

# University of Liverpool

## Appendix A – Student Conduct Procedures

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## 1 Introduction

These procedures form part of the University's Student Conduct Policy and should be operated alongside this Policy to achieve consistency across all student conduct issues.

- 1.1 These procedures shall adhere to the principles of natural justice namely;
  - that no one shall be judge in his own cause;
  - all decision makers be it at Local or University Level shall make decisions impartially, without prejudice or any kind of personal interest in the outcome and
  - every party shall have the right to be heard.
- 1.2 Where a responding student's conduct is a cause for concern, advice on how to proceed may, in the first instance, be sought from the Student Conduct, Complaints and Compliance Team. If it is determined that the responding student's conduct constitutes a breach of the Student Conduct Policy, then a decision as to the seriousness of the breach is required in order to agree which process to follow.
- 1.3 It is not possible to investigate anonymous allegations, however where there are exceptional circumstances such as genuine fear or risk of reprisals, it may be possible to discuss the option of withholding the reporting student's identity from the responding student. This will be assessed on a case by case basis and will be the exception rather than the norm.
- 1.4 Wherever possible, sufficient initial investigation into the conduct of the responding student(s) should be undertaken, to avoid initiating formal investigation procedures for either minor issues or where other procedures of the University might better be followed. Informal Resolution or Local Disciplinary Action should be instigated for less serious breaches.
- 1.5 The University will also ensure that reasonable adjustments are in place should any student require them and will seek advice from the Disability Advice and Guidance team if required.

## 2 Informal Resolution Procedure

- 2.1 Informal Resolution is a way to ensure that general standards of behaviour are maintained and the process is sufficiently light-touch to deal effectively with low-level anti-social behaviour and other issues.
- 2.2 In all cases dealt with under Informal Resolution, designated staff, detailed in the Student Conduct Policy, 8.2, are required to establish the facts and a two-way discussion should take place in private. The discussion should be focused on the identified concerns around conduct and should focus on finding ways to ensure

this does not happen again.

2.3 Notes of the conversation should be made.

2.4 There is no right of appeal against actions taken under Informal Resolution, although a student could, if they wished the matter to be considered further, request that the matter is reviewed using the Local Disciplinary Action procedures below. This should be requested by e-mailing the member of staff who has dealt with the concern at the Informal Stage who will then refer it to Local Disciplinary Action.

2.5 If during the process of establishing the facts it becomes apparent that the misconduct is more severe than originally thought, the designated member of staff can recommend it be referred to either Local Disciplinary Action or a University Disciplinary for further investigation.

### **3 Local Disciplinary Action Procedure**

3.1 Local Disciplinary Action procedures are designed to allow minor incidents to be dealt with quickly by the relevant designated member of staff, to prevent further breaches, and sustain appropriate standards of conduct and behaviour of all students in the University. This is likely to be suitable only for breaches listed as Category 1 in [Appendix B](#) of this Policy Student Conduct Breaches and indicative Sanctions.

3.2 Where an allegation about another student is made to a designated member of staff or misconduct has been identified in some other way, they must decide if the misconduct can be dealt with under Local Disciplinary Action by referring to the Student Conduct Policy, section 7 which illustrates examples of what types of misconduct can be considered locally. They can also refer to [Appendix B – Student Conduct Breaches and Sanctions](#) which sets out a non-exhaustive list of breaches and what category they fall into. The Student Conduct, Complaints and Compliance Team will provide guidance to designated members of staff as appropriate.

3.3 If it is agreed that the misconduct can be dealt with under the Local Disciplinary Procedure, the relevant designated member of staff or their nominee should invite the student to an interview either in person or via video call, setting out clearly, in writing, the nature of the misconduct, alongside any evidence which has been collected. Evidence may be in the form of any statements taken from the reporting student if applicable, or any other physical evidence such as photographs or witness statements. At least three days' notice should be provided to the student unless there is a substantial body of evidence in which case it is advised that at least 4 days' notice is provided.

The student should be informed of the time and location of the meeting and the people who will be present. This would normally be the relevant designated member of staff and an independent note-taker. On some occasions it may be appropriate to invite the reporting student. The student should be permitted to bring a friend as a supporter. Normally, this would be a fellow student or a member of Liverpool Guild Advice Service. The student should be informed in writing of their right to seek advice and representation from Liverpool Guild Advice Service.

- 3.4 The role of the note-taker is to draft a summary of the discussions which took place during the meeting, a list of attendees, the allegation being made, the representations made by the student, the decision that was taken by the relevant designated member of staff and any sanction imposed. All circumstances surrounding the meeting should be noted, e.g. the behaviour of the student during the meeting.
- 3.5 No third-party evidence such as external reports may be submitted unless it is medical evidence, for example, a medical report.
- 3.6 At the meeting, the designated member of staff will hear the responding student. The student should be given the opportunity to either admit or deny the allegation(s) made against them. Under all circumstances, the person conducting the meeting will take into consideration all the information and evidence presented and any mitigation offered by the student, and will only then decide whether or not the case against the student is proven.
- 3.7 If the case against the student is proven or the student has admitted to the allegation of misconduct, the designated member of staff may impose a penalty in accordance with 1.4 of [Appendix B Student Conduct Breaches](#). Designated staff members should not usually impose any penalty other than those listed in 1.4. However, where there are aggravating factors or multiple category 1 breaches the designated member of staff should seek advice from the Student Conduct Complaints and Compliance Team.
- 3.8 The outcome of the meeting and the details of the penalty will be communicated to the student in writing within 10 working days of the meeting and the student will be informed that further breaches or infringements are likely to lead to more serious disciplinary action. In the letter, the student should be provided with their right to appeal the decision taken and details about the grounds and procedures for this appeal, including the name of the person to whom a student should address any such request.
- 3.9 If the case against the student is not proven, this decision should be provided to the student in writing within 10 days of the meeting, and no record of misconduct would be kept on the student's file.

- 3.10 A copy of the notes of the disciplinary meeting and the outcome letter to the student should be retained by the designated staff member or their professional services staff against the student file and in a secure location.
- 3.11 Copies of the notes of the disciplinary meeting any evidence and the outcome letter to the student should be sent to the Student Conduct, Complaints and Compliance Team at [StudentConduct@liverpool.ac.uk](mailto:StudentConduct@liverpool.ac.uk) in order that a central record of disciplinary action against the student can be retained. This is to ensure that first, should the student subsequently face allegations of misconduct at a University Disciplinary Panel, their full record of misconduct can be considered, as appropriate and in accordance with the procedures for convening a University Disciplinary Panel and second, cases handled under Local Disciplinary Action can be reported and monitored as necessary.
- 3.12 There are times when an investigation is carried out under the University Disciplinary Procedures (section 5 below) but upon conclusion, the Investigating Officer makes a recommendation for Local Disciplinary Action instead of referral to a University Disciplinary Hearing. In these instances, a copy of the investigation report and evidence base will be sent to the relevant designated member of staff.
- 3.13 On receipt of the case, the designated member of staff will review the investigation report and evidence obtained thus far to ascertain whether they agree with the evidence presented.
- 3.14 If the designated member of staff agrees with the findings they may issue a sanction as set out in accordance with 1.4 of [Appendix B Student Conduct Breaches](#). This should be communicated to the student in writing within 10 working days of receiving the case from a member of the Student Conduct, Complaints and Compliance Team following the procedure outlined in 3.7 above.
- 3.15 If the designated member of staff does not agree with the findings or they have further questions they should arrange to speak to the student themselves following the procedure from 3.4 onwards above.
- 3.16 Records should be retained for six years after the student has left the University

## **4 Local Disciplinary Action – Right of Appeal**

4.1 A student has the right of appeal of the decision taken under Local Disciplinary Action but these can only be submitted on the following grounds:

- a) That there were procedural irregularities in the consideration and in the decisions made under Local Disciplinary Action which had a material bearing on the outcome reached and therefore renders the outcome unfair;

b) That new information is available which is material to the decisions taken and which, for good reason, was not available at the time that the case was considered;

c) That the penalty imposed is disproportionate to the offence.

4.2 An appeal can be made by submitting a statement within ten working days of receiving the outcome letter to one of the following, as appropriate and detailed in the student's outcome letter:

- Action taken by an academic Head of Department, School or Institute to be submitted to the relevant Executive Pro-Vice-Chancellor, who may nominate another academic Head to act on their behalf;
- Action taken by a Head or Director of Service to be submitted to the Director of Student Experience and Enhancement, who may nominate another person who has had no previous dealing with the case, to act on her/his behalf.

4.3 The appeal will be considered by the designated person as listed in 4.2 above and they will determine one of the following:

- That the student's appeal is eligible for consideration and an alternative outcome should be made in terms of the finding of the allegations and/or the penalty imposed;
- That the student's appeal is not justified and the original decision and/or penalty should stand;
- That some other issue has arisen because of the appeal which requires further action. This further action could be (although not limited to):
  - Further consideration of the case by an Investigating Officer under the Procedures described in [Appendix A](#);
  - Increase in penalty;
  - Further disciplinary action under these procedures.

4.4 No decision can be made by the person undertaking the review which exceeds the powers under Local Disciplinary Authority as set out in the [Student Conduct Policy](#).

4.5 The outcome of the appeal will be set out in writing to the responding student and the reporting party and any change to the decision and/or the penalty should be implemented.

- 4.6 The student has no further right of appeal and, if they request it, a Completion of Procedures letter will be issued.
- 4.7 Copies of the review documentation and the outcome letter must be submitted to the Student Conduct, Complaints and Compliance Team in order that a central record of disciplinary action against the student can be retained.

## **5 University Disciplinary Procedure**

- 5.1 Misconduct dealt with by a University Disciplinary Panel is usually defined as serious misconduct, or persistent incidents of misconduct that have originally been dealt with via Local Disciplinary Action.
- 5.2 Allegations of misconduct can be made to one of the designated members of staff or directly to the Student Conduct, Complaints and Compliance Team. The designated member of staff or appropriate member of the Student Conduct, Complaints and Compliance Team must decide if the allegation is serious enough to be dealt with under the University Disciplinary Procedure by referring to the Student Conduct Policy, section 7 which illustrates examples of what types of misconduct would be considered at this level. They can also refer to [Appendix B – Student Conduct Breaches and Sanctions](#) which sets out a non-exhaustive list of breaches and what category they fall into. Further advice can be sought from the Student Conduct, Complaints and Compliance Team if required.
- 5.3 For serious allegations of misconduct or where there is an on-going police involvement, the matter should be referred to the Student Conduct, Complaints and Compliance Manager who will decide in conjunction with the Director of Student Administration and Support, or their nominee, if a Risk Assessment Panel is required. If required, this will be convened in accordance with the section 11 of Student Conduct Policy and following the Risk Assessment Procedures, section 23 below, prior to any formal investigation commencing.
- 5.4 Once it has been decided that the allegation warrants being investigated under the University Disciplinary Procedure the Student Conduct, Complaints and Compliance Manager shall appoint an Investigating Officer, who will normally be a member of Professional Services staff. It is the responsibility of the Student Complaints, Conduct and Compliance Team, to ensure that Investigating Officers are given training and support appropriate to the cases they are being asked to investigate.
- 5.5 The Specialist Investigating Officer within the Student Conduct, Complaints and Compliance Team will normally be responsible for leading on serious Student Conduct investigations and will provide advice and guidance to other Investigating Officers as appropriate.



## 6 University Disciplinary – Investigation Procedure

- 6.1 Once appointed, the Investigating Officer will write to the responding student within five working days of being allocated the case to advise them of the allegation, enclosing any evidence that has been provided. Responding students may submit a statement at this stage within ten working days should they wish to. They may also meet with the Investigating Officer if they wish to in order for the allegation to be explained in more detail (if possible at this stage) and for them to give a verbal statement, no questions will be asked of the responding student at this pre-meeting. A copy of the relevant Policy and Procedures will also be provided to the student.
- 6.2 The role of the Investigating Officer is to obtain statements of facts relating to the allegation which has been made against a student and any physical evidence. No third-party evidence such as external reports may be submitted unless it is medical evidence, for example, a medical report.
- 6.3 The student is entitled to be accompanied at the pre-meeting and investigation meeting by one other person acting as their friend. Whilst this can be a family member it is not always advisable as the most effective support for a student attending a University hearing is provided by someone who understands the University's procedures. The Guild of Students' Advice Centre has trained advisors who can provide this support.
- 6.4 The Investigating Officer will also write to any reporting student(s) to advise them they are the Investigating Officer and to ask them if they would like to contribute to the investigation. The reporting student(s) will have ten working days to respond.
- 6.5 The Investigating Officer may hold one or more meetings with the reporting party, the responding student and any witnesses, provided that they are willing to attend such meetings. It is anticipated that the reporting student and witnesses will be interviewed before the responding student. A minimum of three working days' notice will be given for the meeting. It is encouraged that both the reporting and responding student seek advice from the Guild of Students Advice Centre [guildadvice@liv.ac.uk](mailto:guildadvice@liv.ac.uk).
- 6.6 The Investigating Officer shall normally only accept written statements from the reporting student, the reporting party, or witnesses. If another party offers to submit a statement in support of the responding student, then the Investigating Officer will ask them to submit it through the responding student.
- 6.7 Following the meeting, where possible, within five working days, the interviewee will be provided with a copy of the notes and asked to verify them; the interviewee will be asked to confirm accuracy of the notes, or to request any amendments within 5 working days.

6.8 If the interviewee requests amendments to the notes the Investigating Officer will either agree to the amendments and provide a revised version to the interviewee or disagree to the amendments, in which case copies of both the original notes and the interviewees amendments will be included in any subsequent evidence base.

6.9 In conducting their investigation and reaching their determination, the Investigating Officer shall maintain an impartial view of the case, based solely on the evidence gathered. The Investigating Officer will not make any judgement on the likely outcome of any disciplinary action to be taken following their determination and will not consider any previous record of misconduct on the part of the student in reaching their determination.

6.10 On conclusion of the investigation, the Investigating Officer will produce an investigation report and evidence base and will make a recommendation to the Student Conduct, Complaints and Compliance Manager or nominee, that:

- There is no case to answer, no further action should be taken but a note of the investigation should be kept on the responding student's record until they graduate in case of complaint of further allegation(s); or
- There is evidence to support a breach of the Student Conduct Policy has likely occurred but that the potential breach is not sufficiently serious to be referred to the University Disciplinary Panel and can be dealt with under Local Disciplinary Action; or
- There is evidence to suggest a breach of the Student Conduct Policy has likely occurred, and the potential breach is of a serious nature such that it should be referred to the University Disciplinary Panel.

6.11 The Student Conduct, Complaints and Compliance Manager, or nominee, will review the Investigating Officers investigation report, evidence base and recommendations and if in agreement with it will do one of the following within 5 days of receiving the report:

- Write to the responding student informing them no further action is to be taken but that a note of the investigation will be kept on the responding student's record for 12 months in case of complaint of further allegation(s). If applicable, a letter will also be sent to the reporting student with the reasoning as to why no further action is being taken;
- Write to the relevant designated member of staff requesting they take Local Disciplinary Action enclosing the investigation report and evidence base. Both the responding student and reporting student if applicable will also be informed in writing of this;

- Write to the responding student to inform them their case is being referred to a University Disciplinary Hearing. If applicable the reporting student will also be informed;
- In all cases provide a copy of the evidence base and Investigating Officer's report (redacted as necessary) to the responding and, if applicable, reporting students;
- Advise witnesses of the outcome. (Witnesses will not receive the investigation report or evidence base);
- There is no right of appeal against an Investigating Officer's findings and recommendations

6.12 If the Student Conduct, Complaints and Compliance Manager or their nominee disagrees with the recommendations of the Investigating Officer they may request they do further investigation if required or ask for the Director of Student Administration and Support to review the case for a final decision.

## **7 Counter Allegations during the Investigation**

7.1 Where a responding student, or their witness(es) makes a counter allegation the Investigating Officer will determine whether it is appropriate for these to be considered as part of the current investigation.

7.2 Where it is determined that this is appropriate the counter allegations must be submitted in writing within ten working days of the Investigating Officer's decision, and must be accompanied by evidence, where available. Failure to do so will result in the counter claim(s) being disregarded.

7.3 If the Investigating Officer determines that it is not appropriate for the counter claim(s) to be considered as part of the ongoing investigation the complainant will be advised that a separate investigation will be undertaken by an alternative Investigating Officer.

7.4 If the counter claim is of a serious nature the Investigating Officer will consult with the Director Student Administration and Support to determine which procedure the counter allegation will be investigated under, and whether the original investigation into alleged misconduct should be suspended in the interim. All parties will be advised of the Director Student Administration and Support's decision, the reason for the decision and the next steps and timescales for following them.

## **8 University Disciplinary Arrangements**

8.1 A suitable member of the Student Conduct, Complaints and Compliance Team will make the arrangements for the University Disciplinary Hearing. They will

convene the panel in accordance with the panel membership detailed in the Student Conduct Policy section 10 and will act as Advisor to the panel during the hearing.

- 8.2 The responding and reporting student will be invited to the hearing by letter and given a minimum of ten working days' notice of the date of the hearing. All evidence that will be considered by the panel will be sent at the same time as the invitation. All communication with the both students will be sent by electronic copy to their University e-mail address unless they request otherwise. It is the student's responsibility to check their e-mails regularly whilst there is an ongoing Disciplinary process.
- 8.3 Should any party wish to submit any supplementary evidence and/or statements in addition to the evidence bundle they have already received to be considered by the panel, they must do so at least 5 working days before the hearing but earlier if possible. This additional information will be circulated to all parties except witnesses at least 5 working days before the hearing.
- 8.4 Late submission of supplementary evidence and/or statements by any party will not normally be included and it is not normally permitted for papers to be tabled at the meeting (with the exception of cases where proportionate adjustments have been made, as per 10.5 below). If there is good reason why evidence and/or statements couldn't have been submitted in time, they may be permitted. This will be reviewed on a case by case basis.
- 8.5 Where necessary, to protect the identity of individuals not involved in the case, notes may be suitably redacted. Whilst neither the Advisor to the Panel nor the Investigating Officer may refer to a student's previous misconduct, registration or immigration status or academic performance, references made to these issues by the responding student or their supporters in written statements will not be redacted. If a reporting student refers to these issues, a decision will be taken whether to redact this or not.
- 8.6 The papers will be circulated to the panel 10 working days prior to the hearing with any additional supplementary evidence and/or statements circulated 5 working days prior to the hearing.

## **9 University Disciplinary- Right to Representation**

- 9.1 The reporting and responding student are entitled to be accompanied at the hearing by one other person acting as their friend. Whilst this can be a family member it is not always advisable as the most effective support for a student attending a University Disciplinary hearing is provided by someone who understands the University's procedures. The Guild of Students' Advice Centre has trained advisors who can provide this support.

- 9.2 A person accompanying a student to a hearing as their friend may act as the student's representative and speak on her/his behalf, or the student may present her/his own case and have the other person present merely for moral support.
- 9.3 Students are not permitted to bring legal representation to the University Disciplinary Hearing. Students are, however, entitled to seek legal advice at their own expense and their statements can be compiled on their behalf by persons legally qualified. The University Disciplinary Panel would not normally accept a late decision by a student to seek legal advice to constitute grounds for postponement of a hearing date.
- 9.4 A student who wishes to be accompanied, must inform the person arranging the hearing at least 5 working days before the hearing date and provide contact details of the accompanying person to be included in the circulation of the papers. If the student does not provide this information by the deadline, it will be at the discretion of the Chair of the University Disciplinary Panel whether or not the student may still be accompanied at the hearing.

## **10 University Disciplinary – Witnesses**

- 10.1 In the event that a student denies the allegation(s), witnesses may be called by both the reporting and responding student and the University (if applicable). Students must ensure that the names and contact details of all their respective witnesses are communicated to the person arranging the hearing not later than five working days before the hearing.
- 10.2 They must also ensure that their respective witnesses are informed of the date, time, and place of the hearing and are able and willing to attend. It is the responsibility of each party, to ensure that the witnesses are ready to appear when they are called.
- 10.3 In cases where there is a reporting student (usually this will be in cases of violent, indecent, disorderly, threatening, intimidating or offensive behaviour or language against that person, and in cases of sexual misconduct), they will be invited to attend the Disciplinary hearing.
- 10.4 Witnesses or reporting students should be informed that they will be required to wait in a waiting room (physical or online) until they are called. It is not possible to run a hearing to any kind of timetable. After they have given evidence, witnesses or reporting students will be required to retire to the waiting room if any need to recall them is anticipated by either party. Otherwise the Chair of the Disciplinary Panel may ask them to leave as soon as they have finished giving their evidence. Witnesses or reporting students are not permitted to remain to observe the hearing after they have given their evidence, or to take any further part in the hearing unless they are recalled.

10.5 Witnesses or reporting students in cases of a traumatic nature (such as sexual misconduct, violent or abusive conduct) will be asked if there are any reasonable adjustments the University can make in order to facilitate their participation in the hearing. Such adjustments could include providing a statement by video link, by pre-recorded video or audio, or as written statement; providing separate waiting rooms for the witness/reporting student and the responding student; or allowing the witness/reporting student to be accompanied by a friend as they give evidence. Each adjustment will be considered on a case by case basis. This list is not exhaustive, other reasonable adjustments can be used if deemed appropriate.

10.6 Witnesses will not be called if a student admits a charge.

## **11 University Disciplinary - Attendance at the Hearing**

11.1 The University believes that it is in the best interests of responding students for them to attend a hearing of the University Disciplinary Panel so they are normally expected to be present. Reporting students will be invited to attend.

11.2 The University believes that it is in the best interests of reporting and responding students for Panels to take place as soon as possible. If either party can provide good reason (with supporting evidence where necessary) that they cannot attend e.g. ill health, academic commitments (other than normal scheduled classes) they may request a postponement. In any request for a postponement, the requester should also indicate their earliest availability.

11.3 If dates are outside of term time the Student Conduct Complaints and Compliance Team will work with all parties to identify a suitable date. This may include holding the hearing via video call to enable students to take part.

11.4 Responding and reporting students may not normally request a postponement because of the non-availability of any person who they wish to accompany them to the hearing or of a witness.

11.5 Postponement of a hearing shall be at the discretion of the Advisor who is arranging the hearing on consideration of the responding or reporting student's request. Under normal circumstances any re-scheduling of a hearing would take place within three months at the latest and both parties will not be permitted more than one request to postpone.

11.6 Where the reporting party is external to the University and indicates that they are unavailable at the date selected, the person arranging the hearing will consider ways to enable their participation, for example by video link, before arranging a postponement of the hearing.

- 11.7 In the event that either party is unwilling to attend a hearing and a postponement is either not requested or not granted, the hearing shall proceed on the date set and the responding and reporting student must decide whether or not to attend, to nominate a friend to attend and represent them at the hearing or to be unrepresented at the hearing.
- 11.8 In the event that the responding student indicates that they do not wish to attend the hearing, they must provide the person arranging the hearing with a statement which clearly sets out whether they wish to admit or deny the allegation and, if they wish to deny the allegation, their case for doing so.
- 11.9 A decision by a responding or reporting student not to attend the hearing shall not be regarded as valid grounds for subsequent appeal against a decision of the University Disciplinary Panel.

## **12 University Disciplinary - The Hearing**

- 12.1 The meeting will commence with the Chair introducing those in attendance and explaining the scope of the Panel.
- 12.2 The responding student and any representatives or friends will be asked to introduce themselves and clarify the role of each person.
- 12.3 If applicable, the reporting party and any representatives or friends will be asked to introduce themselves and clarify the role of each person.
- 12.4 The Chair will ensure all attendees have received the evidence base submitted to the panel along with a copy of the relevant policy and procedures.
- 12.5 The Chair will read out the allegation(s) and ask the responding student whether they admit or deny the allegation(s).
- 12.6 If the responding student admits the allegation(s) Procedure A will then be followed. If the allegation(s) is denied, in full or in part, procedure B will be followed.

## **13 University Disciplinary - Procedure A: Follow if the student admits the allegation**

- 13.1 The Chair will invite the Investigating Officer to present the University's case.
- 13.2 The Chair will invite the responding student to make a statement.

- 13.3 The Chair will invite the reporting student to make a statement. Alternatively, this will be presented to the Panel by the Advisor. This statement may detail the impact the breach of the policy has had on them, measures they would wish to put in place, to protect their safety and their views on potential sanctions.
- 13.4 The Chair will ask the responding student if they wish to add anything further. The responding student has the right to respond to anything raised in the reporting party's statement during this time. It is not an opportunity to raise counter allegations as that should have occurred during the investigation.
- 13.5 The Chair will invite the student to make a plea in mitigation. At the Chair's discretion, members of the Panel may question the student but only in relation to the plea in mitigation, not in relation to the facts of the case itself.
- 13.6 All parties except members of the Panel, the Advisor and any Note-Taker and/or Observer, will be asked to withdraw from the room whilst the Panel considers its finding regarding any penalty to be imposed.
- 13.7 Once the Panel have decided if the allegations are proven, they will receive evidence from the Advisor of any record of previous misconduct on the part of the responding student
- 13.8 The responding student and their friend/representative (if present) will be invited to return, and the Chair will announce the decision of the Panel in respect of any penalty to be imposed and, where appropriate, issue a warning regarding the consequences of any further breaches of the Student Conduct Policy. The student will be informed of the right to appeal.
- 13.9 The reporting student, if applicable, will then be invited back into the hearing and will be informed of any penalty to be imposed.
- 13.10 The Chair will close the hearing.
- 13.11 Post hearing, an outcome letter is sent to both the responding student and the reporting student (see Procedures for after a University Disciplinary meeting), which will also include details of the appeals procedures.

#### **14 University Disciplinary - Procedure B: Follow if responding student denies all or part of the allegation(s):**

- 14.1 If applicable, the reporting student and any representatives or friends will be invited to join the meeting.
- 14.2 The Chair will invite the Investigating Officer to present the University's case.



14.3 The Investigating Officer will consult with the reporting student prior to the Disciplinary to identify any witnesses they feel would be appropriate for them to attend.

14.4 Members of the panel will be permitted to ask questions of the responding student, the reporting student or other reporting party (if present) and any witnesses to clarify their understanding of the events.

14.5 The responding student will then be permitted to respond to the evidence presented and ask questions of the reporting party and any witnesses through the Chair.

*Note: The Panel will use its judgment to decide whether the responding students' questions are reasonable. Examples of unreasonable questions would include any matter that is not relevant to the case, including questions about the reporting party's previous sexual history or how they were dressed in cases of sexual misconduct.*

*In cases of a traumatic nature (such as sexual misconduct, violent and abusive behaviour), proportionate adjustments for witnesses and reporting parties may include allowing reporting students to provide answers to questions through a video link, or for the responding student to provide questions to the chair and for those questions to be asked without the reporting student being present and the answers relayed to the reporting students.*

14.6 Members of the panel may also ask questions of the Investigating Officer.

14.7 Once questioning has finished the reporting party and any witnesses present will be asked to leave the room.

14.8 The responding student will be invited to make a statement regarding the charges, to call any witnesses to support their case. The members of the Panel may ask questions of the responding student and any witnesses in order to seek clarification of events.

14.9 Once questioning has finished witnesses will be asked to leave the room.

14.10 The Chair will ask the Investigating Officer if they have anything further to add.

14.11 The Chair will ask the responding student if they have anything further to add.

14.12 Once the Chair is satisfied that the Panel has completed its questioning and that the responding student has had a full opportunity to convey information to them, the Chair will ask the responding student, their friend or representatives well as the Investigating Officer to withdraw, so that the Panel may consider its findings about the allegation(s).

- 14.13 If for any reason the Panel requires further clarification of any aspect of the case from any participant, then where applicable the relevant parties and the responding student, will be invited back into the meeting while the questioning takes place. They will then leave the meeting again. The same adjustments will be put into place for the reporting student as for the initial questioning.
- 14.14 Once the Panel has agreed their findings, the Investigating Officer and the responding student (and friend accompanying them if applicable) will be invited to return to hear the Panel's determination as to whether it finds the allegations to be proven or not proven.
- 14.15 If the allegation is not proven the responding student will be informed of this finding, and the reasons for that decision and will then be asked to leave.
- 14.16 The reporting student will then be invited back into the hearing and will be informed of this finding, and the reasons for that decision after which the Chair will close the hearing.
- 14.17 If the allegation is proven, in full or in part, the responding student will be informed of this finding and the reasons for that decision and will be asked to remain in the room. The reporting student will then be invited back into the hearing and will be informed of this finding and will be invited to make a statement regarding the impact of the events, and any concerns they have for their future safety. They may also make a statement about what measures they think should be in place to ensure their future safety. The reporting party will then be asked to leave the meeting.
- 14.18 The Advisor will present evidence of any previous record of misconduct by the responding student.
- 14.19 The responding student will be invited to make a statement of reflection, including any mitigating factors.
- 14.20 The responding student and their friend/representative (if present) will be asked to withdraw for the Panel to consider what sanctions to impose.
- 14.21 The responding student and their friend/representative (if present) will be invited back into the meeting to hear the Panel's decision in respect of any penalty to be imposed and, where appropriate, issues a warning regarding the consequences of any further breach of the Student Conduct Policy. The student will be informed of the right to appeal. The outcome will also be sent to the responding student by email.
- 14.22 The reporting student will then be invited back into the hearing and will be informed of the outcome and if there are any penalties to be imposed, and the

reasons for that decision after which the Chair will close the hearing. The outcome will also be sent to the reporting student by email.

## **15 University Disciplinary - Procedures after a Hearing**

- 15.1 Following a University Disciplinary hearing, the Note-Taker will prepare the minutes of the hearing for approval by the Chair.
- 15.2 Following the approval of the minutes, the Advisor will notify the responding student and the reporting party in writing of the outcome of the hearing and of their right to appeal, setting out clearly the grounds for appeal and the procedures which will be followed in considering any appeal.
- 15.3 A copy of the letter to the responding student shall also be sent to the student's academic advisor, the student's Head of Department/School or Institute (as appropriate), the relevant Executive Pro-Vice-Chancellor and School/Institute Manager, and such other persons as may need to know the outcome.
- 15.4 If the student is studying on a joint or dual award programme or is studying at the University of Liverpool on an exchange programme, relevant staff at the student's other institution may also be sent a copy of the letter. Except where a charge against a student is found not proven, the letter shall be placed on the student's central record for 12 months and shall be referred to should the student appear on any further occasion before a University Disciplinary Panel.
- 15.5 The outcome letter will be sent by email only to the student's University email address. It can also be copied to an alternative email address at the request of the student. If the student does not have access to their University email address the outcome letter will be sent to an alternative email address as agreed with the student.
- 15.6 If the reporting or responding student does not choose to exercise their right of appeal within the deadline set out in these procedures, they will be issued with a Completion of Procedures letter by the Advisor to the University Disciplinary Panel once the deadline has passed.
- 15.7 All decisions of the University Disciplinary Panel shall be reported to the Senate and the Council ~~and~~ on an anonymised basis.

## **16 University Disciplinary – How to Appeal**

- 16.1 Any appeal must be submitted in writing to the Director of Student Experience and Enhancement, with a copy to the Advisor to the Board of Appeal, within ten working days of receipt by the student of the outcome letter. For the purposes of this deadline, the date of receipt shall normally be taken to be the date on which the letter was sent to the student's University or other agreed email address.

- 16.2 Where either reporting or responding student exercises their right of appeal, any decision by the University Disciplinary Panel including any penalties, will remain in force until the outcome of the appeal. This means that any registration or immigration implications for the student will still apply during the appeal process.
- 16.3 The written appeal, which may be submitted as hard copy or electronically, must include the following:
- The student's name and ID number.
  - The date of the hearing of the University Disciplinary Panel.
  - The date on which the student received the outcome letter.
  - A clear statement of the grounds on which the student is making the appeal (see section 17 below) and all supporting evidence must be submitted with the appeal.
- 16.4 Late submission of supporting evidence may not be accepted unless the student demonstrates that there was good reason that the evidence could not be provided in time.

## 17 University Disciplinary – Grounds for Appeal

- 17.1 Responding students shall have a right of appeal against the finding of a University Disciplinary Panel and/or a penalty imposed by them.
- 17.2 Where the responding student has admitted an allegation, they may only appeal against the penalty.
- 17.3 Reporting students shall have a right of appeal against the finding of a University Disciplinary Panel and/or a penalty imposed on the responding student. activities.
- 17.4 Where the **responding** or **reporting** student submits an appeal against the **finding** of the University Disciplinary Panel the grounds on which such an appeal may be submitted are as follows:
- a) That new information exists which, for good reason\*, was not available at the time of the University Disciplinary Hearing and which could have had a material bearing on the finding itself;
  - b) That there were material irregularities in the conduct of the University Disciplinary investigation and/ or hearing.
- 17.5 Where the **responding** student submits an appeal against the **penalty** imposed by the University Disciplinary Panel, the grounds on which such an appeal may be submitted are as follows:

- a) That new information exists which, for good reason\*, was not available at the time of the meeting of the University Disciplinary Panel and which could have ordinarily been considered, in mitigation, by the University Disciplinary Panel, when it determined the penalty imposed;
- b) There is compelling evidence that the penalty imposed was disproportionate to the offence.

17.6 Where **reporting** student submits an appeal against the **penalty** imposed by the University Disciplinary Panel, the grounds on which such an appeal may be submitted are as follows:

- a) The reporting student believes that the Panel ignored their request to apply a specific penalty in order to ensure they can safely carry out their day to day activities;
- b) There is compelling evidence that the penalty imposed was disproportionate to the offence.

\*The student will be expected to demonstrate why there was a good reason that the information was not available at the time of the Board of Discipline, sensitivity of the information will not normally be considered to be a good reason

## **18 University Disciplinary - Powers and Membership of the Disciplinary Appeal Panel**

- 18.1 The Panel has the authority to confirm, set aside, increase, decrease or otherwise vary any penalty imposed by the University Disciplinary Panel:
- The Panel has the authority to impose an appropriate penalty in line with those set out in [Appendix B Student Conduct Breaches and Indicative Sanctions](#).
  - The Panel membership will be the same composition as stated in the Student Conduct Policy section 10.3. No Panel members who were involved in the original hearing shall take part in the appeal hearing.

## **19 University Disciplinary - Procedures Prior to a Disciplinary Appeal Hearing**

- 19.1 Following receipt of an appeal from either the reporting party or the responding student, the Director of Student Experience and Enhancement, or delegate will determine whether the grounds of appeal have been met.
- 19.2 If the grounds of appeal have not been met, the student will be issued with a Completion of Procedures letter explaining why the grounds have not been met so that they can refer their case to the Office of the Independent Adjudicator for Higher Education if they so wish.

- 19.3 If the grounds for appeal have been met, the appeal will be referred to the Disciplinary Appeal Panel and the procedures set out below will be followed:
- 19.4 Responding and reporting students will be notified that an appeal has been received and the basis of the appeal.
- 19.5 The Advisor to the Disciplinary Appeal Panel will schedule a meeting and notify all relevant parties of the date, giving a minimum of ten working days' notice.
- 19.6 No less than five working days prior to the meeting the Advisor shall provide all parties with the appeal documentation. This will include:
- The new information or evidence provided by the student which for good reason was not available at the time of the University Disciplinary Panel.
  - The statement of appeal and the grounds on which the appeal has been accepted.
  - All information considered by the University Disciplinary Panel at the original hearing.
  - The minutes of the meeting of the University Disciplinary Panel
  - Any subsequent report completed by an Investigating Officer (if appropriate).
- 19.7 If the responding student admitted an allegation at the University Disciplinary Panel hearing, witnesses may only be called if there is new material evidence which, with good reason, could not have been provided at the time of the hearing.
- 19.8 If the responding student denied the allegation(s) at the University Disciplinary Panel hearing witnesses may be called by both the appellant and the University. *In cases of a traumatic nature (such as sexual misconduct, violent or abusive conduct) witnesses will be asked if there are any proportionate adjustments the University can make in the same way that was done in the Disciplinary Hearing.*

## **20 Procedures during a Disciplinary Appeal meeting**

- 20.1 The Chair will introduce the members of the Panel and invite all present to introduce themselves.
- 20.2 The student who has submitted the appeal is referred to as the appellant, the other student is referred to as the student in this section.
- 20.3 The Chair will summarise the findings of the University Disciplinary Panel and the reasons for those findings.
- 20.4 The Chair will explain the grounds for appeal, referencing the new evidence or arguments put forward by the appellant.

- 20.5 If new evidence has been presented, the Chair will invite the Investigating Officer, if present, to present their findings following receipt of this new evidence
- 20.6 The Investigating Officer and any witnesses called by the University will be questioned by the panel and the appellant.
- 20.7 The Chair will invite the appellant (or their representative) to make a statement
- 20.8 The Chair will invite the student (or their representative) to make statement.
- 20.9 Witnesses nominated by the appellant will be questioned by the panel. The student may also question these witnesses.
- 20.10 The Chair will invite the appellant or their representative to make a closing statement, if they wish to.
- 20.11 The Chair may also invite the student or their representative to make a closing statement.
- 20.12 The Chair shall ask all parties except the members of the Panel, the Advisor and the Notetaker to withdraw from the meeting whilst the Panel considers the appeal and whether any changes should be made in relation to the findings of and/ or penalty imposed by the University Disciplinary Panel.
- 20.13 Those that were asked to leave the room will be invited to return and the Chair will announce the finding of the Panel in respect of whether the appeal is upheld and the decision of the Panel in respect of any penalty to be imposed.
- 20.14 The Chair will close the meeting.

## **21 Procedures after a Board of Appeal Meeting**

- 21.1 No more than ten working days after the meeting the Advisor to the Panel will notify the appellant and student of the outcome of the hearing in writing.
- 21.2 The outcome letter will include a Completion of Procedures so that the student can refer their case to the Office of the Independent Adjudicator.

## **22 Office of the Independent Adjudicator.**

- 22.1 All higher education institutions in England and Wales are required to comply with the rules of the OIA, whose role is to review individual complaints by students against universities. The OIA website contains information for both students and universities.

Once a student has completed the University's internal procedures, the University will issue a Completion of Procedures Letter to the student. The letter will set out clearly what has been considered and the University's final decision. The student will also be advised of their right to refer to the OIA.

### **23 Risk Assessment Panel Procedures**

- 23.1 A Risk Assessment Panel will be convened where it emerges that there are circumstances involving a student or students which suggest that a formal evaluation is needed of the risks associated with the situation, for their own health, safety and/or wellbeing and/or that of others, the wider University community, in the interest of public safety or the reputation of the University or an external partner or agency and/or its proper functioning and/or activities.
- 23.2 A suitable member of the Student Conduct, Complaints and Compliance Team, where applicable and necessary, will seek the views of the reporting student about precautionary measures which would help them to feel safe on campus prior to a Risk Assessment Panel and will present these views to the panel.
- 23.3 The Director of Student Administration and Support or nominee will decide whether to contact the responding student(s) for additional information prior to the Risk Assessment Panel e.g. for details of any investigation which has the potential to lead to a criminal charge, or up to date details of a criminal caution, charge or conviction.
- 23.4 If the circumstances being assessed have any police involvement, a member of the Student Conduct, Complaints and Compliance Team will liaise with the on-campus Police Officer and/or Local Police authorities to gain further insight into what has occurred
- 23.5 The Risk Assessment Panel will consider if the student is representing the University in either a paid or unpaid capacity by consulting with (but not limited to), the Guild of Students, Sport Liverpool, Human Resources and External Relations. Where the Panel believes it necessary, the Panel may impose a ban on the student representing the University in any capacity.
- 23.6 The Risk Assessment Panel will consider if there are any issues relating to the student remaining in University Accommodation and may recommend a removal from accommodation or a temporary move into alternative accommodation.
- 23.7 Following the Risk Assessment Panel, the Director of Student Administration and Support or nominee will write to the student to provide information about the outcome of the meeting with details of any measures to be put in place. Where there is a reporting party, the Director will provide the same information to them.



- 23.8 The Risk Assessment Panel will be mindful of the requirements placed on the University under data protection legislation to ensure that appropriate confidentiality is maintained for the student and any other person involved.
- 23.9 A written record will be taken of all Risk Assessment Panel meetings which will be retained by the Student Conduct, Complaints and Compliance Team for six years beyond the student's date of leaving the University.
- 23.10 The responding student has the right to appeal against any restrictions imposed on them following a risk assessment on the grounds that the restrictions are disproportionate or that the panel did not have access to all the information. Any appeal would be considered on the basis of the statements or evidence the reporting student supplies and whether this suggests that the measure in place are disproportionate to mitigate the risks that have been identified. Appeals should be made in writing to the Executive Pro Vice Chancellor of their Faculty or their nominee within 10 working days of receipt of the outcome letter. The Executive Pro Vice Chancellor or nominee, will review the restrictions and decide if they are proportionate and will inform the responding student of their decision within 5 working days of receipt of the appeal. The risk assessment panel will also be informed of their decision. Details of how to appeal will be contained in every Risk Assessment Outcome Letter.
- 23.11 The reporting student has the right to appeal the level of restriction imposed on the responding student on the grounds that the restrictions do not enable them to carry out their day to day activities safely. Any appeal would be considered on the basis of the statements or evidence the reporting student supplies and whether this suggests that the measure in place are not sufficient to mitigate the risks that have been identified. Appeals should be made in writing to the Executive Pro Vice Chancellor of the responding student's Faculty within 10 working days of receipt of the outcome letter. The Executive Pro Vice Chancellor will review the restrictions and decide if they are proportionate and will inform the responding student of their decision within 5 working days of receipt of the appeal. The risk assessment panel will also be informed of their decision. Details of how to appeal will be contained in every Risk Assessment Outcome Letter