

1. Introduction

- 1.1. This procedure sets out how the University will deal with incidents of Sexual Misconduct and Violence against student members of the University community. The procedure is part of the University's Sexual Misconduct and Violence Policy and should be read in conjunction with that Policy.
- 1.2. Investigations under this procedure are conducted on-line unless otherwise requested by the students involved.

2. Scope of Procedure

- 2.1. This procedure applies to all alleged incidents of Sexual Misconduct and Violence Policy breaches between the University's students. It does not cover incidents of non-sexual harassment as the University has a separate policy (Student Complaint Procedure (Individuals & Behaviour) in relation to those matters. If a conflict arises between this procedure and any other procedures of the University, then the LSMVO shall determine which procedure will be used.
- 2.2. In the event that the Reporting Party is a student, member of staff or contractor of the University and the Responding Party is a student, this procedure will apply and the investigation will be managed by the Student Conduct Office. In the event that the Responding Party is a member of staff or contractor of the University, action will be taken by HR in accordance with the
- 2.3. If a decision is taken not to deal with a case under this procedure then the Reporting Party can request a review of that decision in accordance with the review process (t)-6.6 (h)10.5 1.1.0 Td()Tj-0.0 choose and assess the course of action
- 3.2. Where a criminal investigation or judicial proceeding is ongoing in respect of a Disclosure, the University will not commence an internal investigation. In the interest of not causing i instances the University will undertake
- 3.3. Reports under

Misconduct and Violence Policy has occurred. The internal process cannot therefore be regarded as a substitute for a Police investigation or criminal prosecution.

- 3.6. 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 Sexual Misconduct and Violence Policy, the University will apply the provisions of the Policy to the student. (S6.6(d.385f)cM).62 T

2. safeguard the health, safety and welfare of members of the University community; and
3. ensure that confidentiality is maintained as appropriate.

6.11. The decision to launch a formal investigation following a Report can only

- Decide/make recommendations about what the next steps should be and determine how to carry forward the decisions and/or recommendations that are made;
- Consider any other actions relevant to the alleged incident.

7.6. Actions arising out of the IRM may include (but are not limited to):

- 7.5.1 The provision of further or different support to the students involved. The support measures may relate to academic, housing, finance, health and wellbeing matters.
- 7.5.2 The imposition of precautionary measures on the Responding Party pending the outcome of the criminal and/or disciplinary process;
- 7.5.3 A recommendation to the Academic Registrar that a suspension be imposed on the Responding Party (under General Regulation VI) pending the outcome of criminal investigations/proceedings and/or internal investigations/disciplinary proceedings.
- 7.5.4 A recommendation to the LSMVO that the alleged incident be investigated under this procedure;
- 7.5.5 Appropriate communication with the parties involved;
- 7.5.6 Collection of further information necessary to inform future management of the situation;
- 7.5.7 A recommendation to the LSMVO that an investigation into an alleged incident that has already commenced under paragraph 8 should be suspended or terminated.
- 7.5.8 A recommendation to the LSMVO that either 1 or 2 trained Investigator/s be assigned to investigate the case based on the complexity of the case and the level of risk involved.
- 7.5.9 Informing the Responding Party of the Report and the procedure for investigations and

No Contact Arrangement. Additional precautionary measures will be implemented as appropriate.

- 8.4. The Investigator/s will act promptly and tactfully, observing appropriate levels of confidentiality at all times. 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.
- 8.5. The purpose of an investigation meeting is to provide each party with a full and fair opportunity to explain or present their version of events. Investigation meetings will be conducted with sensitivity. All students meeting with the Investigator/s will be provided opportunities for breaks during the investigation meeting should they be required. For remote investigations, information on how breaks will be conducted remotely will be provided beforehand in the

Responding Party, Investigator/s and case manager.

- 8.11 All investigation meetings will be recorded on Microsoft Teams. The recording is confidential and will provide a record of the interview and will be available to the Investigator/s and the interviewee only¹. Access to the recording will be granted to the interviewee on request. Recordings will be kept for the duration of the investigatory and (if appropriate) disciplinary procedure. Once the case is concluded and all internal opportunities for review and appeal have been exhausted the recording will be deleted. Unauthorised recording, copying or distribution of recorded interviews will be considered a disciplinary offence under General Regulation IV – Discipline. Face to face interviews are available if requested. However, face to face meetings will also be recorded using Microsoft Teams.
- 8.12 The Investigator/s may hold additional meetings or consult with additional parties as necessary to obtain relevant information and evidence.
- 8.13 On the balance of probabilities, the Investigator/s will determine whether the evidence available indicates a breach of the policy. The Investigator/s can find:
- 8.13.1. **The evidence does not support a breach of the policy; therefore, no further action is required.** In such a situation

- making a single remark of a sexual nature where there was clearly no intention to cause offence;
 - one-off acts of nudity involving inappropriate display of sexual organs to others where the act is not focused upon any individual and does not contravene the University's Safeguarding policy.
- 9.3 In the event the Investigator/s find a non-major breach of the policy, the Investigator/s acting as Authorised University Officer/s will apply sanctions following the Category 1 offence procedure in the Non-Academic Misconduct Disciplinary Procedure.
- 9.4 The circumstances and context of each case will be taken into account when determining whether a sanction/s should be imposed and if so, which sanction/s should be imposed and, where relevant, the timeframe for compliance. The following list provides examples of sanctions which may be imposed by the Investigator/s for a non-major breach of the Sexual Misconduct and Violence Policy which is a Category 1 offence under the Non- Academic of

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