

Subject of an allegation

An accusation is not proof of guilt. The University has an obligation to investigate allegations of misconduct and it is vital that information is gathered quickly, fully and accurately, to ensure that the matter is dealt with fairly and appropriately. You may be invited to discuss the allegation and present your version of events along with any mitigating evidence.

Please note this guidance relates to misconduct on the part of students and in relation to 'non-academic' misconduct. There are separate processes for dealing with academic misconduct which can be found at

<http://www.southampton.ac.uk/studentadmin/appeals/>.

Notification of an Allegation:

If you have been accused of inappropriate behaviour you will be contacted by the University in writing and may be required to attend an investigation meeting to explore the matter. A decision will have been made to ascertain if the allegation falls within the scope of the Student Non-academic Misconduct Regulations to be investigated as misconduct or serious misconduct or to be referred to alternative Regulations.

The initial contact letter will provide sufficient detail to outline the nature of the accusation to provide you with an opportunity to present your version of events. Under the principles of Natural Justice you have the right to a clear understating of the allegation, including its source, in order to respond properly. During the process of an investigation you will normally be given access to all information which may include statement(s) from the accuser and/or witnesses. In very exceptional circumstances consideration may be taken to not disclose the identity of your accuser and/or witnesses.

Usually you will be expected to respond to the allegation and/or attend a Non-academic Misconduct meeting within five (5) days of the notification.

Depending on the seriousness of the allegation action may be taken to suspend or exclude you from campus activities (although such powers are normally reserved for cases where there is a very clear possible safety risk). Additionally, where appropriate, special arrangements may be made to minimise the contact between you and certain named parties i.e. the accuser(s). Such action is not a disciplinary sanction and does not imply that any decision has been made about the allegation and will be for no longer than the University deems necessary to complete an investigation and/or hold a disciplinary hearing. Any such action will be reviewed periodically.

Admission of an Allegation:

Should you choose to admit an allegation at any stage of the process this should be submitted in a written statement. You may choose to submit certain facts, mitigating evidence and/or witness statements with your admission which will be considered prior to a sanction being imposed. The University may decide to suspend the process of investigation and opt to levy appropriate sanctions against you in accordance with Regulation A.6.5. The University may look favourably upon an early admission and aims to resolve the majority of issues quickly and informally however may undertake a formal proceedings should it be deemed necessary.

What protection will the University give me?

Depending on the seriousness of the case possible options range for example; offering temporary residential accommodation or teaching arrangements.

The University cannot accept anonymous accusations so the accuser will need to provide their identity when reporting an incident. Under the principles of Natural Justice you have the right to a clear understating of the allegation, including its source, in order to respond properly. Should a case progress to a Non-academic Misconduct hearing you may be asked to attend at the same time as your accuser. In very exceptional circumstances consideration may be taken to not disclose their identity.

Support during the process:

You may be accompanied to Non-academic Misconduct meetings and/or hearings throughout the process by a member of the University community as set out in Regulation B.1. The [SUSU Advice Centre](#) can also offer advice and support to students accused of misconduct and can assist you through the process.

Where the incident is a potential criminal offence or where the nature of the incident could lead to others being at risk of harm the University and the Students' Union may be legally obliged to disclose information to other colleagues within the University or to the police (please see Criminal Behaviour below).

What happens in an investigation meeting?

An investigation meeting is an opportunity for the appointed investigator(s) of the case to understand your version of events and collect a statement and evidence in your defense. You will be presented with the facts of the case and asked if you admit the allegation. Should you admit an allegation you may submit mitigating evidence.

Following an investigation, the Investigator may recommend a course of No Action or refer the allegation to a Non-academic Misconduct Hearing or Full Committee of Student Non-academic Misconduct.

What happens in a Non-academic Misconduct Hearing?

If the Investigator recommends that a Hearing is needed you may be required to attend a Non-academic Misconduct hearing. If this is the case you will be notified in writing giving details of the allegation including the information and copies of relevant documentation that will be used during the proceedings as per Regulation B.4.

Depending on the seriousness of the case a hearing may be chaired by a Dean of Faculty or the Committee of Non-academic Misconduct and/or their respective nominees. The duration of a hearing will vary from case to case and will be proportionate to the severity of the case, the facts in dispute and the number of witnesses to be called

During a Non-academic Misconduct hearing the University will go through the allegation(s) and the evidence gathered. You may be asked to answer questions and be given an opportunity to respond to any evidence. The University may adjourn a hearing if further investigations are needed or witnesses contacted.

What level of proof is required?

The University will review the evidence and information provided to reach a decision based on the “balance of probabilities”. To clarify, it is more likely than not that the allegation is true in whole or in part given the information that is available.

What are the possible outcomes?

Where it is found that the allegation is proven to be true (on the balance of probabilities) then normally a penalty will be imposed on the perpetrator(s). The available penalties are set out in Regulation A.6.3. with further detailed examples offered in the document “Examples of Disciplinary Sanctions” on the [Student Non-academic Misconduct Website](#). The outcome of a case will be communicated to you in writing in the form of the Outcome Letter.

Appeals:

You may choose to appeal a decision of the University to impose a sanction(s) to an internal appeals panel by submitting a Notice to Appeal Form. Normally an appeal must be submitted within ten (10) days of the outcome of a case and only under the grounds set in Regulation A.7. An appeals panel will normally only consider the documentary evidence placed before it. The decision of the appeals panel will be communicated in writing normally within five (5) working days and a Completion of Procedures letter will follow within thirty (30) working days. The Completion of Procedures Letter indicates that the University’s internal procedures for reviewing and resolving Non-academic Misconduct has been completed and provides information about complaining to the Office of the Independent Adjudicator for Higher Education, the OIA.

Criminal Behaviour:

The University will assist the police with any resulting investigations. Our internal processes cannot normally consider a criminal matter directly. In such cases the University will normally wait until the criminal justice process has concluded before considering whether to pursue any disciplinary action of its own however the University may take the action of excluding the accused from all or part of campus subject to periodic review of the case. The internal process should not be seen as an alternative way of addressing criminal behaviour.

Further Information:

The Student Non-academic Misconduct process is administered by The Central Student Non-academic Misconduct Team who can be contacted on:

Email: student.discipline@southampton.ac.uk
Postal: The Student Non-academic Misconduct Team
c/o The Secretary of the Committee of Non-academic
Misconduct
Building 37, Highfield Campus

The Student's Union Advice Centre can offer advice and support to students throughout the student Non-academic Misconduct process and can be contacted on:

Website: <http://www.susu.org/help-and-support/advice-centre/>
Email: advice@susu.org
Tel: +44 (0)23 8059 2085
Postal: The Advice Centre
Southampton University Students' Union
Building 40, Level 3, Highfield Campus

The Office of the Independent Adjudicator for Higher Education, (the OIA) is an independent body set up to review student complaints and can be contacted on:

Website: <http://www.oiahe.org.uk/>
Email: enquiries@oiahe.org.uk
Tel: +44 (0)11 8959 9813
Postal: Office of the Independent Adjudicator
3rd Floor, Kings Reach
38-50 Kings Road
READING
Berks RG1 3AA