

CONSULTATION

Good Practice Framework: Handling reports of harassment and sexual misconduct

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Introduction

1. The Good Practice Framework sets out [core principles](#) and operational good practice for higher education providers in England and Wales. The core principles are accessibility; clarity; fairness; independence; confidentiality; inclusivity; flexibility; proportionality; timeliness; and improving the student experience.
2. This section of the Good Practice Framework gives good practice guidance for providers in designing and operating procedures to respond to reports about harassment of any kind, and sexual misconduct. It covers:
 - a. Good practice when receiving, investigating and responding to reports about harassment and/or sexual misconduct.
 - b. Disciplinary procedures for dealing with students accused of harassment and/or sexual misconduct.
3. For most providers, it will be appropriate to maintain a separation between the processes which are focused on the reporting of harassment and/or sexual misconduct, and the processes which make disciplinary findings against responding students. This separation gives clarity about the obligations the provider has to each student and about where responsibility for decision-making lies. In this section, we have described the procedures that are most used by providers that we consider to be compatible with the core principles of good practice.
4. We recognise the diversity of the providers using this guidance. We also recognise the wide range of behaviours that may be raised within this framework, and the particularly sensitive nature of the issues. Flexibility and proportionality are key to the effective use of these types of procedures. Providers may choose to use different procedural models that are a better fit for their structures and student bodies, or for the specific circumstances of an individual case, but should do so in a way which takes account of the core principles.
5. It is good practice to operate student-facing processes that are inclusive by design and take account of the different needs of a diverse student body. Some students may still need different arrangements to be able to access and use procedures. Providers should be aware of their duties under the Equality Act 2010 to make reasonable adjustments for disabled students. At any point in the processes outlined in this section of the Good Practice Framework, providers can consider whether to make reasonable adjustments to take account of the individual needs of a student.
6. This section of the Good Practice Framework should be read together with the sections on:
 - a. [Disciplinary procedures](#)
 - b. [Handling complaints and academic appeals](#)
 - c. [Supporting disabled students](#)
 - d. [Fitness to practise](#), where providers have a duty to ensure that students on professional courses are fit to practise.
 - e. [Delivering learning opportunities with others](#), where more than one academic provider or awarding body is involved due to partnership arrangements in England and Wales or overseas.
7. For providers in England who are registered with the Office for Students (OfS), the full requirements of condition [E6: Harassment and sexual misconduct](#) came into force on 1 August

2025. The regulatory condition and accompanying OfS guidance set out regulatory requirements relating to incidents of harassment and/or sexual misconduct which affect one or more students (including the conduct of staff towards students, and/or the conduct of students towards students).

8. For providers in Wales who are registered with Medr, the Condition: Staff and Learner Welfare will apply. (At time of writing, this condition is subject to public consultation). The Tertiary Education and Research (Wales) Act 2022 [explanatory memorandum](#) provides an explanation of what 'welfare' and 'arrangements' are intended to mean in relation to the staff and learner welfare condition. Providers in Wales should also have regard to their duties under the Violence Against Women, Domestic Abuse and Sexual Violence (VAWDASV) (Wales) Act 2015.
9. This section of the Good Practice Framework is intended to support providers in developing good practice in addressing reports about harassment and sexual misconduct, which we expect will help providers to meet the regulatory requirements in those areas. It is not a comprehensive operational guide to meeting all regulatory or legal requirements.
10. The documents referred to in this section of the Good Practice Framework, and other useful sources of guidance, are listed under Useful resources at the end of the section.

Language we have used in the Good Practice Framework

11. In this section, we refer to all students who tell a provider about harassment or sexual misconduct as making a **report**. Students may use a variety of mechanisms or routes to tell a provider about their experiences. We don't think it is always helpful to make fine distinctions between a disclosure, a report and a complaint based on the route a student may have taken to share their experience. It is more helpful to focus on identifying the appropriate way to respond to the content of the report, not its format.
12. A **reporting student** is someone who makes a report to their provider about harassment or sexual misconduct by another student or member of staff. It is often the person who makes the report that has experienced the behaviour they are reporting. Sometimes the person who makes a report witnessed the behaviour, or came to know about the behaviour indirectly, but did not directly experience the behaviour themselves. They may still be described as the reporting student or a **reporting witness**, and the other person may be described as **the person who experienced the behaviour**.
13. To reduce repetition in this section of the Good Practice framework we have described processes for when the reporting student is also the person who experienced the behaviour. As a general principle, when these are not the same person, each should receive the same kind of information and support that we have set out in this section.
14. A **responding student or member of staff** is someone about whom a report of harassment or sexual misconduct has been made to their provider. In some circumstances a reporting student may report experiencing something that involves another person who is not a member of the provider's community. In those cases, there is no responding student or responding member of staff.
15. In this section, we use the term **complaint** to describe the process a reporting student may use after making a report, if they want to raise concerns about the way the provider responded to the report. This includes expressing dissatisfaction with any support offered and the outcomes that resulted from the report. (See [paragraphs 249-254](#)).
16. In this section, we use the term **appeal** to describe the process a responding student may use if they are dissatisfied with the outcome of their disciplinary process. (See [paragraphs 228-245](#).)

Establishing an appropriate environment for study

Setting clear expectations about behaviour

17. It is essential for providers to set clear expectations for all members of their community about behaviours that are acceptable and those that are not. Providers often describe this as a student code of conduct or set out their expectations in student disciplinary regulations. A provider's rules and regulations should enable it to take action if standards of behaviour fall below what is expected.
18. Setting clear expectations may prevent some unacceptable behaviours from occurring. A shared understanding of what behaviours are unacceptable also helps students who experience unacceptable behaviour to recognise that they do not have to tolerate that behaviour, and that they can report it.
19. It is good practice to publish information for students and prospective students about the standards of behaviour that are expected of them, and that they can expect from others in the community. It is particularly important to draw attention to these standards of behaviour when students begin their studies. It is also important to explain to students the consequences and potential outcomes of behaving in a way that doesn't meet the expected standards.
20. Many providers offer their students the opportunity to live and study in a diverse community and this may be a new experience for some students. Providers may consider providing additional guidance for students known to be joining from less diverse environments or from countries with different cultural norms. International students may need support to navigate significant differences in cultural or legal positions.
21. It is good practice to remind students periodically about the standards of behaviour that are expected of them and that they can expect of others, for example when students progress on to a new level of study.
22. Providers should explain to students when and where they will be expected to meet their standards of behaviour. For example, it can be beneficial to set out:
 - a. That standards of behaviour apply to students' conduct in person and in online or virtual spaces.
 - b. That standards of behaviour may still apply outside the physical spaces the provider owns or manages, and outside the virtual/online environment that it owns or manages, where the behaviour may have an impact on its community.
 - c. Whether there are other standards of behaviour which students will be expected to meet that apply to specific places related to the provider. For example student accommodation owned or managed by another organisation; space owned or managed by an SRB; space owned or managed by a placement provider or by the employer of an apprentice.
 - d. That students on courses leading to a qualification in a regulated profession may be subject to additional higher standards of behaviour as required by the regulatory bodies of that profession.
 - e. The standards of behaviour expected on any "pre-enrolment" activities including opportunities to meet other students virtually.

- f. How standards of behaviour apply in between term times, between years of study, between completion of study activities and the formal conferment of the qualification (graduation) or between completion of one course of study and enrolment at the same provider for another course of study.
- g. How standards of behaviour apply when a student is not currently actively studying (for example, when a student has temporarily stepped away from study due to ill health, maternity, etc).

Defining unacceptable behaviour

- 23. Providers should use clear language to describe the behaviours that are not acceptable within their community. Providers may indicate broadly the types of behaviour that are not acceptable rather than attempt to provide an exhaustive list of specific actions.
- 24. Providers regulated by the OfS or providers working in partnership with providers regulated by the OfS should note the definitions it uses. The OfS follows the meaning given to harassment in [Section 26 of the Equality Act 2010](#) and [Section 1 of the Protection from Harassment Act 1997](#) (in its entirety, and as interpreted by section 7 of the Act).
- 25. Harassment (as defined by section 26 of the Equality Act 2010) includes unwanted conduct that has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person related to one or more of the person's relevant protected characteristics. (Marriage and civil partnership and pregnancy and maternity are not relevant protected characteristics for these purposes.)
- 26. In deciding whether conduct has the effect referred to, providers must consider:
 - a. The perception of the person who is at the receiving end of the conduct
 - b. The other circumstances of the case
 - c. Whether it is reasonable for the conduct to have that effect.

The last point introduces an element of objectivity into the test. The perception of the person who is at the receiving end of the conduct is not the only relevant consideration in determining whether the conduct amounts to unlawful harassment. The context within which the alleged harassment has taken place will also be relevant, as will any other legal rights or duties that apply in that context.

- 27. The OfS has set out areas of regulatory activity for which these definitions are relevant. These definitions do not include all the behaviours which may be unacceptable within a higher or tertiary education community. Providers should clearly set out any other interpersonal behaviours which are unacceptable, but which may fall outside the definitions used by the OfS for the purpose of regulation.
- 28. For providers that are public authorities, it may also be relevant to consider whether, in cases of alleged harassment, the alleged perpetrator was exercising any of their Convention rights (e.g. freedom of expression or freedom of thought, conscience and religion).
- 29. In setting the standards of behaviour expected within their community and addressing reports from students, providers must consider their obligations to protect freedom of speech under the

Higher Education (Freedom of Speech) Act 2023, the Human Rights Act 1998, the Education Reform Act 1988 and the Education Act (no.2) 1986. Providers should explain to students that they should expect to interact with individuals who hold different views to their own and that holding views and expressing them in a lawful way, even where some might find these views to be controversial, offensive, disturbing or shocking, will not usually be a matter for the provider's formal processes.

30. Providers should explain to students that despite their right to hold and express views that are controversial or unpopular, how they choose to express their views could amount to unacceptable behaviour in some circumstances. It is helpful to set out the factors which are relevant to deciding whether how a student expressed their views could be unacceptable behaviour. These include:
- a. The context in which the views were expressed. Something that is acceptable in one context, such as expressing controversial or unpopular views in a teaching session, formal debate or organised protest on the topic, may not be acceptable in another such as within a teaching session intended to focus on a different topic; or a work-based placement.
 - b. The manner of expression. For example, not allowing others to join a discussion or finish their point, talking over other people, shouting; using expletives or derogatory language; using offensive gestures, physical contact or other intimidating body language.
 - c. Whether the expression of the views was directed towards any specific individuals or specific groups, or whether any individual was singled out to provide a response.
 - d. Whether the expression of views was of inappropriate duration or timing. For example, preventing a class from exploring necessary academic content by undue persistence on a particular point; sending an unreasonable volume of messages; continuing to pursue a discussion after being asked not to continue to do so.
 - e. Whether the expression of views took place in such a way as to suggest that they were representative of the views of the provider.
 - f. Whether the expression of views is consistent with any specific professional standards of behaviour that the student is expected to follow, as a student on a course that leads to entry to a regulated profession.

Neutral language

31. Providers do not have a remit to make legal findings of the kind that a criminal or civil court or tribunal might make. Even when a particular action carried out by a member of its community could be a criminal offence, a provider can only ever decide whether that action is in breach of the standards of behaviour it expects from its students or staff. The OfS has adopted legal definitions of harassment and sexual misconduct. But use of these definitions does not mean that providers can reach conclusions about criminal offences. Nor does this language create a requirement for a provider to use a criminal standard of proof in its own internal investigations. Providers should make this clear to students.
32. Providers should avoid other legalistic language that suggests that its processes replicate those of courts or tribunals. Terms that may be problematic include referring to the reporting student as the victim or the survivor and referring to the responding student or member of staff as the alleged

perpetrator, the defendant, or the accused.

33. It is good practice for providers to use language that is neutral and does not presume that the behaviour being reported has or hasn't met the provider's expected standards of behaviour before an investigation into what has occurred has taken place. Providers should try to balance this with language that encourages students to report behaviour that has caused them concern.
34. Language in this area is constantly evolving. Providers should keep the language they use under review. It is good practice to consult with students and consider their views about the nuance of different language choices.

Delivering learning opportunities with others

35. Many providers in England and Wales deliver learning opportunities with one or more other providers or awarding organisations, in the UK or overseas. We have published good practice guidance on [Delivering learning opportunities with others](#) for providers to consider when handling complaints and appeals and other internal processes in the context of these arrangements, which should be read in conjunction with this section.
36. The agreement between the providers should set out their respective responsibilities, including which provider is responsible for considering reports of harassment and sexual misconduct and who will provide information to students about how to report. Providers are responsible for ensuring that they meet any requirements placed on them by the relevant regulatory body when setting up partnership agreements.
37. Awarding providers should also work with their delivery providers to ensure a consistent approach when considering reports of harassment and sexual misconduct, particularly where the arrangement involves partners in different countries (transnational arrangements).

Working with student representative bodies

38. Student representative bodies (SRBs), such as students' unions and associations, often play an important role in supporting students who are unhappy with something they have experienced at their provider. This can include supporting a reporting student to make a report of harassment and/or sexual misconduct to their provider. SRBs may also support responding students once they have been told by their provider that a report has been made about them. In both instances, SRBs may support students through any subsequent processes and help them to understand their options once those processes have been concluded.
39. Reports of harassment and/or sexual misconduct may be made in the first instance to the SRB. This could occur where the reported behaviour has taken place in the context of a club, society or other function organised by the SRB. In these instances, providers and SRBs should work together to identify the most appropriate way forward.
40. In some cases, the SRB may continue to consider the report under its own processes. This may be appropriate for lower-level concerns where, for example, a student is unaware of the impact their behaviour has had on another student and mediation between the reporting and the responding student may be possible. This may also be appropriate where the impact of the reported behaviour is limited to a particular club, society or function of the SRB and a risk assessment identifies that any risk to the welfare of the community can be suitably managed by the SRB.
41. In other cases, it may be appropriate for the SRB to refer the report to the provider to consider. Factors that may be relevant to consider include:
 - a. The seriousness of the reported behaviour and the range of potential penalties that may apply.
 - b. The level of action required to safeguard the welfare of the student and staff community.
 - c. The availability of advice and support for reporting and responding students.
42. Providers should support SRBs in training their staff, to ensure that SRBs are equipped to properly evaluate the risk and know when it is appropriate to refer reports of harassment and/or sexual misconduct to the provider to consider. Where an SRB continues to consider a report under its own processes, any identified risks may need re-evaluating on a regular basis. Providers should encourage the SRB to refer the report to the provider if it decides it can no longer suitably manage the risk as the case progresses. In these circumstances, providers should take account of the processes already used within the SRB when deciding what stage of its procedures to use.

Making a report

43. It can be difficult for a student who has experienced or witnessed harassment and/or sexual misconduct to tell their provider about it. Barriers to making a report can include:
 - a. Uncertainty about whether the behaviour was unacceptable and whether it is “worth” reporting.
 - b. Uncertainty about what process will be followed and anxiety about a loss of control.
 - c. Uncertainty about what actions may result and concern about how effective these may be to keep the reporting student safe.
 - d. A previous negative experience of making a report in the same or a different forum.
 - e. Feelings of embarrassment, shame or guilt about what happened.
 - f. Fear about being ostracised, being judged or being treated differently because of the report.
 - g. Fear about retaliation by the responding party or by people or organisations associated with them.
 - h. Not being able to make the report because it may compromise their welfare to revisit what happened.
 - i. Not (yet) being in a position to fully recognise the impact of what happened.
44. Providers can address some of these barriers by making it as easy as possible for students to report concerns about the behaviour of other people. Providers should have clear, simple and accessible routes for students to tell them about incidents of harassment and/or sexual misconduct. Providers should publicise these routes to students regularly.
45. Providers may describe their preferred route for students to make reports about harassment and sexual misconduct, for example, within a “Dignity at Study” procedure. Providers should exercise considerable flexibility in accepting reports from students that do not follow the preferred route, acknowledging the challenges that students may face in raising sensitive issues.
46. It is not the responsibility of a reporting student to correctly identify whether the behaviour they are concerned about meets the definition of harassment or sexual misconduct or is better described under another aspect of the provider’s standards of behaviour. It is the provider’s responsibility to decide the best fit for the described behaviour within the definitions it uses.

Timeliness and historic reporting

47. Procedures should normally set time limits for students to raise concerns affecting their studies. In general, raising a concern promptly can enable a provider to find a quick and positive resolution, which may stop a situation escalating. It can also help providers in gathering relevant information to consider. However, students who experience harassment or sexual misconduct may not be able to report what has happened for a prolonged period.
48. Providers should not apply a time limit to the process for students to make a report about harassment or sexual misconduct. Providers should not tell students or former students that they are too late to make a report, regardless of how long they have taken to make the report.
49. This does not mean that a provider must consider or take action in response to historic reports in the same manner that they would respond to a more timely report. Providers should still direct

reporting students to the support that is available to them, and explain other options the student may have, such as reporting to the police. It may be appropriate to direct former students to support services outside the provider.

50. Providers should also explain whether it is possible to carry out an investigation into what happened. It may not be possible to gather additional evidence about the issues raised if relevant individuals are no longer available. The more time that has passed, the less weight can usually be placed on the reliability of an individual's memories. An event that was particularly significant for the reporting student may not have been perceived in the same way or remembered in the same detail by other individuals. Conversely, in some circumstances the lapse of time may allow patterns to be identified, for example from reports that have been made at different times. Evidence from the time of the event may still exist, for example in the form of emails or screenshots.
51. A provider is unlikely to have any remit to take disciplinary action against students who are no longer studying, or staff who are no longer employed because the provider no longer has a contractual relationship with them. Where the provider is aware that the reported party is practising within a regulated profession, it should carefully consider whether it has any obligation to share information about reports it has received, for example with the relevant PSRB, DBS or LADO.
52. Despite these challenges, providers should carefully consider whether it can carry out any investigation or whether it is proportionate to take any other action. Providers should be particularly alert to reports that refer to behaviour of staff who are still employed or that refer to systemic or embedded cultures of unacceptable behaviours. Providers may decide to increase monitoring or training in a particular area, without needing a clear finding of fault.
53. Even where it is not possible for a provider to carry out a meaningful investigation, providers may still benefit from an understanding of how students have experienced their time studying. This kind of information can help providers understand the effectiveness of their interventions over time.

In-person reporting

54. Providers should provide clear routes for students to make a report about harassment and/or sexual misconduct including in person or by telephone or video call. If the provider has one or more members of staff with specific responsibility for, and specialist training in, responding to reports of this nature, they should publicise how students can contact them.
55. Even where specialist roles exist, some students may choose to make a report to another member of staff. Sometimes students may make an unplanned report to a member of staff who comes across the student experiencing distress. This means that any member of staff in any role may receive a report from a student.
56. Providers should ensure that all staff understand what to do if a student makes a report of harassment or sexual misconduct to them. As a minimum, providers should ensure that staff know where to direct students for further support, information and guidance about its processes. Staff should also know how and when to act on immediate concerns they may have about a student's wellbeing. Providers should inform staff about how to make an appropriate record of the report, to enable it to determine what action to take.

57. Receiving a report from a student can be distressing for members of staff. Providers should take steps to protect the wellbeing of their staff in these circumstances.

Online reporting

58. Providers should provide a route for students to report harassment and sexual misconduct online. Providers may decide to invest in a bespoke system¹ which is designed to capture reports from students or staff, to provide advice and guidance, and which enables reporting on trends and patterns. Alternatively, providers may operate a simpler system such as an online form that generates an email to an appropriate member of staff.
59. Providers should ensure that when providing a method for students to make a report online, this is accompanied by information about what will happen when the provider receives the report. This could include:
- Which department or which staff at the provider will receive the report and the extent to which information will remain confidential.
 - Whether any other part of the provider may be informed about the report on a need-to-know basis to appropriately manage risk.
 - Whether, how and when the provider will contact the person who submitted the report.
 - What the provider will do next.
 - How long the report will be kept.
 - Whether the report is anonymous.

Anonymous reporting

60. Providers should have systems in place to ensure that students can choose to report anonymously. Online systems can be designed to include this option.
61. Where a student has made a report in person the provider should check that the student is happy for their identity to be recorded. Alternatively, a student who has made a report in person to a member of staff at the provider or a member of staff at the SRB might request that the member of staff then use the online system to make an anonymous report on their behalf.
62. Providers should explain to students how anonymous reporting can help it to identify trends and patterns in the experiences of its students. This in turn can help it to take targeted action to address areas of concern. This may encourage greater confidence in reporting.
63. It is helpful to make a distinction between a completely anonymous report, and a report where the identity of the student is known to a limited number of provider staff but is kept confidential and will not be disclosed further without the student's consent.
64. Providers must provide clear information to students about the implications and limits of reporting anonymously. For example:
- Students submitting anonymous reports can be directed to sources of support via an acknowledgement message or website but won't be individually contacted to be offered personalised support.

1. "Report + Support" is a bespoke system created by Culture Shift, though it has not trademarked the name, so it is common for providers and student representative bodies to refer to other similar systems as "Report and Support".

- b. The provider will not be able to put in place measures to prevent further contact with the responding student or responding member of staff.
 - c. The provider won't be able to update the student individually about any action they have taken in response to the report.
 - d. The action the provider can take under a staff or student disciplinary process is likely to be limited where the source of the report is either completely anonymous, or where the identity of the reporting student cannot be shared with the responding student or responding member of staff.
65. While there are limitations on what formal action providers can take in response to anonymous reports, providers should consider whether it would be appropriate to notify the responding student or staff member of the concerns raised anonymously about their behaviour. Depending on the nature and seriousness of the report and the number of anonymous reports made about the same individual, it may also be appropriate to carry out a risk assessment (see [paragraphs 84-87](#)) to decide whether any immediate action is required to reduce risk to the provider's community.

The initial response to a report

Having a welfare focus

66. Students who have experienced or witnessed harassment and/or sexual misconduct may experience trauma as a result. Some reporting students may also be affected by trauma from another cause.
67. The Substance Abuse and Mental Health Service Administration ('SAMHSA') defines trauma in this way: "Individual trauma results from an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life threatening and that has lasting adverse effects on the individual's functioning and mental, physical, social, emotional, or spiritual well-being".
68. Providers should adopt a trauma-informed approach to responding to harassment and/or sexual misconduct reports and should train staff to understand how trauma may affect how students engage with its processes.
69. Providers should treat students fairly and with kindness. The principles of [compassionate communication](#) can be a useful tool for providers to guide how they interact with students.
70. The first priority when a student makes a report is the reporting student's wellbeing. Providers should:
 - a. Listen without judgment to what the student wants to say
 - b. Inform the student about sources of support
 - c. Consider any immediate risks to the student and take action in accordance with relevant safeguarding procedures.
71. It is not usually appropriate to take immediate steps to test the veracity, accuracy or reliability of the student's account of what has happened when they first make a report. Providers should proceed on the basis that the student is presenting their truthful report of what they experienced or witnessed in order to identify relevant support for the student (see [paragraphs 197-201](#) for information about the burden and standard of proof within a subsequent investigation).
72. When the report is made in person rather than in writing, it is good practice for the member of staff receiving the report to make a note of the main points discussed and to share this note with the reporting student. But it is not usually necessary to make a verbatim record of what the student said in their initial report.
73. It is good practice to direct students to a specially trained member of staff, such as a Sexual Violence Liaison Officer (SVLO) as quickly as possible.

Setting out the student's options

74. When a student makes a report about harassment or sexual misconduct, providers should help the reporting student to understand the various options available to them and provide the student with support in deciding how to proceed. Providers should give reporting students information about:
 - a. Appropriate support, whether or not the student decides to take the matter further (see [paragraphs 76-78](#)).

- b. The possibility of precautionary measures, such as non-contact agreements.
 - c. Opportunities for informal resolution, such as mediation and/or voluntary non-contact agreements (where appropriate, see [paragraphs 87-89](#)).
 - d. Internal processes for responding to reports (i.e. disciplinary processes). Providers should be clear with students about the process that will be followed; how information they disclose may be used, and how they would be involved in that process (see [paragraph 113](#)).
 - e. Making a report to the police. Providers should be clear that any internal processes will be paused during a police investigation or related court proceedings, though precautionary measures may remain in place to protect other students and staff members and be reviewed for the responding student during this time.
 - f. Taking some time to consider their options. Providers may need to consider giving advice about attendance at the nearest sexual assault referral centre, in relevant cases.
75. Where the student has made a report in person, it is helpful to both talk through this information and give them written information about their options. Students affected by trauma, students in distress and disabled students with conditions affecting their ability to process and retain complex information are likely to find it helpful to be able to refer back to information about next steps.

Ongoing support

76. It is good practice to support reporting students (or where this is different, students who experienced the behaviour) by giving them a designated point of contact at the provider who will keep them informed about what is happening because of their report and advise them about the provider's processes. This person should provide support to the reporting student and may also support any other students affected by the behaviour that has been reported, but should not take on any investigatory or decision-making functions within any disciplinary process that arises because of the report.
77. It is good practice to support students to access wellbeing services including counselling services. It is important that reporting students have someone they can talk to, especially where they may be asked not to talk to specific members of the provider's community to protect the integrity of an investigatory process (see [paragraph 150](#)).
78. Providers should be mindful that students may need advice and support related to other matters that have been affected by the issue they have reported that may not be within the provider's control, for example accommodation or student finance. Providers should direct students to support services available, for example the SRB, which may provide independent support and advice. Where it is not practical to provide a range of support services internally, providers should consider arranging for students to access support services at partner providers or through local community services or national support groups.

Interaction with other procedures

79. It is good practice to offer proactive advice and support to help students engage with other relevant processes within the provider. For example, it is likely that students who have experienced harassment or sexual misconduct may wish to seek additional time to complete work, to make a

request for additional consideration of how their circumstances affected their academic work, or they may wish to seek some time away from their studies.

80. Taking a trauma-informed approach includes minimising the need for students to give their account of events multiple times. It is also good practice to minimise administrative burden for students in distress. Providers may consider options such as waiving the requirement for a form to be filled in or allowing the reporting student's designated point of contact to make a submission on their behalf.
81. Providers should take a flexible approach to the evidence that students are expected to provide to benefit from these kinds of processes. Providers should be aware of the confidential nature of the information. For example, a claim for additional consideration regarding a student's academic performance might only need to state that a report of an experience of harassment or sexual misconduct has been made, that there has been a significant impact on the student's wellbeing, and to state the duration of the impact. It is unlikely to be necessary for the claim to include details of what the student experienced.
82. Providers should also take a flexible approach to normal deadlines for students to engage with processes. A student's ability to engage with academic appeal or additional considerations processes in a timely manner may be impacted by their experience of harassment and/or sexual misconduct.
83. Where a student has made a report about a member of staff, they are likely to be very concerned about decisions that might be made by that individual or within the same department. Students may feel that it would not be safe to make a request for additional consideration if the circumstances must be disclosed. Providers must ensure that their processes are flexible enough to allow for variation in what information is shared with the decision-maker in a request for additional consideration process, and when a decision-maker can be substituted. Providers should also consider how other the fairness of other processes, including marking of assessed work, can be assured.

Risk assessment and precautionary measures

Regular evaluation of risk

84. When providers receive reports about harassment and sexual misconduct, including anonymous reports, they should carry out a risk assessment to decide whether any immediate action is required to safeguard the welfare of its community. Risks to the reporting student, to the responding student or responding member of staff, to the wider community of the provider and to the public should be considered.
85. [Universities UK Guidance For Higher Education Institutions: How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence](#) contains a useful example of a risk assessment.
86. It is good practice to re-evaluate any risks identified on a regular basis, including during and at the end of the disciplinary process. The frequency that is appropriate will vary depending on the specific risks identified, the steps taken to manage the risks, and other factors that may change the risks, such as changes to students' wellbeing, students completing their studies, or action by other agencies.

Precautionary measures

87. Precautionary measures may be appropriate in response to any report about harassment and/or sexual misconduct, regardless of whether the report is about a student or member of staff, and regardless of whether there is also a police investigation. Paragraphs 115–122 of our [Good Practice Framework: Disciplinary procedures](#) set out more information about applying precautionary measures in student disciplinary cases.
88. The purpose of precautionary measures is to mitigate the risks that have been identified. They are not intended to be punitive. It is good practice to identify and take the least disruptive precautionary measure that will manage the risks identified effectively. Where a responding student is prevented from accessing some physical spaces or facilities, or their studies are interrupted, it is good practice to document the reasons why a less disruptive approach was not considered appropriate.
89. Providers should be flexible in identifying an approach that is appropriate to the specific circumstances. Precautionary measures may be applied to either or both of the reporting student and responding student or member of staff. Some examples of precautionary measures include:
 - a. Ensuring reporting and responding students or responding members of staff are not required to work closely together, for example by rearranging seminar groups, project groups, or work placements.
 - b. Adding a third-party observer, for example, in supervisory sessions.
 - c. Putting in place a non-contact arrangement (this might be voluntary or otherwise and will apply to both parties).
 - d. Limiting access to specified physical spaces at certain times of day or on certain days.

- e. Restricting or prohibiting access to specified physical spaces or online spaces for a defined period of time.
- f. Prohibiting access to all physical spaces but enabling a responding student to continue their studies remotely for a defined period of time.
- g. Interrupting a responding student's studies completely for a defined period of time.

Limitations on precautionary measures

- 90. A provider can usually limit access to physical and online spaces that it owns or manages but is unlikely to have any authority to impose restrictions on access to public spaces or spaces owned by independent third parties (including student accommodation providers). Restricting the access of a responding student or member of staff to a public space (such as a bar or other leisure facility) may be agreed on a voluntary basis. Providers should explain when they are unable to impose restrictions on use of physical or online spaces.
- 91. Some targeted precautionary measures can only be implemented by disclosing the identity of the reporting student to the responding student or responding member of staff. Providers should explain this clearly to reporting students. It is important to respect the confidentiality of reporting students where this is requested. However, providers should ensure that this does not lead to disproportionate precautionary measures being put in place as a default.

Considering impact and effectiveness of the precautionary measures

- 92. It may be necessary to consult staff in different roles at the provider about the practicality of some precautionary measures. For example, it may be necessary to explore with academic staff whether a student can access some teaching online rather than in person, or whether it is appropriate for a student to continue to work on academic submissions but not be in attendance on a work placement. Providers should be mindful of the confidentiality of both reporting students and responding students. It will not usually be necessary or appropriate to disclose details about the report to the staff being consulted in this way.
- 93. It is good practice to consider the views of the reporting student about the effectiveness and impact of precautionary measures. Providers should take a proportionate and trauma-informed approach when considering how often it should seek input from reporting students about how well any precautionary measures are working. Providers should explain to reporting students how to raise any concerns about the operation of any precautionary measures, for example if a responding student is continuing to make contact despite being asked not to do so. Information about non-compliance with a precautionary measure should prompt a re-evaluation of risk. It may also be considered as a separate breach of the behaviours expected of the responding student or member of staff. It will usually be proportionate to consider this potential breach within the same investigatory process rather than begin an entirely separate disciplinary investigation.
- 94. Providers must be mindful of the impact of precautionary measures on the responding student or member of staff. It is good practice to provide the responding student with an opportunity to make representations about the impact of a precautionary measure, and to document the reasons for either maintaining the precautionary measure or altering it. When a responding student does not challenge the precautionary measures, it is still good practice to review these regularly.

Duration of precautionary measures

95. In some cases, including when a reporting student is unwilling to participate in an investigation process under student disciplinary procedures, it may be appropriate to continue a precautionary measure for the duration of either the reporting student's period of study or the responding student's period of study. This is likely to be appropriate when the measures do not have a significant impact on either party's ability to engage in their study or work. For example, a responding student agrees not to use a particular study area on campus, but is able to use several alternatives. In these cases, it is important to reassure responding students that no formal disciplinary finding has been made. Responding students will benefit from a clear explanation about how long the report will be retained in a form that identifies them, and under what circumstances the information could be used.
96. However, if a precautionary action causes significant disruption to the responding student's ability to engage in their studies and benefit from the full range of facilities usually available at the provider, it should not be applied indefinitely. Providers should move forward with a formal disciplinary process at the earliest opportunity, having regard to the wellbeing of both the reporting student and responding student.
97. Sometimes providers are prevented from moving forward with a disciplinary process, for example because a police investigation is taking place. If this happens, it is good practice to keep reporting students and responding students updated as to any progress or indicative timeframes where these are known. Where there is an extended period of uncertainty it is important that both reporting and responding students are supported. If a partial suspension of access to facilities is prolonged, this may have a negative effect on a student's academic progress as well as on their enjoyment of their studies. Some responding students may prefer a full interruption, enabling them to take time away with a planned return date that fits with their programme of study. Responding students may benefit from access to independent advice about issues including future module offerings, student finance, visa issues, and accommodation in these circumstances.

Mediation and informal resolution

98. Mediation can be particularly helpful in resolving disputes at an early stage, provided both parties agree to try it. It can be helpful in cases where someone is unaware of the impact that their behaviour has had on another member of the provider's community. However, it will not be appropriate for the resolution of all cases of harassment and/or sexual misconduct. Mediation is unlikely to be appropriate when the reporting student has described behaviours which have already had a significant impact upon them.
99. Mediation processes must be voluntary. It is not appropriate to compel any member of the provider's community to participate in a mediation process. Providers should not draw any conclusions about the credibility or value of the information a student has supplied because they are reluctant to participate in these processes.
100. If mediation is unsuccessful, it will usually be appropriate for the provider to continue the disciplinary process at the point at which it was paused.
101. Information gathered during mediation processes is usually confidential to that process. It is not usually appropriate to include information disclosed during a mediation discussion within a subsequent formal investigatory report. It is good practice for an agreement to mediate to be drawn up in writing and signed by all parties at the outset of mediation. The agreement should set out the terms/principles of the mediation, including confidentiality.

Disciplinary procedures

Deciding whether to use the disciplinary procedure

102. When a provider has received a report about harassment and/or sexual misconduct about a member of its community it must decide whether to consider the matter under its student or staff disciplinary procedures. This decision is likely to form part of its risk assessment process.
103. Whenever a provider has received sufficient information to suggest that a particular student or member of staff may have breached its expected standards of behaviour, it should consider whether it can take action to investigate this under a disciplinary procedure regardless of the mechanism by which it received the information. Providers should not delay this consideration by requiring a reporting student to use a specific “formal report” format.
104. Providers should establish mechanisms to identify instances where a single report has not provided enough information to prompt the use of a disciplinary procedure, but where cumulative reports indicate that this may be appropriate.

Deciding not to use a disciplinary procedure

105. [Paragraphs 107 – 115](#) set out some reasons why a provider may decide not to investigate under a student disciplinary procedure or staff misconduct procedure. In circumstances where a provider is unable to undertake an investigation under its disciplinary procedures, it may still be able to take some alternative action, such as the precautionary measures outlined above; additional monitoring; or delivering training to staff and/or students in general.
106. A reporting student should be able to complain about a provider’s decision to use, or not use, its student or staff disciplinary procedures (see [paragraphs 249 - 254](#)).

The responding party is no longer a member of the community

107. It is not possible to carry out a formal investigation under a student or staff disciplinary procedure if the responding student or member of staff has left the provider. This is because there is no longer a contractual relationship between the provider and the responding individual, under which such procedures operate. In these circumstances, a provider may still be able to carry out some form of investigation and reach a conclusion about the impact on the reporting student, but it cannot make disciplinary findings.

Alternative procedures

108. In some circumstances it may be appropriate to use a [Support for Study](#) process rather than a disciplinary process. This may be a more appropriate route where a responding student’s disability or health condition may have affected their behaviour, or their ability to understand the impact of their behaviour on others. Sometimes a report might suggest that a reporting student could benefit from additional support under a Support for Study process.
109. In some circumstances it may be appropriate to use a [Fitness to Practise](#) process, if a responding student is studying towards a professionally accredited qualification or qualification in a regulated profession.

The reported behaviour is not unacceptable

110. Sometimes a reporting student may have reported a concern that does not amount to a breach of the provider's expected standards of behaviour. In these circumstances a provider can decide not to pursue a disciplinary investigation even if that is what the reporting student would like. The provider should explain its decision to the reporting student. The reporting student should be able to raise concerns about this decision, (see [paragraphs 249- 254](#) below).

Insufficient information to continue

111. A provider may decide that it cannot carry out a fair investigation process under a disciplinary procedure in response to reports that lack information about specific incidents or behaviours, are anonymous, or where the provider is unable to disclose the identity of the reporting student or details about the report to the responding student or member of staff.

The reporting student is unwilling to participate

112. A provider is not automatically prevented from carrying out an investigation under its disciplinary procedures if a reporting student does not agree to participate in that investigation. But a provider may decide that it cannot carry out a fair disciplinary investigation if the reporting student does not agree to participate in the process. Providers should give careful consideration to the views of the reporting student, especially where the reporting student perceives a risk of further harm as a result of a disciplinary investigation going ahead. It is not appropriate to place pressure on reporting students to participate in a disciplinary investigation if they do not wish to do so.
113. Reporting students may need some time after first making a report to consider whether they are willing to participate in a disciplinary investigation. So that reporting students are empowered to make an informed choice about their participation, providers should give reporting students clear information about the disciplinary process including:
- Whether a staff or student disciplinary process will be used, or another process (Support for study, Fitness to Practise)
 - Whether there are any options for early resolution such as mediation
 - How information they disclose may be used, who it will be shared with and when
 - How they will be involved in the process, for instance, whether they might be invited to appear as a witness at a disciplinary hearing. (See [paragraphs 181-194](#))
 - The support that will be available to them during the process
 - The anticipated timeframe for the process
 - The possible outcomes of the process
 - How the student can complain about the process or its outcome
 - Any limitations on how the provider can manage future interactions with the responding student or member of staff in the absence of a formal disciplinary investigation and findings.
114. Where the reporting student is not the student directly affected by the behaviour that has been reported, a provider will need to decide whether to contact that student. It may not be appropriate to do so if the report indicates that the student wishes to be anonymous or not contacted, or where contacting them could pose a risk to them. The affected student should receive the same kind of support as described for reporting students.

Police investigations

115. A provider will not usually be able to carry out an investigation under its disciplinary procedures while there is an ongoing police investigation. The provider should normally respect the right of the reporting party to decide if they wish to make a report to the police. However, there may be occasions where a provider may need to report the incident(s) to the police or take other action to safeguard its community where it has identified a serious and likely risk to someone's safety or wellbeing. Section 7 of the [Universities UK Guidance For Higher Education Institutions: How To Handle Alleged Student Misconduct Which May Also Constitute A Criminal Offence](#) can be a useful tool to help providers consider what to take into account when deciding whether or not to disclose information to the police without the reporting student's consent.

Students who are also staff

116. Some students are also employed by their provider. This may range from casual work that is not public facing, to positions of significant trust and responsibility in respect of other students including teaching, support and welfare roles. It can be appropriate to expect students who are also members of staff in positions of trust or authority to meet higher standards of behaviour than other students and to take this into account in reaching decisions under a disciplinary process.
117. Students that are also members of staff may face additional barriers to making a report of harassment or sexual misconduct. They may be concerned that making a report could in some way compromise both their student status and employment. It is important that students that are also members of staff are given appropriate advice and support and that their confidentiality is maintained. This applies to both reporting and responding parties.
118. Providers should consider the context in which the event(s) that are described in the report occurred to decide which procedure to use to carry out any investigation.
119. In some cases, it may be difficult to make clear distinctions between whether something happened in a person's capacity as a student or their capacity as a member of staff. In any event, for either reporting or responding parties, it is likely that the impact of the experience of making the report or of being reported will affect them in both capacities. Providers may need to operate their procedures flexibly or take a bespoke approach in such cases. Providers should consider the [ten core principles](#) of good practice when designing and operating bespoke processes.
120. Providers should take steps to minimise any duplication in the investigatory and fact-finding aspects of the process. It may be appropriate to consider the findings of fact reached under a student disciplinary process within a staff misconduct procedure, or vice versa.
121. It may be appropriate for providers to seek specialist advice about individuals' rights as employees, particularly where the outcome of the disciplinary process is termination of the person's student status.

Good practice in staff disciplinary processes

122. The Good Practice Framework does not directly apply to the processes a provider might follow to investigate a report about a member of staff or to staff misconduct procedures. The processes providers may follow will depend on their different legal responsibilities and employment contracts, which are beyond the scope of guidance from the OIA.

123. Where a reporting student or other student witness is interviewed, gives a written statement or gives evidence at a hearing within a staff misconduct procedure, it is good practice to explain the process that is taking place and how the student's contribution fits within it. It is good practice to allow the student to bring a supporter (see [paragraphs 172-180](#)).
124. When a report about harassment and/or misconduct results in an investigation under a staff misconduct procedure, the reporting student must be given an outcome to their report (see [paragraphs 221 - 227](#)).

Informing the responding student about the report

125. It is good practice for providers to extend a trauma-informed and student-centred approach to their interactions with responding students. Providers should treat responding students fairly and with kindness. The principles of [compassionate communication](#) can be a useful tool for providers to guide how they interact with students.
126. It will usually be appropriate to invite the student to a face-to-face meeting (either in person or online) to tell them that a report has been made about them. The invitation should explain that the provider is considering whether there is sufficient information to begin a formal investigation under its disciplinary procedures. It should give brief information about the nature of the disciplinary issue that is being considered. It should inform the student of their right to be accompanied by a supporter to the initial meeting. In some cases, where a risk has already been identified, it may be appropriate to inform the responding student about precautionary measures that are being put in place.
127. Providers have obligations to make support available to all students, including those who have been reported for unacceptable behaviour. It is good practice to support students to access wellbeing services including counselling services. It is important that responding students have someone they can talk to, especially where they may be asked not to talk to specific members of the provider's community to protect the integrity of an investigatory process (see [paragraph 150](#)).
128. Responding students may need advice and support related to other issues, such as academic, financial and accommodation concerns. This is particularly relevant where precautionary measures have been put in place which restrict or prohibit the responding student's access to the provider's physical or online spaces, or the student's studies have been interrupted completely for a defined period.
129. Providers should direct students to support services available, for example the SRB, which can provide independent support and advice on the disciplinary process and other issues. It is good practice to give students access to support and advice and, where it is not practicable to do so internally, providers should consider arranging for students to access support services at partner providers or other local community services.
130. It is good practice to hold the initial meeting promptly (within five days of the invitation to the responding student). A delay at this stage is likely to be a source of significant distress to the responding student. However, providers should be flexible if a responding student asks for more time, for example to obtain appropriate support. Providers may also take account of other events, such as significant examinations.

131. The meeting should not be conducted by the person who is supporting the reporting student or other witnesses.
132. Some students may request that no meeting is held, as a reasonable adjustment. In some other circumstances, it may prove difficult to arrange a meeting in a timely manner. Providers' procedures should operate flexibly and allow for the objectives of this meeting to be achieved via alternative routes, such as an exchange of correspondence, where a meeting is not possible.
133. Providers should clearly explain the aims and parameters of this initial meeting to the responding student. The meeting should not be part of the investigation process. It should be primarily focused on informing the student about the report and providing support.
134. The meeting should achieve the following objectives:
 - a. Set out what has prompted the provider to begin taking action under its disciplinary procedures, or what will happen if there is ongoing police or court action related to the report.
 - b. Explain what the process will be. This should include when the student will have an opportunity to receive more information about the behavioural concerns; when they will be able to make a response; what will happen if the student accepts that their behaviour has fallen short of the expected standards; who is expected to carry out an investigation.
 - c. Set out any precautionary measures that have already been identified.
 - d. Explain possible outcomes from the process.
 - e. Direct the student to sources of support.
 - f. In some cases, explore whether it is possible to resolve the issue through mediation.
135. It is not usually necessary to make a verbatim record of what is said in this initial meeting. It is good practice for the member of staff having the discussion to make a note of the main points discussed and to share this note with the student. This is also an opportunity to remind the student of the support that is available to them.
136. Following the meeting, providers should decide what steps to take next. Actions may include one or more of the following:
 - a. Revisiting the risk assessment in the light of new information obtained, which may involve amending any precautionary measures in place.
 - b. Making arrangements for mediation where the reporting and responding parties are content to attempt to resolve the matter this way.
 - c. Confirming to the responding student that there is insufficient information to begin a formal disciplinary investigation and that the matter is closed (see [paragraphs 219](#) onwards).
 - d. Confirming to the responding student that there is sufficient information to begin a formal disciplinary investigation and beginning the investigation stage.
 - e. Moving directly to a disciplinary outcome where the responding student admits that they breached the expected standards of behaviour as reported (see [paragraphs 167- 170](#)).
 - f. Providing an update to the reporting student.

Carrying out a formal student disciplinary investigation

Appointing the investigator

137. Where the provider decides to carry out a student disciplinary investigation, it should appoint an investigator as soon as possible. The investigator should be trained in how to gather and evaluate information in a trauma-informed and student-centred way.
138. In accordance with the principle of fairness, the investigator appointed should not have been involved previously in the matters being considered in a student's case. This means that the investigator should not be the person who received the reporting student's report, or a person nominated to give support to either the reporting student, the responding student or witnesses. If mediation has been attempted but was unsuccessful, the person who led the mediation should not take part in the disciplinary process.
139. It is good practice to give the reporting student and responding student an opportunity to raise concerns about the individual appointed as the investigator as early as possible, before any confidential information is shared. This enables the provider to consider whether either student has a reasonable basis for any concerns raised and address any actual or reasonable perceptions of bias. This also helps to give students some agency and confidence in the investigation process (see [Good Practice Framework - Bias and the perception of bias](#)).
140. In most cases it will be appropriate and reasonable for a provider to appoint an internal staff member to conduct the investigation.
141. Providers may decide to appoint an external company/investigator, to carry out the investigation on its behalf. This can be beneficial to increase a provider's capacity or access to expertise. Where a provider chooses to do this, it retains overall responsibility for the process followed and any decisions made.
142. Providers may wish to consider arrangements to use resources within existing partnership arrangements or setting up partnerships with other providers explicitly to offer each other access to independent additional resources.

Gathering information

143. Investigators will not have the same access to resources as those conducting criminal investigations. Providers cannot compel individuals to cooperate in investigations or provide evidence, but they should do all they can to obtain as much relevant information as possible. This may include:
 - a. Interviewing the reporting student.
 - b. (Where this is different) interviewing other individuals who directly experienced the behaviour.
 - c. Interviewing the responding student.
 - d. Interviewing or requesting information from relevant witnesses.
 - e. Requesting relevant evidence from reporting students, responding staff and students and witnesses, which could include, for instance, emails, messages or social media posts.
 - f. Obtaining/securing any relevant CCTV footage (where a reported incident took place on

property owned by the provider). This may include taking swift action to secure the footage to avoid it being deleted in line with normal data retention policies.

- g. Seeking information from relevant technical experts (for example, gathering information from a provider's IT support function about activity that took place on its own IT system).
- 144. The process followed at the investigation stage will, to some extent, be governed by the reporting process and the level of detail that the reporting student chose to share during that process.
 - 145. Investigators will need to take a flexible approach to the information gathering process and be responsive to the preferences of the reporting and responding students and students who are witnesses about formats that work for them. Investigators will also need to consider whether to make reasonable adjustments to the information gathering process to take account of the individual needs of students.
 - 146. It is good practice to provide students with notice of formal interviews including details about who will be present. It is good practice to supply written information in advance about the process that is being followed and to remind students of the support that is available to them.
 - 147. Providers will need to think carefully about how much information to provide to the responding student in advance of any interview. Responding students must be given enough information to enable them to understand what behaviour has been reported as being unacceptable, and to understand when and where the incidents are described as having taken place. However, to ensure a fair investigation, it may be helpful in some circumstances to allow a responding student a first opportunity to present their account before sharing all the details supplied by the reporting student or gathered from other sources. A responding student may be placed at a disadvantage by focusing only on responding to what the report includes and may therefore not present other relevant information that is not yet known to the investigator.
 - 148. Any student may wish to be accompanied to an interview by a supporter and this should be permitted (see [paragraphs 172-180](#)).
 - 149. It is usually appropriate for providers to interview students involved in the investigatory process, including witnesses, separately from each other. This helps providers to control how much confidential information is shared with each student.
 - 150. Any student involved in the investigatory process should be asked not to discuss the content of the interviews or of their written information with other people involved in the process or with other members of the provider's community in general. Providers may also ask students not to disseminate information using social media before a conclusion has been reached. It can be helpful to explain to students why a lack of confidentiality can undermine the quality of the evidence and make it harder to reach conclusions. It is good practice to remind students about the support services they are still able to talk to about their own wellbeing.
 - 151. Investigators must approach gathering information from a position of neutrality, and endeavour to take an exploratory approach rather than an adversarial or interrogative one. When investigators ask students questions, it can be helpful to explain why the question is relevant, particularly where a question may seem insensitive or open to misinterpretation.

152. It is good practice to provide any person who is interviewed with a note of the meeting, but it will not normally need to be a full transcript. It is also good practice to provide the person with an opportunity to add any points of clarification to the meeting note.

Additional reports

New reports for the same responding student

153. During the investigation process, students may report additional incidents of behaviours that could be harassment or sexual misconduct. The investigator will need to decide whether these are matters that can be considered within the same investigatory process, or whether they should be considered separately. In making this decision, investigators should take into account:
- a. How closely related the incidents are, for example, whether they involve the same people, whether they took place within a short space of time, whether they might form a pattern or repeated behaviour.
 - b. Whether adding a new area for investigation would significantly delay being able to reach a conclusion on the matters already in hand.
 - c. The impact on reporting and responding parties of running two separate processes concurrently or consecutively.
 - d. Whether the provider has sufficient trained staff resource to run a second investigatory process entirely separately from the first process.

Counter reports

154. During the investigation, responding students (or staff) may raise counter reports against the reporting students. Providers will need to respond to the new reports, in terms of considering the student's welfare and support needs, evaluating risks and identifying any new or additional precautionary measures that may be appropriate.
155. Providers should not assume that a report made by a responding student is purely retaliatory nor that a report is more likely to be true because it was made first.
156. Providers should decide how to investigate counter reports and whether to open a disciplinary process against another student or member of staff on a case-by-case basis.
157. Providers may decide to:
- a. Investigate all the reports concurrently, leading to separate disciplinary hearings
 - b. Investigate all the reports concurrently, leading to a customised joint disciplinary hearing
 - c. Complete the first investigation and disciplinary process before investigating the new reports
 - d. Pause the first investigation and disciplinary process in order to investigate the new reports
158. In deciding what approach to take, providers may consider prioritising:
- a. Investigation into the most serious behaviours
 - b. Investigation of any behaviours which may raise fitness to practise concerns for students or staff
 - c. Investigation of the behaviour of students with limited time left in their studies.

159. Providers should also be mindful of the principle of minimising the need for students to repeat difficult information.
160. It may be possible for the same investigator to gather information and evidence about the reports made by the different students. This is likely to reduce the impact on all students of having to repeat themselves. Provided the investigator has carried out the investigation in a fair, open-minded way and has not expressed conclusions about what may have happened, this would not automatically give rise to a reasonable perception of bias.

Victimisation

161. Victimisation is a term used to describe when a responding student or member of staff treats a reporting student poorly because they have made a report. It is usually appropriate to consider any reports about victimisation within the same disciplinary process. Reporting students should be given clear information about how to notify the provider about any victimisation they have experienced.

Concluding the investigation stage

162. Investigators will need to exercise judgment to decide when enough information has been gathered. Investigators must carefully balance the need to minimise the number of times either reporting or responding students are asked to describe what has happened, with the need to explore any gaps or contradictions in the information that has been gathered.
163. It is good practice for investigators to prepare a report summarising the information that has been gathered in a neutral way. It may identify any broad areas of agreement as to what happened. The report may state in factual terms where there are gaps or contradictions in the information gathered, and where there is evidence which appears to support the reporting and/or responding student's accounts. The report may draw attention to the quality of information, for example, whether it was obtained close to the time of the incident(s) described, whether it could have been amended or edited.
164. Providers may operate a process where the person carrying out the investigation does not have responsibility to decide what should happen next. This may be appropriate where the provider has appointed an external investigator. In these cases, it is important that the investigation report does not appear to make findings. The report may include recommendations for the decision-maker to consider.
165. The investigation report should be in a form that can be shared in full with the responding student.
166. The investigation report should normally reach one of the following conclusions:
 - a. That there is not enough evidence to indicate that the responding student's behaviour fell short of the expected standards and the matter is closed (see [paragraphs 219](#) onwards).
 - b. That the responding student has admitted to or accepted that their behaviour fell short of the expected standards as reported; or that the facts of the case have been established, such that a full disciplinary panel hearing would be disproportionate; and that the provider can consider what actions, including penalties, are now appropriate without a disciplinary panel hearing (see [paragraphs 167 - 170](#)).

- c. The case should proceed to a full disciplinary panel hearing.

Taking action without proceeding to a full disciplinary hearing

- 167. There may be occasions where it is appropriate for a provider to conclude a disciplinary case and apply a penalty, without the need to proceed to a formal disciplinary panel hearing.
- 168. Where a responding student accepts that their behaviour fell short of the expected standards, providers should take care to ensure that the student fully understands what they are admitting to. Providers must also give responding students the opportunity to provide details of any mitigation. It is important to ensure that the responding student is fully aware of the consequences of accepting that their behaviour fell short of the expected standards without the benefit of a hearing. For example, the student should be told whether and how this will be recorded on their student record, and whether it will be taken into account in future disciplinary or fitness to practise proceedings.
- 169. In our [**Good Practice Framework: Disciplinary Procedures**](#) (paragraphs 109-114), we explain that many providers give specific staff roles the power to take decisions regarding minor disciplinary cases at a local level. Such an approach gives providers the flexibility to deal with cases in a prompt and proportionate way. But providers should exercise caution when applying this approach to cases related to harassment and sexual misconduct.
- 170. Providers should always give responding students the option to have their case considered by a formal appeal panel, if they disagree with a finding or penalty applied without a hearing at this stage.

Holding a disciplinary hearing

171. Paragraphs 138–146 of our [Good Practice Framework: Disciplinary Procedures](#) provides advice on arranging and holding student disciplinary hearings. In the following paragraphs we provide some additional information on good practice specific to disciplinary hearings related to reports of harassment and/or sexual misconduct.

Support and representation

172. Disciplinary procedures are internal to a provider and should not be unduly formal. It should not be necessary for reporting students or responding students to access specialist support to understand the process that is being followed, the decisions the provider has taken and the reasons for those decisions.
173. Students who have access to well-trained and -resourced student support services, or SRBs, such as students' unions and associations, will not normally need to seek legal advice or representation, although they may wish to in serious cases. Providers should allow support from a legally qualified person for the responding student in complex disciplinary cases, or where the consequences for the student are potentially very serious.
174. It is not usually necessary or appropriate for any student attending a disciplinary hearing as a witness, including the reporting student, to have legal representation. This is because, in a disciplinary process, the provider, not the reporting student, is taking action against the responding student.
175. It is not good practice to impose narrow limitations on who may act as a student's supporter. Given the sensitive nature of these issues, it is important that students feel comfortable with the person they have chosen to support them.
176. Any student participating in an investigation meeting or disciplinary hearing may wish to be accompanied by a supporter and it is good practice to allow this. The role of a supporter could include:
- Offering a reassuring presence in the meeting.
 - Monitoring the wellbeing of the student and advocating for their needs regarding the conduct of the meeting, for example, asking for a break if a student has become upset.
 - Ensuring that the student has understood the questions put to them or information given to them and encouraging the student to ask for further explanations as necessary.
 - Listening and taking notes of the meeting on behalf of the student, to enable the student to focus on the content of the discussion.
 - Reminding a student about points they had intended to raise and ensuring that the student has had an opportunity to explain their experience fully.
177. It is usually reasonable for providers to expect student witnesses and responding students to answer questions themselves. It is not usually the role of a supporter to answer questions on behalf of a student. But providers should allow for some flexibility, taking account of the level of distress a student may be experiencing. It may also be appropriate for a supporter to take a more active role as a reasonable adjustment for a disabled student.

178. It is not the role of a supporter to offer their own viewpoint about what has taken place.
179. It is not the role of a supporter to undertake a cross-examination of any other person involved in the meeting or hearing.
180. It is good practice for providers to provide guidance for supporters about the role they are undertaking. For example, supporters should be reminded of the need to respect the confidentiality of the process. If a supporter persistently strays outside their role or if their behaviour becomes a cause for concern, Chairs should be empowered to halt proceedings and remove the supporter from further involvement with the process. In these rare cases, it may be necessary to allow the student additional time to find another supporter.

Witness attendance

181. The purpose of a witness attending a hearing is to enable the decision-makers to explore the information they have provided in greater depth. It is particularly beneficial when there are gaps, inconsistencies or conflicts in the information that has been gathered during the investigation phase. It is the responsibility of the Chair of the disciplinary panel to decide which witnesses identified during the investigation should be asked to attend the disciplinary hearing.
182. It may not be necessary to require witnesses to attend in person (or online) where the information they have provided is not in dispute or where it is not directly relevant to the specific breach of discipline being considered.
183. If the Chair decides not to ask a witness to attend, it is good practice to give the responding student an opportunity to object to this decision, before the hearing takes place.
184. It is good practice to give students who may attend a disciplinary panel guidance about what to expect. For example, to explain the format of the disciplinary hearing, how their wellbeing will be taken into account during that process and the need for confidentiality. It is not usually appropriate for individual attendees to make recordings of disciplinary panels.
185. It is the responsibility of the provider to communicate with witnesses about their attendance at a disciplinary hearing. It is not the responsibility of reporting or responding students to coordinate attendance by other members of the provider's community.
186. It will usually be relevant to ask the reporting student to attend the disciplinary hearing to give their evidence.
187. Providers cannot compel any witness to attend a disciplinary hearing. But they should explain to a student witness (including reporting students or other students directly affected by the behaviour being considered) the possible impact of deciding not to attend the disciplinary hearing. This may affect the weight a decision-maker can place on the information that has been provided previously, because they have not been able to explore it fully.
188. Providers should operate a flexible process to enable students to attend and participate in disciplinary hearings. For example, panels may use some online attendance to ensure that the reporting student and responding student are not in the same room.
189. For the responding student, it is essential that they can challenge and question the evidence against them. But this does not mean that they must be allowed to put questions directly to any

witness, including the reporting student. It will usually be appropriate for responding students to put their questions to the Chair of the panel. The Chair is responsible for deciding whether and when to ask the witness to answer the question. Responding students may also be asked to provide their proposed questions in advance to the Chair of the Panel. The Chair should document a brief rationale if they require questions to be modified before asking them or if they decide not to ask them at all.

190. Where a witness doesn't attend a panel hearing, the provider should think carefully about how the panel and the responding student can still be given an opportunity to test their evidence.
191. The responding student should be told in advance whether witnesses will be attending. And if the reporting student(s) is not attending, the responding student should be given the opportunity to submit questions to the Chair, which may be put to the reporting student in advance of the hearing.
192. The circumstances in which a responding student should not be permitted to hear all the evidence presented by other people to the disciplinary panel are likely to be very limited. Decision-makers should document their reasons for accepting any information that cannot be directly shared with the responding student, and record the steps they have taken to ensure that the responding student's right to a fair process has not been compromised.
193. It will not usually be appropriate for a reporting student or other witnesses in a disciplinary process to continue to be present at a disciplinary hearing after they have given their evidence. Sometimes the panel may have further questions for any witness arising from what the responding student or another witness says to the panel. It is good practice to operate a flexible process that enables the panel to ask witnesses for additional information, in person or in writing, before it reaches a decision.
194. Panel members should be aware that attending a disciplinary hearing can be distressing for the reporting student, responding student and other witnesses. Providers should train panel members/ Chairs of Panels to ask questions in an open way which provides each person with a fair opportunity to describe their own experience.

Role of the Panel

195. It is the provider's responsibility to ensure that its decision-makers have sufficient understanding of the extent and limits of their role, and of the legal and procedural framework that it operates within. It is not the role of either the reporting or responding students, or their representatives, to inform decision-makers about key legal principles. No student should require legal representation to be assured that the provider has a sound understanding of procedural fairness and of the frameworks within which a decision is made.
196. Providers may decide to supplement the knowledge of individual panel members by including a function which provides specialist procedural and legal advice to its decision-makers but which does not participate in the decision-making process.

Burden and standard of proof

197. As set out above ([paragraphs 70-71](#)), when a student tells a provider about a report of harassment or sexual misconduct, the person receiving the student's initial report should accept the report at

face value and provide support to the reporting student on this basis. It is important that reporting students feel heard and believed.

198. But providers must balance this with the need to ensure that the correct burden and standard of proof is applied in any subsequent disciplinary procedures.
199. The “burden of proof” determines whose responsibility it is to prove an issue. In a disciplinary case the burden of proof is on the provider, that is, the provider must prove that the responding student has done what they are accused of doing. It is not the responding student’s responsibility to disprove the report.
200. There is an inherent tension in believing what a reporting student says, but not beginning a disciplinary process with any presumption that unacceptable behaviour has taken place. To avoid a perception of bias, providers should not allow any individual who responded to the initial report or who provided support to the reporting student to carry out the subsequent investigation or to function as a decision-maker within the disciplinary process.
201. It is not appropriate for provider’s internal disciplinary processes to apply a criminal standard of proof, that is, “beyond all reasonable doubt”. Providers should apply a civil standard of proof, “on the balance of probabilities”. Although the threshold is lower than in criminal cases, providers must still have a sound evidential basis for deciding that the standard has been met. It is not enough to say that it is possible that an event or incident occurred. To conclude that a student has breached its regulations, a provider must be able to explain why it believes that it is more likely than not that the event or incident occurred and why this was a breach.

Evaluating information from witnesses

202. Often in cases about harassment and sexual misconduct, something took place that was not witnessed directly by anyone except the reporting student and the responding student. This will often mean that decision-makers must consider the credibility of each student.
203. It is good practice to train decision-makers to evaluate the credibility of witnesses.
204. People instinctively and habitually rely on a range of unspoken cues in another person’s behaviour to assess whether that person is truthful, including their body language, mannerisms and choice of vocabulary. Some of these habitual responses are not helpful in the context of a disciplinary hearing concerning harassment and sexual misconduct.
205. It is important not to make assumptions about how a person who has experienced harassment or sexual misconduct would behave; at the time of the event, immediately afterwards, and subsequently. Specialist training can help decision-makers to understand why a reporting student may not come forward for some time; why they may have continued to interact with the responding person; why and how trauma affects the formation of memory and can result in a reporting student’s narrative changing over time.
206. Panel members will also benefit from training about how different conditions or disabilities may affect how students present themselves in person or in writing. Indicators such as maintaining eye contact or displaying visual indicators of a particular emotional state may not be reliable indicators of credibility.

207. Panel members will also benefit from cultural awareness training. For example, some groups of students may have different approaches to conflict or different levels of confidence in challenging perceived figures of authority. This kind of training may also help panels to understand how and why some behaviours can have a more significant impact on different groups of students.

Impact statements

208. Reporting students and other witnesses may have described the impact of the behaviour upon them. This may be intertwined with the information they gave about the events or may be given separately. For some reporting students and witnesses, it can be helpful to articulate the impact, and to have this impact acknowledged by the provider. This can help providers to identify the kinds of support that the student may find most helpful.
209. Some reporting students or other witnesses may want the responding student or member of staff to be made aware of the impact that their actions had. This can offer the reporting student and other witnesses some form of resolution. It also provides a learning opportunity for the responding student or member of staff.
210. Other reporting students and other witnesses may not want the responding student to be made aware of the impact that their action had. It will not be appropriate to share this information without the reporting student's or other witnesses' consent. Where information about impact is material to the decision-making on the reported behaviour being considered, decision-makers should document their reasons for accepting any information that cannot be directly shared with the responding student, and record the steps they have taken to ensure that the responding student's right to a fair process has not been compromised (see [paragraph 146](#)). This might include agreeing a summarised version of the impact statement that the reporting student or witness gives consent to be shared.
211. Impact statements should primarily be used as a tool for supporting the reporting student towards resolution, rather than as evidence within the disciplinary process. Providers should exercise caution in how impact statements are used in reaching decisions about whether harassment or sexual misconduct took place. Reporting students and witnesses will have unique responses to what they have experienced. The impact on some students may appear to be obvious, but others may be less so. There is no set timeframe in which an impact will be felt by someone who has experienced harassment or sexual misconduct. Just because a reporting student appears to have "carried on as normal" is not compelling evidence that harassment or sexual misconduct did not take place. Equally, significant changes in a reporting student's behaviour may indicate that a student has experienced something very difficult, but this may not prove that the specific breach of discipline took place as described. Providers should carefully explain how decision-makers have evaluated evidence about impact.
212. Information about impact can be helpful to providers to identify whether it is appropriate to continue any restrictions on the responding student as part of a penalty. But providers should exercise caution in taking impact into account as a measure of the severity of the disciplinary breach. Providers have a responsibility to apply disciplinary penalties in a consistent manner. Identifying an appropriate penalty must not rely upon the ability of a reporting student or other witness to communicate the impact that they have experienced.

Selecting a penalty

213. It is common practice to apply a penalty when a student has been found to have breached the provider's code of conduct or standards of behaviour. Providers usually have a range of penalties that may include both educative and punitive elements.
214. When selecting a penalty, providers should take account of both mitigating and aggravating factors.
215. Mitigating factors could include information about the responding student's health or other personal circumstances that affected their behaviour or ability to reflect on their behaviour; information about the responding student's intentions where there was clearly no intention to cause harm; information about the responding student's behaviour since they were first informed of the concerns, including any acceptance of responsibility, expression of regret and understanding of the impact of the behaviour, compliance with precautionary measures.
216. Aggravating factors could include information about previous breaches of the provider's standards of behaviour or other disciplinary breach; information about the responding student's behaviour since they were first informed of the concerns including any unreasonable denial of responsibility, unreasonable refusal to engage in training or self-reflection, any breaches of precautionary measures, or continued unacceptable behaviour. It will normally be appropriate to consider any further instances of poor behaviour that take place during the disciplinary process, including victimisation, as a separate breach of the expected standards. It is likely to be appropriate to apply a more serious penalty where there have been multiple breaches of the expected standards.
217. It is good practice for decision-makers to consider all the penalties available to the provider, beginning with the least severe. Decision-makers should record why they have selected a penalty. It is good practice to record why lesser penalties were not considered to be appropriate. (See also our [Good Practice Framework: Disciplinary procedures](#) paragraphs 149 – 153.)
218. It is usually appropriate to consider any failure to comply with a disciplinary penalty as a further breach of the provider's code of conduct or expected standards of behaviour. It is likely to be proportionate to follow an expedited disciplinary process to consider the consequences of not complying with a penalty. Responding students should be provided with an opportunity to explain the non-compliance within that process.

Concluding the disciplinary process

Informing the responding student

219. At the end of a student disciplinary process, the providers should follow the advice set in our [Good Practice Framework: Disciplinary procedures](#) (paragraph 156 onwards) for concluding non-academic disciplinary procedures. Providers should set out the outcome of the disciplinary process to the responding student in writing. Providers should clearly set out:
- How a decision has been reached including an explanation of how evidence has been weighed. It is helpful to explain how the decision-makers considered all the evidence, including acknowledging any evidence that did not support the decision that was reached.
 - Clear reasons for any penalty selected, including how any mitigating factors or aggravating factors have been considered.
 - Where and how to access ongoing support that is available to the student.
 - The student's right to appeal the decision, including information on how and when to submit an appeal.

Revisiting the risk assessment

220. It is good practice to revisit the risk assessment and consider how the outcome of a student or staff disciplinary process may have altered the risks that have been identified and the measures that the provider needs to put in place to mitigate these risks.

Informing the reporting student

221. Unless a reporting student says they wish to remain anonymous or do not want to be kept informed, it is good practice to inform the reporting student when a disciplinary process has been completed and what the outcomes of that process are. Giving a reporting student a formal outcome to their report is a powerful way providers can demonstrate the importance they place on addressing unacceptable behaviour.
222. This applies to the outcomes of both student and staff disciplinary procedures. Given the imbalance of power inherent in a student making a report of harassment or sexual misconduct against a member of staff, it is particularly important the students can have confidence in the fairness of the processes and the value of making a report.
223. Providers registered with the OfS, or those working in partnership with registered providers should be mindful of Regulation E6.11.n.viii which requires that "persons directly affected by any decisions made in respect of incidents of harassment and/or sexual misconduct are directly informed about the decisions and the reasons for them." Providers that operate staff or student processes that promise responding parties complete confidentiality of outcomes are unlikely to comply with this requirement.
224. Providers must balance the need to provide an outcome to the reporting student with the privacy rights of the responding student or responding member of staff. It may also be relevant to consider the privacy rights of other witnesses.

225. Data protection legislation does not completely prevent providers from sharing information in these circumstances. In deciding what information to share, providers should consider the practical guidance provided in [UUK's Changing the culture: sharing personal data in harassment cases](#). This guidance offers practical recommendations to providers for approaching decisions to share personal data in relation to harassment cases. It is also relevant to consider for cases of sexual misconduct. The guidance particularly focuses on the sharing of information about outcomes and penalties and provides a framework to support providers in their decision-making process, taking account of legal, regulatory, policy and wellbeing reasons for sharing data.
226. It is good practice to document reasons for deciding what information can or can't be shared. It is good practice for providers to consider including at least the following information:
- a. What steps were taken to investigate the report
 - b. A summary or high-level description of the evidence made available to the decision-maker(s), or a copy of that evidence
 - c. Who made the decision(s)
 - d. What measures may be put in place to prevent the issue that led to the report happening again
 - e. If the behaviour is found to have had an adverse impact on the reporting student, a remedy for that impact
 - f. The availability of ongoing support
 - g. The right to make a complaint about how the report has been addressed.
227. It is good practice to explain to the reporting student that the responding student has a right of appeal against the disciplinary outcome, and to explain any corresponding process that may apply to staff disciplinary cases.

The right of appeal for the responding student

228. Paragraphs 160 – 164 of our [Good Practice Framework: Disciplinary Procedures](#) gives advice on dealing with the appeal stage of student disciplinary procedures. Only the responding student has a right of appeal against the outcome of their disciplinary process.
229. When a student or a member of staff appeals the outcome to their disciplinary procedures, the provider should think carefully about how it keeps the reporting student informed. It is good practice to inform the reporting student that the responding student or member of staff has submitted an appeal against the disciplinary outcome, and to explain the next steps in the process. This is particularly relevant where there is a possibility that the reporting student may be asked for more information about their report during the provider's consideration of the appeal. It is important to continue to offer support to the reporting student during the appeal process.
230. It is good practice to address an appeal swiftly. Prolonged uncertainty about the final outcome of the process is likely to be distressing for both reporting and responding students. In the event that it is necessary to gather additional information, it will usually be beneficial to do this as soon as possible. Where a penalty has been applied that prevents a student from fully engaging with their studies, a drawn-out appeal process may place them at a further disadvantage.
231. It is good practice to set a deadline for responding students to make an appeal against the outcome of a disciplinary process. The deadline should allow the responding student sufficient

time to understand the decision and to obtain advice. Providers should apply the deadline flexibly where students present good reasons for a delay.

232. It is not necessary to issue a Completion of Procedures (COP) Letter to responding students who do not exercise their right to appeal. If a student requests a COP Letter without making an appeal, providers should refer to the [OIA's guidance about COP Letters](#).
233. If a responding student makes an appeal after the deadline and the provider decides not to accept it, it should issue a COP Letter explaining that the appeal was made out of time. Where relevant, the letter should explain why the student's reasons for making the appeal late were not accepted.
234. It is good practice to specify grounds for appeal. Disagreement with the decision that has been reached will not usually be enough to establish grounds for an appeal to proceed.
235. When an appeal is received, providers should first consider whether the appeal falls within the permitted grounds. Where an appeal submission is unclear or does not appear to meet any of the grounds, providers may decide to offer the student the opportunity to amend their appeal or further explain their concerns. If the provider decides that the appeal should not be taken forward, it should issue a COP Letter.
236. It will usually be appropriate to continue to apply any penalty or other arrangements that have been put in place to manage a student's behaviour or contact with other members of the provider's community while an appeal is ongoing. Providers should consider whether the information provided in an appeal indicates any additional need for support for the responding student, or whether any change should be made to its risk assessment.
237. The decision on the appeal should not be made by any individual that had previous involvement in the disciplinary process, including providing support to the reporting or responding students, carrying out the investigation, or deciding if misconduct took place.
238. Providers must make a judgment as to what process is proportionate to respond to an appeal. Options include:
- a. A paper-based review
 - b. Activity to gather additional information in the form of interviews or written statements
 - c. A hearing in front of an appeal panel. A hearing of an appeal panel is likely to be appropriate in cases where the responding student did not have an opportunity to appear before a disciplinary panel (see [paragraphs 167-170](#)).
239. Procedures should clearly set out the remit of the appeal decision-maker. The procedures should explain what will happen if an appeal is upheld. Providers may find it more practical to operate a process that allows decision-makers at an appeal stage to set aside the decision of the disciplinary panel and also to reach new findings on the disciplinary matters. This approach is likely to be less resource intensive for the provider, and less demanding and stressful for both reporting and responding parties.
240. However, it may be more appropriate to convene a fresh disciplinary hearing if an appeal indicates that the first process was so flawed that a responding student has not yet had a fair opportunity to understand and respond to the evidence that has been gathered.

241. When the provider sets aside the previous decision and holds a fresh disciplinary hearing, it will usually be appropriate to give the responding student the right of appeal against the new decision.
242. At the conclusion of the appeal, the provider may:
- Reject the appeal and maintain its previous disciplinary decision.
 - Uphold the appeal in part or in full, amend its disciplinary decision and amend any penalties that have been applied.
 - Uphold the appeal in part or in full, overturn its disciplinary decision and withdraw any penalties that have been applied.
243. In the event that an appeal is upheld in part or in full it may be appropriate for the provider to consider whether the responding student should be offered any other remedy for the error. This will be particularly appropriate where the appeal is upheld because of bias or a serious procedural error that was avoidable.
244. At the end of the appeal process, the provider should revisit the risk assessment and consider how the outcome of the appeal may have altered the risks that have been identified and the measures that the provider needs to put in place to mitigate these risks.
245. Providers should inform the reporting student about the outcome of any appeal.

Supporting the responding student at the end of the process

246. Where a responding student is not permitted to continue with their studies or is required to interrupt their studies for a defined period as an outcome to the disciplinary process, it is good practice to support them to access wellbeing services including counselling services for a limited period. Responding students may also need advice and support on other related issues, such as academic, financial and accommodation concerns.
247. Where a responding student is permitted to continue with their studies, they may need additional support to resume their studies after any period of interruption. Providers should consider ways to minimise administrative and emotional burden, for example by allowing students to submit requests for additional consideration of their circumstances without requiring detailed supporting evidence. Similar considerations apply for reporting students (see [paragraphs 79-83](#)).
248. If a responding student is involved in further formal procedures, including academic appeal, complaint, disciplinary or fitness to practise or study processes, care should be taken to manage any perception of bias that could arise if individuals involved in the disciplinary process are involved.

The route of complaint for the reporting student

249. Providers should set out clearly how a reporting student can raise concerns about the outcome of their report about the behaviour of another student or member of staff. It is unusual to allow a reporting student to make an appeal that directly challenges the outcome or penalty applied to another student or member of staff through a disciplinary procedure. But it is good practice to allow a reporting student to make a complaint about the way they have been supported since making a report or the outcomes of the process.

250. Typical grounds for complaint might include:
- a. Concerns about the fairness of the procedures followed to investigate the report, including bias or a reasonable perception of bias.
 - b. Concerns about whether the actions taken to support the reporting student during the process were reasonable.
 - c. Concerns about whether arrangements that have been put in place to continue to support the reporting student are reasonable.
251. The reporting student's complaint should be considered by someone who has not participated in the investigation or the disciplinary process.
252. It is good practice to keep a trauma-informed approach in mind when considering the reporting student's complaint. It is unlikely to be proportionate to conduct a full three-stage complaint process to explore the concerns raised. Providers can use their discretion to consider the complaint at the review stage of its formal complaints procedure, in some circumstances without the need to involve a full complaints panel. This will help minimise the need for the reporting student to give their account of events multiple times through separate processes.
253. It may be necessary to use interviews and written statements where appropriate. Particularly if the concerns related to bias or evidence not gathered, which may lead to a provider considering to re-open a disciplinary process.
254. At the end of the process, the provider should issue the student who made the complaint with a COP Letter. Where a provider has identified shortcomings in the way it handled the reporting student's complaint, it should think about how to put that right.

Learning from reports and complaints

255. It is good practice for providers to learn from harassment and sexual misconduct reports and complaints by collecting data and monitoring trends. This may assist in identifying and informing any preventative and educational needs around harassment and sexual misconduct matters in the provider's community. It is good practice for providers to share this learning with teaching, research and support staff working collaboratively with students and SRBs (and partner providers where appropriate) to improve their processes.
256. For providers registered with the OfS, condition E6 also places requirements on OfS registered providers to take action to protect students from harassment and sexual misconduct and signals the need to collect, monitor and publish data where this is likely to inform effective action to protect students from behaviour that may amount to harassment and or sexual misconduct.
257. (At the time of writing, this condition is subject to public consultation): Providers registered with Medr must conduct an annual self-evaluation about staff and learner welfare, which must include evaluation of the effectiveness of policies, procedures and support services for the promotion and support for learner and staff safety, including freedom from harassment, misconduct, violence (including sexual violence) and hate crime.

Useful resources

- Addressing Sexual Violence in Higher Education: A Good Practice Guide, Clarissa J Humphreys and Graham J Towl
- ARC, Compassionate Communications in Higher Education
<https://arc.ac.uk/student-commitment>
- Government Legislation, Equality Act 2010
<https://www.legislation.gov.uk/ukpga/2010/15/section/26>
- Government Legislation, Higher Education (Freedom of Speech) Act 2023
<https://www.legislation.gov.uk/ukpga/2023/16/2025-08-01>
- Government Legislation, Protection from Harassment Act 1997
<https://www.legislation.gov.uk/ukpga/1997/40/section/1>
- OfS, Condition E6: Harassment and sexual misconduct
<https://www.officeforstudents.org.uk/for-providers/student-protection-and-support/harassment-and-sexual-misconduct/condition-e6-harassment-and-sexual-misconduct/>
- OIA Good Practice Framework
<https://www.oiahe.org.uk/resources-and-publications/good-practice-framework/>
- Report + Support: bespoke system created by Culture Shift
<https://docs.culture-shift.co.uk/user-guide/>
- The 1752 Group: Addressing harassment and sexual misconduct experienced by postgraduate researchers (toolkit)
<https://1752group.com/pgrs/>
- Universities UK Guidance For Higher Education Institutions: How To handle alleged student misconduct which may also constitute a criminal offence
<https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2021-07/guidance-for-higher-education-institutions.pdf>
- Universities UK Supplemental Note: How to handle alleged student misconduct: case studies
<https://www.universitiesuk.ac.uk/sites/default/files/field/downloads/2024-03/alleged-student-misconduct-2024-case-studies.pdf>
- Universities UK Guidance, Tackling Harassment, Changing the Culture: sharing personal data in harassment cases
<https://www.universitiesuk.ac.uk/what-we-do/policy-and-research/publications/features/tackling-harassment/changing-culture-sharing-personal-data>

Response form questions

To respond to the consultation, you can fill in the [form online](#), or [download a form](#) and email your response to consultation@oiahe.org.uk.

General

- This section focuses on giving good practice guidance for providers in designing and operating procedures to respond to reports about harassment of any kind, and sexual misconduct. It includes guidance on:
 - good practice when receiving, investigating and responding to reports about harassment and/or sexual misconduct; and
 - disciplinary procedures for dealing with students accused of harassment and/or sexual misconduct.

The structure aims both to give an overview of good practice and to make it easy for readers to find the guidance that is relevant to the context of a particular circumstance.

Is the structure of the section helpful? If not, what would you find more helpful?

Comments under sub-headings

- **Language we have used in the good practice framework** (Any comments)
- We are particularly interested in views about the use of “report” to include both informal disclosures and more formal reports. Please comment on whether this affects the clarity of our guidance
- **Establishing an appropriate environment for study** (Any comments)
- Is the explanation about considerations that apply to regulated providers clear and helpful? (Any comments)
- **Delivering learning opportunities with others** (Any comments)
- What additional information would be helpful about the considerations that apply when responding to reports from students in partnership arrangements? Please include any examples you have of good practice in your current operations
- **Working with student representative bodies** (Any comments)
- **Establishing an appropriate environment for study** (Any comments)
- **Making a report** (Any comments)
- **The initial response to a report** (Any comments)
- **Risk assessment and precautionary measures** (Any comments)
- **Mediation and informal resolution** (Any comments)
- **Deciding whether to use a disciplinary procedure** (Any comments)

- **Carrying out a formal student disciplinary investigation** (Any comments)
- **Holding a disciplinary hearing** (Any comments)
- **Concluding the disciplinary process** (Any comments)
- It is important that providers respond to student's complaints in a timely way. This is usually within 90 days of receipt of a formal complaint, including any review or appeal process. What is your view about timeframes for responding to reports about harassment and/or sexual misconduct?
- **Learning from reports and complaints** (Any comments)

Overall comments on the section

- **Please provide below your comment on the section as a whole**
- Is the guidance clear?
- Is there further guidance or information that you would like to see included in this section, keeping in mind our remit and the guidance provided in other sections of the Good Practice Framework?
- Are there any other resources you have found useful that you believe should be referenced in the Useful Resources section?
- **Any other comments on the section**



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