normally be held on the responding student's record for the duration of their studies.
- To require the responding student to pay costs for any damages and/or losses incurred by the University or any third party as a consequence of their actions.
- To withdraw specified services and/or exclude the responding student from particular areas of the University e.g. the Library, for a specified period of time, normally up to the end of the semester, where appropriate, alternative reasonable arrangements will be made to facilitate their on-going studies.
- That the responding student is given notice to vacate University owned accommodation in line with the Conditions of Residence.
- To refer the matter for action under another University procedure, such as Fitness to Practise, Support to Study or Academic Misconduct.
- That the responding student be suspended from the University for a specified period of time, and to demonstrate that certain conditions have been fulfilled before re-admission.
- That the responding student be withdrawn from the University, and to demonstrate that certain conditions have been fulfilled before re-admission.
- That the responding student be expelled from the University (NB. Where that student is an international student, the UKVI will be notified of withdrawal of the visa).

- That the responding student's award (exit or final) be withheld.

12.2 The above sanction(s) up to and including Sanction n may be imposed at a Disciplinary Interview. A Disciplinary Committee may impose any of the above sanctions following a Disciplinary Hearing.

12.3 In the event of termination of studies or expulsion from the University the Hearing Panel will decide:

- Whether to recommend to the Assessment Board that the student receive any final or exit award for which they have gained appropriate academic credits.. Where there is a recommendation that a final or exit award should be withheld, there should be clear and compelling reasons for this and the recommendation should be communicated to the Chair of the relevant assessment board using the appropriate form.
- If the student is in receipt of a student loan or a bursary, the Student Loan Company or the body awarding the bursary will be informed where the penalty imposed is either exclusion for a fixed period or expulsion.
- In determining the penalty, the Panel shall have regard to the outcome of any proceeding by an External Statutory Authority and whether or not it would be appropriate for the University to impose an additional penalty.

12.4 Where the allegation of misconduct is found to be proven, the relevant professional and statutory body and/or the Disclosure and Barring Service may be informed of the outcome of the disciplinary hearing. Where discretion exists this will be a joint decision of the Director of Strategic Planning and Student Administration and the Dean of Faculty in which the student is studying in conjunction with the Head of Student Support & Wellbeing or, in their absence, a member of the Senior Leadership Team.

12.5 The Safeguarding Vulnerable Groups Act (2006) places a legal duty on the University to make a referral to the Disclosure and Barring Service (DBS) in certain circumstances. This would normally be when the University had removed a student from regulated activity because the student had caused harm or posed a future risk of harm to children or vulnerable adults.

12.6 All elements of the Terms and Conditions of Residence applies.

12.7 A referral should be made when a student has:

- Been cautioned or convicted of a relevant offence; or
- Engaged in relevant conduct in relation to children and/or vulnerable adults (i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm); or
- Satisfied the Harm Test in relation to children and/or vulnerable adults (i.e. there has been no relevant conduct but a risk of harm to a child or vulnerable adult still exists).
- (Refer to Policy on Referral to the DBS; Students)



12.8 Where the allegation of misconduct is found to be not proven, the University shall consider meeting the reasonable costs of the student.

### **13 Process for Appeal against the decision of the Disciplinary Hearing.**

13.1 A student wishing to appeal against a decision of a Disciplinary Hearing Panel should submit a completely Conduct Appeal Form (contact [StudentConduct@wrexham.ac.uk](mailto:StudentConduct@wrexham.ac.uk)) in writing, **within 10 working days** of receiving notification of the decision of the Disciplinary Hearing Panel.

13.2 The written statement should outline all matters which they require the University to consider in support of the appeal, the grounds for the appeal and provide any supporting evidence.

13.3 An appeal may be made on the following grounds:

- That fresh material evidence is available which, for good reason, was not brought to the attention of the Panel and which the student believes had a bearing on the matters under consideration.
- That there was material irregularity in the proceedings of the Disciplinary Hearing Panel.
- That the decision reached was unreasonable in the light of the available evidence.
- That the penalty was disproportionate in the circumstances.
- In respect of an appeal against the penalty imposed, that extenuating circumstances exist, which, for good reason, were not brought to the attention of the Panel.

13.4 The Director of Strategic Planning and Student Administration (or nominee) will pass the Statement of Appeal to a member of Senior Leadership Team not previously involved in the case who will consider the Statement of Appeal and determine if the case meets the grounds for consideration. Where the member of the Senior Leadership Team considers the grounds are met, then the appeal will be heard by an Appeal Panel, unless it is deemed appropriate to reconvene the Disciplinary Hearing Panel to review its decision. This option will be deemed appropriate where, in particular, new evidence has come to light which was not made available to the original meeting of the Disciplinary Hearing Panel. In such circumstances, the student must be invited to attend together with the Investigating Officer and any new witnesses cited by the student or deemed by the Chair of the Disciplinary hearing to be relevant to the effective and fair consideration of the appeal. The student may be accompanied by a chosen representative (conditions specified below will apply).

13.5 Except where the case is referred back to the Disciplinary Panel, an Appeal Panel will be convened to consider the appeal. The Appeal Panel shall comprise:

- A Chair who will be a member of the Senior Leadership Team not previously involved in the case.

- The President of the Students' Union, or nominee who is a member of the Students' Union's executive and not previously involved in the case.
- One other academic or operational member of staff deemed to be appropriate by the Chair and not previously involved in the case.

13.6 The Chair may elect either to appoint additional members to the Panel, to a maximum of five members in total, or to appoint specialist advisors to the Panel. Where the appeal is against a penalty of expulsion, an independent member of the Board of Governors will become part of the Appeal Panel. One member of the Panel and the specialist advisors may be external to the University. No member of the Appeal Panel shall have been involved previously with the case. The Director of Strategic Planning and Student Administration or their nominee shall attend to provide regulatory guidance, and the Director of Strategic Planning and Student Administration shall appoint a Secretary to the Appeal Panel. The Director of Strategic Planning and Student Administration or their nominee shall not act in this capacity if they have acted as Investigating Officer.

13.7 The student may be accompanied at the hearing for support by another student, friend, relative, member of staff of the University or of a partner college/organisation, a sabbatical officer of the Student Union or any other person who is needed to support them because of individual needs e.g. a carer or translator. However, that person may not act in a legal capacity and may not speak on behalf of the student unless the Chair gives express permission, unless advance notice has been given that the student will be represented (see below regarding legally qualified or professional body representation). If the student intends to be accompanied, they must advise the Secretary of the name of the accompanying person in advance of the hearing and state whether or not that person has legal qualifications. The student will be responsible for ensuring that the date, time and venue and the necessary documentation is provided to the person accompanying them. The student is entitled to seek support from relevant Student and Campus Life departments in preparation of the hearing. The student will be given the option to present their case in Welsh or English and prior notice should be given of their preferred language. A student may request to be accompanied to a hearing under this procedure. It is recognised that in limited circumstances the student may wish to request legal accompaniment at an investigatory meeting or panel hearing. In such limited circumstances a written request should be submitted at least 5 working days prior to the meeting/hearing, including the name of the individual being invited and the reason for the request. Requests will be considered on a case-by-case basis by the Director of Strategic Planning and Student Administration (or nominee).

13.8 If the request is permitted, the University reserves the right to have its own legal accompaniment. Each party will bear its own legal costs and will be responsible for ensuring that the meeting arrangements and necessary documentation are provided to those accompanying them. If a student advises that they will attend the hearing but subsequently, does not attend and no reason or apologies are provided, the hearing will continue in their absence. If reasons are provided, the Chair will decide whether or not to grant a postponement. If the student requests a postponement, evidence of mitigation will be requested and presented to the Chair for approval. If approved by the Chair, a postponement will be granted but on one occasion only. If a student

advises that they will not be attending the hearing or no reply is received, the hearing will proceed in their absence.

13.9 The Appeal Panel shall have the same discretion to consider evidence of absent witnesses as afforded to the Disciplinary Panel.

13.10 The documentation submitted to the Appeal Panel may include (in addition to the Statement of Appeal and the Report of the Disciplinary Panel Hearing) the documentation presented to the Disciplinary Panel, any details of outcomes of previous Disciplinary Procedure hearings that were considered in relation to sanctions imposed by the Disciplinary Panel and any other documentation which either party considers relevant to the appeal. Any new witness statements or new documents should be provided at least three working days before the agreed date of the appeal hearing.

13.11 The Secretary shall send all documentation to be considered by the Appeal Panel to the student at least seven working days before the hearing.

13.12 The appeal shall be conducted in the same way as the Disciplinary Panel. However, the student shall open the appeal hearing by way of representations in support of their appeal, which should be restricted to matters previously set out in the Statement of Appeal and they shall be entitled to call witnesses whose evidence is relevant to the grounds of appeal.

13.13 The Chair of the original Disciplinary Panel shall, if requested by the Appeal Panel, be available to attend the Appeal hearing. The Appeal Panel may require other members of staff to attend as deemed appropriate. The Investigating Officer who attended the original Disciplinary Panel shall if requested by the Appeal Panel, be available to attend the hearing.

13.14 The Appeal Panel shall consider the documentation before it and representations put to it. The Appeal Panel shall adjourn to consider its decision and may seek legal, or other expert advice if it considers this appropriate. Where the Appeal Panel is satisfied that the disciplinary decision and penalty imposed by the Disciplinary Panel was within the band of reasonable responses which the Appeal Panel could have selected, the original decision shall be upheld. In other cases, the Appeal Panel may substitute a different decision which may include dismissal of the allegations, imposition of some other penalty whether of greater or lesser severity or, in exceptional circumstances, may decide to remit the case for re-hearing by a differently constituted Disciplinary Panel. If the members of the Panel are unable to agree, then the decision shall be that of the majority of the members. In the event of a split decision the Chair of the Panel will have a casting vote. The decision shall, whenever possible, be communicated to all parties within five working days of the appeal hearing.

## **14 Partner Colleges and Organisations**

14.1 If the procedure of the partner/college organisation has been implemented, the partner college/organisation will be responsible for issuing the Completion of Procedures letter.

14.2 Where a Partner college is not a member of the Office of the Independent Adjudicator for Higher Education's scheme, the Appeal stage of any Conduct procedures will be considered by Wrexham University.

## **15 Confidentiality and Data Protection**

15.1 Confidentiality is an important part of the procedures provided under this policy. Everyone involved in the operation of the policy, whether making a complaint or involved in any investigation, is responsible for observing the high level of confidentiality that is required. Details of the investigation and the names of the person making the complaint and the person accused must only be disclosed on a "need to know" basis.

15.2 Case records including details of the complaint, how the case was handled and the outcome will be retained under the University's Records Retention Schedule.

15.3 Breach of confidentiality may give rise to disciplinary action under the appropriate University Disciplinary Procedure.

## **16 Welsh Language**

16.1 Where any formal meetings are required under this policy and procedure the complainant and respondent will be offered the opportunity to use the Welsh language at the meeting.

16.2 A translation service from Welsh to English will be provided for any formal meetings that are requested through the medium of Welsh, with a simultaneous translation service from Welsh to English where meetings are conducted in the medium of Welsh.

## **17 Training, Monitoring and Review**

17.1 Training will be provided to all staff involved in the implementation of the procedure.

17.2 Monitoring of the process will be undertaken through the recording of individual cases and the preparation of an anonymised Annual Report for consideration by the University Academic Board or appropriate committee of the Academic Board. This report will analyse case data and include recommendations for enhancement, including identification of further training opportunities.

## 18 Office of the Independent Adjudicator for Higher Education (OIAHE)

18.1 Wrexham University subscribes to the independent scheme for the review of student complaints. Once all the relevant procedures above have been exhausted a student may take their complaint to the Office of the Independent Adjudicator for Higher Education (OIA).

18.2 A Scheme Application Form must be sent to the OIA **within twelve months** of the date of notification of completion of procedures letter. A Scheme Application Form can be downloaded from the OIA website <http://www.oiahe.org.uk> (or you can telephone or write to the OIA for a form).

18.3 The contact details for the OIA is: Office of the Independent Adjudicator Second Floor Abbey Gate 57-75 Kings Road Reading RG1 3AB Tel: 01189 599813 E-mail: [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk).

## 19 Accessibility

19.1 Wrexham University strives to be a supportive and trauma-informed university in the design and operation of all our processes and procedures. If you need adjustments to access this procedure or have any other comments to make on the accessibility, wording or any part of this procedure, please do email the team on [quality@wrexham.ac.uk](mailto:quality@wrexham.ac.uk).

## 20 Appendix 1 – Definitions

Word / Phrase	Meaning
<b>Abuse of Power:</b>	<p>A situation where a person with responsibility exploits a position of power in, so as to apply pressure in a way which:</p> <ul style="list-style-type: none"> <li>• May result in an individual doing something, or refraining from doing something, that they may not have otherwise done.</li> <li>• That action or inaction could reasonably result in something that falls within the scope of an intimate personal relationship.</li> </ul>
<b>Alcohol and/or Drug Use</b>	<p>Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual; signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Misconduct and Violence, or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is not to engage in a sexual act.</p>
<b>Bullying</b>	<p>Bullying is offensive, intimidating, malicious or insulting behaviour involving the misuse of power that can make a person feel vulnerable, upset, humiliated, undermined or threatened. Power does not always mean being in a position of authority, but can include both personal strength and the power to coerce through fear or intimidation. Bullying can take place in public or in private.</p> <p>Bullying can take the form of physical, verbal and non-verbal conduct such as written communication. 7.3 deliberately excluding someone from meetings or communications without good reason. Legitimate, reasonable and constructive criticism of a student's performance or behaviour, or reasonable instructions given to students in the University, will not amount to bullying on their own.</p>
<b>Capacity to consent</b>	<p>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. Incapacitation may occur on account of a mental or developmental disability, or as the result of alcohol or drug use.</p>

Word / Phrase	Meaning
<b>Consent:</b>	An individual has a choice whether to proceed with a situation and has the capacity to make this choice. This is outlined in Section 26 of the Sexual Offences Act (2003) whereby they define consent to be “if he agrees by choice and has the freedom and capacity to make that choice”.
<b>Coercion or Force</b>	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.
<b>Coercive Control or Controlling Behaviour:</b>	An act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim, as defined by <a href="#">Women’s Aid</a> .
<b>Complicity</b>	Any act that knowingly helps, promotes, or encourages any form of Sexual Misconduct and Violence by another individual.
<b>Confidentiality</b>	Will be maintained, where possible, throughout the Disclosure, Reporting and investigative processes in recognition of the sensitive nature of Sexual Misconduct and Violence matters. As such, information 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. 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. All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a Policy violation and will be addressed accordingly. Throughout all proceedings, the University will act in compliance with the General Data Protection Regulation (GDPR) and Data Protection Act 2018.
<b>Consent</b>	Agreement by choice where the individual has both the freedom and capacity to make that choice. Consent cannot be assumed on the basis of 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. This is outlined in Section 26 of the Sexual Offences Act (2003) whereby they define consent to be “if he agrees by choice and has the freedom and capacity to make that choice”.

Word / Phrase	Meaning
<b>Disclosing Party:</b>	The person(s) who has made a Disclosure regarding an experience of Sexual Misconduct and Violence.
<b>Disclosure:</b>	That an individual tells a member of the University Community that they have experienced Sexual Misconduct and Violence /Harassment /Bullying or other Disciplinary act. This does not constitute a formal Report for action under the Disciplinary procedure. Disclosures would receive support and advice (and may go on to be part of a Report for action), whereas Reports are investigated under the appropriate procedure.
<b>Domestic Abuse:</b>	<p>Section 1(3) of the Domestic Abuse Act constitutes abusive behaviour as:</p> <ul style="list-style-type: none"> <li>• Physical or sexual abuse</li> <li>• Violent or threatening behaviour</li> <li>• Controlling or coercive behaviour</li> <li>• Economic abuse</li> <li>• Psychological, emotional or other abuse.</li> </ul> <p>Any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial and/or emotional abuse.</p>
<b>Freedom of Consent</b>	For consent to be present, the individual has 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.
<b>Harassment</b>	<p>Harassment is any unwanted physical, verbal, or non-verbal conduct that violates a person's dignity or creates an intimidating, hostile, degrading, humiliating, or offensive environment. A single incident can constitute harassment.</p> <p>It may relate to characteristics such as sex, race, disability, religion, sexual orientation, or age, but is unacceptable regardless of intent or legal classification. The perception of the affected individual and whether the conduct could reasonably be seen as offensive are key factors. Continuing behaviour after being told it is unwanted also constitutes harassment. 4.5 A person may be harassed even if they were not the intended "target". For example, a person may be harassed by racist jokes about a different ethnic group if they create an offensive environment for them.</p>



Word / Phrase	Meaning
<b>Hate Incidents / Crimes</b>	<p>A hate crime is 'Any crime that is motivated by hostility on the grounds of race, religion, sexual orientation, disability or transgender identity can be classed as a hate crime.'<sup>1</sup></p> <p>A hate incident is any incident which the victim, or anyone else, thinks is based on someone's prejudice towards them because of their race, religion, sexual orientation, disability or transgender identity.</p> <p>Any hate crime will be treated as a form of Harassment under the Anti-Harassment and Anti-Bullying Policy and the University reserves the right to report to the Police any incident which it believes may constitute a criminal offence.</p>
<b>Honour Based Abuse:</b>	Is a form of Domestic Abuse which is motivated by the abuser's perception that a person has brought or may bring 'dishonour' or 'shame' to themselves, their family or the community, defined by <a href="#">Karma Nirvana</a> .
<b>Incident:</b>	An incident of sexual misconduct or domestic abuse and includes a wide range of circumstances. For example, it includes, but is not limited to allegations, complaints, suspected behaviour, and formal findings of Sexual Misconduct or Domestic Abuse. This means that it also includes instances where a Report is not made, or where there is insufficient evidence to progress to disciplinary proceedings.
<b>Malicious reporting</b>	Occurs when an individual shares an allegation of Sexual Misconduct and Violence that the individual knows to lack a basis in fact.
<b>Report:</b>	A member of the University community shares that they have experienced sexual misconduct/Harassment /Bullying or other Disciplinary act for the purpose of initiating a formal reporting procedure. Reports, as opposed to disclosures, give consent for the University to commence a formal investigation as set out in this Policy and the accompanying procedures (a Report differs from a Disclosure).
<b>Reporting Party:</b>	The person(s) who has made a Report regarding an experience of Sexual Misconduct and Violence /Harassment /Bullying or other Disciplinary act.
<b>Responding Party:</b>	The person(s) named in a Report who is alleged to have committed an act of Sexual Misconduct and Violence /Harassment /Bullying or other Disciplinary act.
<b>Retaliation</b>	Any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under the Sexual Misconduct and Violence Policy, by any

Word / Phrase	Meaning
	individual including both the Responding Party and the Reporting Party, as well as witnesses, friends, and relatives.
<b>Sexual Exploitation</b>	<a href="#">Welsh Womens' Aid</a> define this as when someone is coerced, forced, or manipulated into engaging in sexual activities by a third party, or out of necessity to finance basic needs. Perpetrators usually hold power over their victims, due to age, gender, sexual identity, physical strength, or status. In many instances, perpetrators will groom victim/survivors.
<b>Sexual Harassment:</b>	Has the definition under section 26(2) of the Equality Act 2010. Sexual harassment is not a criminal offence under English law, but behaviours aligning with it are addressed under the definition of 'Sexual Misconduct' and at Section 6 below. When touching is involved, such as unwanted physical advances or inappropriate touching, it may intersect with sexual offences in criminal law. Some forms might overlap with other crimes such as harassment, stalking or revenge porn.  Sexual Health Charity <a href="#">Brook</a> outline sexual harassment as any unwanted sexual behaviour that makes someone feel upset, scared, offended or humiliated, or is meant to make them feel that way.
<b>Sexual Misconduct and Violence:</b>	Any unwanted or attempted unwanted conduct of a sexual nature. Sexual misconduct can occur through any medium, including via online mechanisms.
<b>Third Party</b>	Someone who is not part of the University community i.e. not a staff member or student.
<b>Third-party or witness disclosures</b>	Where the person disclosing is a third party who has not experienced the incident, such as a person who has witnessed an incident taking place or has been informed of the incident, the University will respect the right of the individual who experienced the incident to choose how to take forward a disclosure. A third-party disclosure will only come a report if the individual who experienced the incident wants action to be taken as part of the disclosure.
<b>University Community:</b>	The University community including all current staff, including academic sessional staff and casual staff, students, the Students' Union and other third parties interacting with the University such as contractors, outsourced services and visiting roles.
<b>Vexatious</b>	Refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.

Word / Phrase	Meaning
<b>Vexatious reporting</b>	The creation of an unwarranted report/s made under the Sexual Misconduct and Violence Policy.
<b>Victimisation</b>	<p>Victimisation is when a person subjects another person to a detriment because they have (or believe they have), in good faith, made allegations of harassment or discrimination, intend to make such an allegation or have assisted or supported a person in bringing an allegation.</p> <p>Examples of victimisation may include labelling an individual a 'troublemaker' and/or refusing to advance them academically or professionally, refusal to provide a reference once the working or learning relationship has ended, or to treat them in any way less favourably as a result of their actions.</p> <p>Victimisation is unlawful under harassment and discrimination legislation and will be treated as a form of Harassment under this Policy.</p>
<b>Violence Against Women and Girls</b>	Gender-based violence, domestic abuse and sexual violence where the victim is female, as defined in Section 2 of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.