

SEXUAL MISCONDUCT AND VIOLENCE POLICY: PROCEDURE FOR STUDENTS

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. Durham University is responding to the Covid-19 pandemic with the health and wellbeing of our community and the communities of which we are part as our first priority,
- 1.3. The restrictions in place limiting all non-essential access to University buildings in response to the Covid-19 pandemic necessitates, wherever possible, remote patterns of working to ensure continuity of core business functions.

Changes have been made to this procedure to facilitate remote conduct of investigations as an interim measure until such time as it is possible to resume investigations within the physical space of the University.

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 (Bullying & Harassment Policy and Procedure for Students) 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 *Procedure for managing disclosures or reports involving allegations of staff sexual violence and misconduct*.
- 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 set out in section 10 below.

3. Police investigations and judicial proceedings

- 3.1. This procedure is designed to support the Reporting Party to disclose incidents of Sexual Misconduct and Violence to the University, and to support the Reporting Party when they choose and assess the course of action that is most appropriate for them.
- 3.2. Where a criminal investigation or judicial proceedings are ongoing or are likely to commence in respect of a Disclosure, the University can receive a Report of Sexual Misconduct and Violence. 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.

- 3.3. Reports under this procedure of alleged incidents of Sexual Misconduct and Violence 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 students involved.
- 3.4. 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 taking action under this procedure and does not mean the Reporting Party has made a vexatious or malicious report.
- 3.5. 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 Sexual 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 conviction/caution will be taken as conclusive evidence that the behaviour took place and no further investigation shall be required by the University. The case will be referred by the DLSMVO to the Chair or Deputy Chair of the Senate Discipline Committee as an allegation of a major offence under General Regulation IV: Discipline - Non-Academic Misconduct Procedure.

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 alleged incidents of Sexual Misconduct and Violence.
- 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 are trained specifically to support either party during and after an investigation. Support will be offered via video or phone call whilst staff are working remotely. Staff supporting students can attend meetings with the student via video link.
- 4.4. The Reporting Party will be signposted to the Sexual Assault Referral Centre if appropriate. The support available through internal and external services is set out at: <https://www.dur.ac.uk/sexualviolence/getsupport/>.
- 4.5. The Reporting Party and Responding Party may be signposted to the Students' Union Advice Service to access free, impartial and confidential advice.

5. Monitoring

- 5.1. The University will maintain a central record of incidents to effectively engage in prevention and response initiatives. The Sexual Misconduct Prevention and Response Manager will keep a record of anonymised Disclosures and Reports of Sexual Misconduct and Violence incidents involving students and/or staff for trend monitoring purposes. The LSVMO will ensure that the University Executive Committee, Audit Committee, Senate and Council are regularly provided

with anonymised data concerning the cases that are dealt with under this procedure.

6. Procedure following a Disclosure and/or Report

- 6.1. Disclosure and Reporting are separate actions that the Reporting Party may choose to take. The University recognises the importance of minimising the number of times the Reporting Party has to disclose an incident of Sexual Misconduct and Violence.

Disclosure

- 6.2. The process below will be initiated following receipt by the University of a Disclosure of an incident of Sexual Misconduct and Violence or policy breach. The Disclosure may be received in a variety of ways and may not necessarily be brought forward by the Reporting Party.
- 6.3. A Disclosure may relate to a Responding Party who is or is not a member of the University community. A Disclosure does not automatically result in a Report to the University being made under the Sexual Misconduct and Violence Policy. The University respects the right of the Reporting Party to choose how to take forward a Disclosure.
- 6.4. Following a Disclosure, the Reporting Party will be given their reporting options along with information on resources for specialist support. The University recognises that the Reporting Party may require time and reflection before making a decision. The Reporting Party will be given the option and support to do one or more of the following:
1. report to the Police;
 2. report to the University under the University's Sexual Misconduct and Violence Policy;
 3. make no report of the incident; and/or
 4. receive advice on the support that is available.
- 6.5. Staff will signpost anyone who discloses they have been targeted by someone engaging, or attempting to engage in a sexual act without the Reporting Party's consent or sexually touching the Reporting Party without their consent to the local Sexual Assault Referral Centre (SARC) so that they may access services provided. This will also allow the Reporting Party to make an anonymous report and have evidence stored while they choose if they want to report to the Police. Staff will signpost the Reporting Party to information from the Sexual Assault Referral Centre on how to preserve evidence. Staff can make a referral to the SARC on behalf of the Reporting Party with their agreement. Students and staff can access the local SARC through the North East SARC Support Service at www.sarc-support.uk.
- 6.6. Staff who receive a Disclosure that may amount to a breach of the Sexual Misconduct and Violence Policy must inform their Head of Department, Head of College, or Head of Division as soon as practicable that they have received a Disclosure and should complete the Disclosure Recording Form as appropriate. They may, if the Reporting Party requests, omit the name of the Reporting Party and/or Responding Party. The Head of Department, Head of College, or Head of Division must ensure that all Disclosures of incidents are passed to the Sexual Misconduct Prevention and Response Manager or Head of Student Conduct Office in their absence. By informing the Sexual Misconduct Prevention and Response Manager, anonymised information will be used for trend monitoring purposes and staff can seek support and advice regarding the disclosure if needed.

Report

- 6.7. The Reporting Party may choose to make a Report to the University under the Sexual Misconduct and Violence Policy with the intention of the University initiating the investigation process set out in this Policy. To make a Report to the University, the Reporting Party may submit a written statement of the allegation to the Sexual Misconduct Prevention and Response Manager indicating the Responding Party and any witnesses. Alternative reporting

options include the online Report + Support platform at reportandsupport.durham.ac.uk. A Report cannot be investigated if the Reporting Party does not wish the substance of the allegation to be made known to the Responding Party.

- 6.8. Before any action is taken by the University, the Reporting Party will be asked to attend an initial meeting with a case manager, via video or telephone call, during which the procedure for remote investigations will be explained and the details of the report will be confirmed. If the Reporting Party is unwilling for the Responding Party to be informed of the allegation against them, the investigation cannot proceed. The Reporting Party will be given the option to participate in a remote investigation. The advantages and disadvantages of remote investigations will be provided. A note of the initial meeting will be sent to the Reporting Party who will be asked to confirm whether it is an accurate summary of the discussion and confirm whether they agree to participate in a remote investigation.
- 6.9. Following receipt of a confirmed Report to the University or a report to the Police, the DLSMVO will instruct the Student Conduct Office to organise an Initial Review Meeting (IRM) as soon as is practicable.
- 6.10. Pending the IRM, the Head of Department, Head of College, or Head of Division shall take such steps as may be necessary to:
 1. ensure that the students involved receive appropriate academic and pastoral support;
 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 be made at the IRM if supported/requested by the Reporting Party, and staff must **not** attempt to investigate the incident or inform the Responding Party or any other student of the Report or Disclosure.

7. Responding to a Report and Initial Review Meeting

- 7.1. The IRM, which will be conducted remotely, will be chaired by the DLSMVO (or their nominee). The purpose of an 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 and to agree next steps. The Report will not be investigated at the IRM.
- 7.2. The membership of the IRM will depend upon the nature of the alleged incident and will be determined by the DLSMVO (or their nominee). The membership may include, as a minimum:
 1. The Director of the Counselling Service (or their nominee);
 2. The Sexual Misconduct Prevention and Response Manager (or their nominee);
 3. A senior representative from the College/s of the student/s named in the report;
 4. A senior representative of the Academic Department/s of the student/s named in the report.
- 7.3. In addition, consideration will be given to the inclusion of external stakeholders who are actively involved in supporting the student/s affected or who can make a contribution to the purpose of the IRM. This may include, but is not limited to, representatives from a Sexual Assault Referral Centre, the Rape and Sexual Abuse Counselling Centre or the Safeguarding Manager based within the local Police force.
- 7.4. In determining the membership of the IRM, the DLSMVO will ensure that University members of the IRM have received appropriate training. The gender composition of the IRM will be taken into account.
- 7.5. During the IRM, the members will:

- 7.5.1. Consider the academic, welfare and support needs of the Reporting Party and of the Responding Party and of any other members of the University community directly involved in the Report and identify any actions required to ensure that those needs are met;
- 7.5.2. Undertake a risk assessment in order to determine whether any precautionary measures need to be put in place in order to:
- ensure that a full and proper investigation can be carried out (either by the police or University) and/or
 - implement measures to reasonably ensure the safety and wellbeing of those involved during an investigation carried out by the Police or University.

7.5.3. Precautionary measures may include:

- imposing conditions on the Responding Party (for example, requiring the Responding Party not to contact certain witnesses or requiring the Responding Party to move accommodation or prohibiting the Responding Party from going to certain places within the University at certain times of the day);
- suspending the Responding Party (in which case General Regulation VI: Suspension will apply)
- Identify the members of staff within the University with responsibility for supporting the Reporting Party and Responding Party and, where appropriate, inform them of the outcome of the IRM;
- Ensure that arrangements are in place to maintain confidentiality as appropriate;
- Review the involvement of external agencies (e.g. Sexual Assault Referral Centre and the Police);
- 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):

- 7.6.1. The provision of further or different support to the students involved. The support measures may relate to academic, housing, finance, health and wellbeing matters.
- 7.6.2. The imposition of precautionary measures on the Responding Party pending the outcome of the criminal and/or disciplinary process;
- 7.6.3. 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.
- 7.6.4. A recommendation to the LSMVO that the alleged incident be investigated under this procedure;
- 7.6.5. Appropriate communication with the parties involved;
- 7.6.6. Collection of further information necessary to inform future management of the situation;
- 7.6.7. A recommendation to the LSMVO that an investigation into an alleged incident that has already commenced under paragraph 10 should be suspended or terminated.
- 7.6.8. 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.
- 7.6.9. Informing the Responding Party of the Report and the procedure for remote investigations and providing them with the option to participate in a remote investigation.

The advantages and disadvantages of remote investigations will be provided.

7.6.10. If both parties agree to participate in a remote investigation, setting out the options for participating in meetings and asking the students to confirm their acceptance of requirements for such meeting using the Guidelines for Participating in Remote Investigations form.

7.7. The Student Conduct Office will be responsible for ensuring that any decisions or recommendations made at the IRM are recorded and acted upon.

7.8. The risk assessment and any precautionary measures that are put in place will be reviewed regularly and amended as appropriate. Additional review meetings may be convened by the DLSMVO as they believe necessary.

7.9. Where either the IRM or the LSMVO determines that an alleged incident should not be considered under this procedure, the Student Conduct Office / LSVMO shall provide the Reporting Party with written reasons for the determination and information about their right to request a review.

8. Investigating a report under this procedure

8.1. Where the IRM recommends that a Report should be investigated under this procedure and the LSMVO agrees with that recommendation, the following process will apply.

8.2. The LSMVO will appoint 1 or 2 Investigator/s as appropriate who have been trained in investigating Sexual Misconduct and Violence and who will be designated as Authorised University Officers under the University's General Regulations. The Investigator/s will seek to gather evidence as to whether or not a breach of the University's Sexual Misconduct and Violence Policy has occurred. The investigation will be supported by the Student Conduct Office.

8.3. Following the IRM, an investigation will be undertaken as quickly as possible. . All parties involved will be expected to maintain appropriate levels of confidentiality. 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 Investigator/s. Guidance on how to mitigate any potential contact is provided to both parties through a mutual 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. Information on how breaks will be conducted remotely will be provided beforehand in the Guidelines for Participating in Remote Investigations for students.

8.6. All students involved in the investigation process have the right to attend any meetings accompanied for support by a member of the University community, such as a member of staff, by a Students' Union representative, a fellow student, a family member or friend;

8.6.1 The accompanier is there to provide moral support. Students are expected to speak on their own behalf; there is no automatic right for an accompanier to speak on a student's behalf and it is at the University's discretion as to whether the accompanier is permitted to address the meeting.

8.6.2 Students will be advised of the right to be accompanied by a trained Durham Students'

Union Advocate who will be able to advise the student and advocate on the student's behalf.

8.6.3 The University does not normally permit legal representation in misconduct procedures. However, for Category 2 cases the University will consider requests by the student for legal representation at the Senate Disciplinary Committee hearing. The decision as to whether or not to permit legal representation will be taken by the University Secretary (or the Secretary's nominee) and will be at the University's sole discretion.

8.7. The order of investigation meetings is at the discretion of the Investigator/s, but normally the first meeting will be held with the Reporting Party. The Reporting Party will be required to attend an investigation meeting with the Investigating Officers. The Reporting Party may be accompanied for support by a member of the University community or a member of a specialist external agency such as the Sexual Assault Referral Centre or Rape Crisis.

8.8. The Responding Party will receive written notification of the procedure being followed, a redacted copy of the original report submitted and any additional supporting documentation submitted by the Reporting Party. The Responding Party will be required to attend a meeting with the Investigator/s. Prior to meeting with Investigator/s, the Responding Party will be required to submit a written response in reply to the documentation provided at least two business days before their scheduled investigation meeting. During this meeting the procedure will be explained and the details of the allegation against them will be confirmed. The Responding Party will be given a full and fair opportunity to explain or present their version of events in response to the allegation.

8.9. 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.

8.10. All students involved in the investigation process must submit any and all relevant evidence at the time of the investigation. All evidence submitted will be shared with the Reporting Party, 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 and the student only¹. Access to the recording will be granted to the student 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 take longer to arrange and are likely to increase the time taken to complete an investigation.

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 an instance, the case will be dismissed and no disciplinary action will be taken, but continued support will be offered to both parties;

Or

8.13.2. **The evidence does indicate a breach of the policy and further disciplinary action is**

¹ Note you should be aware this confidentiality is not absolute and cannot prevent the University complying with legal obligations which may require information to be disclosed e.g. under the Data Protection Act 2018 or for safeguarding purposes

required. In such an instance, the Investigator/s will be required to determine the categorisation of the breach (see section 9) and follow the appropriate further action under General Regulation IV: Discipline - Non-Academic Misconduct Procedure.

9. Categorisation of Major or Non-major breach of the Sexual Misconduct and Violence Policy

- 9.1. If the Investigator/s determine that further action is required, they will be required to reach a determination of whether the breach of the Sexual Misconduct and Violence Policy is a non-major or major breach of the policy.
- 9.2. The nature of the misconduct found, the evidence of the misconduct and any mitigation present in the case will be taken into account when determining whether the case will be classified as a major or non-major breach of the Sexual Misconduct and Violence Policy.
- 9.3. Lists of the types of behaviour which may be considered to constitute a non-major breach and a major breach are set out below. *The lists are illustrative only and are not exhaustive.* Following each list are the actions which may be taken by the Investigator/s if the misconduct fits in that category.
- 9.4. Non-major breach indicating a Category 1¹ offence

9.4.1. Under the Non-Academic Misconduct Procedure, breaches of the Sexual Misconduct and Violence Policy that would constitute a Category 1 offence may include:

- kissing another person on the hand or cheek without consent where the evidence indicates that an element of force or other harassment behaviours were not involved;
- a single incident of following another person without good reason where there is no threatening or abusive behaviour involved;
- 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.

9.4.2. 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 Procedure.

9.4.3. 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 Misconduct Procedure. The list is illustrative and is not exhaustive:

- Undertaking additional training or attend an appointment for counselling.
- A reprimand.
- A requirement to change College membership (with the consent of the relevant Heads of College and the LSMVO).
- A permanent restriction on contact with a named person or person(s) (i.e. No Contact Order).
- A reasonable additional sanction given the nature of the incident (see paragraph 6.6 of the Non-Academic Misconduct Procedure).

9.4.4. If the Responding Party fails to comply with the sanctions imposed by the Investigator/s

¹ As defined in the Non-Academic Misconduct Procedure.

within the time specified they may be considered to be in breach of the ruling and the Investigator/s may refer the matter to the Chair or Deputy Chair of Senate Discipline Committee as an alleged Category 2 offence under the University's Non-Academic Misconduct Procedure.

9.5. Major-breach indicating a potential Category 2 Offence

9.5.1. Under the Non-Academic Misconduct Procedure, breaches of the Sexual Misconduct and Violence Policy that would **may** constitute a **Category 2** offence may include:

- engaging or attempting to engage in a sexual act without consent;
- kissing another person without consent where the presence of force is substantiated by the evidence;
- sexually touching an individual without consent;
- threatening or abusive behaviour of a sexual nature;
- pattern of coercive or controlling behaviour;
- recording, sharing and/or distributing intimate images or recordings of another person without their consent;
- instances where non-major Sexual Misconduct and Violence breaches are frequent or repeated or the Responding Party fails to comply with disciplinary decisions or sanctions; or
- A conviction of a criminal offence or a Police caution in relation to behaviour that falls within the scope of the University's Sexual Misconduct and Violence Policy.

9.5.2. If the Investigator/s determine that the misconduct is a major breach of the Sexual Misconduct and Violence Policy and a potential Category 2 offence under Non-Academic Misconduct Procedure, they will refer the matter to the Chair or Deputy Chair of Senate Discipline Committee as an alleged Category 2 offence under paragraph 8.1 of the University's Non-Academic Misconduct Procedure.

9.5.3. The right to request a review is not available if the case is referred to the Senate Discipline Committee as the process is not completed.

9.6. At the conclusion of the investigation, the Reporting Party and the Responding Party will be asked whether they wish the outcome to be conveyed by email, video meeting or telephone meeting.

9.7. The Investigator/s will provide an investigation report to the Reporting Party, the Responding Party and the case manager 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.

10. Request for a Review

10.1. Following the conclusion of the investigation, the Reporting Party and/or Responding Party may request a review of the determination reached by Investigator/s in writing to the Pro-Vice-Chancellor (Education) within 14 days of notification of the investigation findings.

10.2. In the event an IRM concludes the report received does not meet the criteria for investigation by the University, the Reporting Party can request a review of that decision in writing to the Pro-Vice-Chancellor (Education) within 14 days of notification of that decision.

- 10.3. A request for a review can be made on the following grounds only and should include supporting evidence where appropriate:
1. Evidence that the Investigator/s did not follow appropriate procedure in investigating the Report and that this had a material effect on the investigation outcome, making it unsound;
and/or
 2. Substantial and relevant new information which the Reporting Party or Responding Party was unable to provide previously for a good reason and that this had a material effect on the investigation outcome, making it unsound.
- 10.4. The review process cannot be used to challenge the classification of misconduct as a non-major or major breach of the Sexual Misconduct and Violence Policy.
- 10.5. If the Responding Party is found to have breached the Sexual Misconduct and Violence Policy classified as a non-major breach, the Responding Party has a right to:
1. Request a review of the investigation decision in line with the grounds set in 10.3 above;
or
 2. Under the Non-Academic Misconduct Procedure, appeal against a decision under the Category 1 Offence procedure.
- 10.5.1. The Reporting Party does not have a right to appeal a disciplinary decision.
- 10.6. The Pro-Vice-Chancellor (Education), or their nominee, may choose to undertake the review if they are independent of the case or will identify a senior officer, independent of the case to undertake the review (Reviewer). The Reviewer will not re-investigate the report. The request will be reviewed on the basis of the documentation provided by the student and that held by the Investigator/s. The Reviewer may seek further information if necessary.
- 10.7. At the discretion of the Reviewer, during the Review period any sanctions determined by the Investigator/s will remain in force until the review decision determines grounds for these to be overturned.
- 10.8. If the Reviewer decides the review is upheld for one or more reasons, they may decide either:
1. To refer the case back to the original Investigator/s for continued investigation in light of new evidence or in a procedurally correct manner;
 2. Require a new investigation by new Investigator/s; or
 3. To specify appropriate recommendations to annul, amend, confirm or reduce the imposed sanctions to the Chair or Deputy Chair of Senate Discipline Committee.
- 10.9. If the Reviewer decides that the case has been handled fairly and the outcome is reasonable, the review request will be dismissed.
- 10.10. If both parties submit a review request a single Reviewer will review both requests. The review is confined to consideration of the whether the grounds for the review are demonstrated or not. The review will not re-investigate the report.
- 10.11. At the point a request for review is accepted, the other party will be informed of the review and the timeline to be informed of the outcome.
- 10.12. Both parties will be informed of the outcome of the review request within 28 days of receipt. In all instances the decision reached by the review is final. In the event the Reviewer

determines that a new investigation takes place, an additional review request will not be available. This procedure provides both parties a single opportunity to request a review.

11. Office of the Independent Adjudicator for Higher Education

11.1. Once all internal processes have been exhausted, a student can make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) if they remain dissatisfied with the University's decision. Further information is available on the OIA website: www.oiahe.org.uk.

12. Version Control:

Approval date: 02/04/2019

Approved by: Alex Hopkins

Revision date: 25/04/2022

Revision approved by: Alex Hopkins

Contact for further information: Student Conduct Office

student.cases@durham.ac.uk