

SERIOUS MISCONDUCT PROTOCOL

1. Introduction

This protocol applies to allegations of serious misconduct made by any registered student against another registered student or member of University staff or by a registered student, a member of staff or a member of the public (including an external organisation) against a registered student.

For the purposes of this protocol, “serious misconduct” relates to allegations of misconduct where the issues are deemed to be serious, complex, sensitive or pose a high reputational risk to the University, and include allegations of:

- (i) Sexual misconduct.
- (ii) Bullying/harassment (including domestic abuse and online abuse).
- (iii) Discrimination (this will usually apply to allegations against staff).
- (iv) Hate crime.

The process must be conducted in a fair, independent, objective and transparent manner and must be easily accessible. It is an evidence-based process and decisions will be made on the balance of probabilities.

If it is determined that a *prima facie* case has been presented to the University (see appendix 1), allegations of misconduct against a student will be dealt with under the Conduct Regulations. If it is determined that a *prima facie* case has been presented to the University (see appendix 1), allegations of misconduct made by a student against a member of staff may be investigated either under the Student Complaints Procedure or under staff discipline procedures. In complex cases where more than one University procedure may apply, the Director of Academic and Student Affairs (in consultation with the Director of People & Culture, as appropriate) will decide which University procedure should be followed.

2. Support

Any student who makes an allegation of serious misconduct against another registered student, or any student who discloses that such an allegation has been made against them, will be offered [appropriate support by the University](#) and, where relevant, may also be signposted to external agencies.

3. Disclosure

Students may disclose to any member of staff

- (i) That they have been the subject of serious misconduct by another registered student or a member of staff (reporting student); or
- (ii) That an allegation of serious misconduct has been made against them by another registered student or any other person (including a member of staff or a member of the public) (responding student).

Reporting Students

Students will usually disclose such allegations via [Report and Support](#); however, students may disclose to any member of staff (e.g. within their School). If a student discloses to a member of staff, the member of staff should:

- (i) Explain that the University has a dedicated team of experts and encourage the student to make a report to Report & Support or, if the student is unable to do so themselves, make a report on the student's behalf and **with their consent**;
- (ii) If the student insists that they do not want to disclose via Report and Support, the member of staff should:
 - a. **not** question the student but allow the student to speak, without prompting, and record what the student says.
 - b. explain about confidentiality – that the student should not discuss the matter with people who do not need to know and that a small number of key people within the University will need to be informed.
 - c. explain potential legal obligations (i.e. if student discloses the name of an alleged perpetrator, the University may have a legal obligation to pass this information on to the police).
 - d. explain that the University will not take steps to investigate at this time (or until the student makes a formal statement) but will provide support for the reporting student and any witnesses.
 - e. follow pastoral care guidelines to ensure that all students involved are safe and have immediate support - signpost the student to [Student Wellbeing](#) or contact Student Wellbeing for advice and guidance.
- (iii) Contact Academic Affairs (Appeals & Complaints Team) (appeals@qub.ac.uk) for guidance on the next steps to be taken.
- (iv) If appropriate at that time, advise the student about academic options of exceptional circumstances, deferral, period of temporary withdrawal etc.
- (v) Take measures in relation to the staff member's own wellbeing (i.e. Inspire Helpline).

The disclosure of an allegation to the University will not trigger an investigation; the University will not take steps to investigate the allegations under the Conduct Regulations **unless and until** the student advises that they wish the University to do so (i.e. the student makes a formal statement).

The options available to a reporting student are set out below and should be explained to the student by a member of Wellbeing staff:

- (i) **Do not report the matter to police and do not submit a formal statement to the University (ie support only).** It should be noted, however, that if the reporting student discloses the name of the alleged perpetrator, the University may have a legal obligation to report the matter to the police. Furthermore, whilst the University will take the wishes of the student into account, it reserves the right in certain circumstances, depending on the nature and seriousness of the

complaint, to investigate the matter if deemed necessary (eg the disclosure gives rise to concerns for the safety of the student or another person).

- (ii) **Do not report the matter to police but make a formal statement to the University, whereupon the University will initiate an investigation under the Student Conduct Regulations (or Staff Disciplinary procedures, as appropriate).** The University will not investigate allegations of criminal offences but may investigate alleged breaches of the Student Charter. Again, the University may have a legal obligation to report the matter to the police. Also, there may be ramifications on any future police investigation or criminal proceedings if the University carries out its own investigation at this time.
- (iii) **Report the matter to the police in which case the University will hold any investigation in abeyance.** However, where the alleged perpetrator is a QUB student or a member of staff, the University may put in place interim measures (Future Conduct Agreement, Precautionary Suspension etc.).

Responding Students

If a student discloses to a member of staff that an allegation of serious misconduct has been made against them, the member of staff should:

- (i) Explain that the University has a dedicated team of experts who will provide support and encourage the student to access the [support available](#).
- (ii) Contact Academic Affairs (Appeals & Complaints Team) for guidance on the next steps to be taken.

Formal Statement and Investigation

A reporting student may make a formal statement to the University about alleged misconduct by another student or member of staff. A formal statement by a student is an indication that the student wishes the University to carry out an investigation under its own procedures.

If it is determined that a *prima facie* case has been presented (see xxx) and it is considered that the allegations may constitute serious misconduct, the case should be referred to the Director of Academic and Student Affairs (or nominee) who will consider the allegations and decide whether they constitute serious misconduct. If so, the case will be referred to a Serious Misconduct Panel (see 4 below) for consideration and direction.

4. Serious Misconduct Panel

Members of the Panel will be nominated by the Director of Academic and Student Affairs (or nominee) and will comprise senior members of the University. A quorum will be a Chair plus one member. The members should not have any knowledge of any party and should not be from the same School as any party.

The reporting student or the responding student may object to the participation of any member of the Panel at the outset if they can demonstrate good cause (eg the Panel member has a conflict of interest).

The Panel will consider the allegations and will:

- (i) Where necessary, ensure that a risk assessment is carried out, and by whom, and that any interim measures deemed necessary (eg Future Conduct Agreements/ suspensions) are implemented.
- (ii) Decide whether informal resolution should be attempted and, if so, by whom.
- (iii) Appoint an investigating officer.
- (iv) Set the initial parameters for the investigation.
- (v) Review the evidence as the investigation progresses and direct that further enquires are carried out or additional evidence is gathered, as necessary, and set out the changes to the parameters of the investigation.

5. Investigation

The investigating officer will carry out an investigation in accordance with the Conduct Regulations and under the guidance and direction of the Serious Misconduct Panel. The investigating officer will prepare a report for consideration by a Disciplinary Officer. The reporting student may also provide an impact statement.

The responding student will be provided with a copy of the formal complaint made by the reporting student and any witness statements. The responding student may seek clarification or put questions to the responding student or any witness; such questions must be submitted in writing to the investigating officer, who will ensure that the questions are forwarded to the reporting student and/or witnesses for response. Care should be taken to ensure that the appropriate support is in place before such questions are forwarded to the reporting student or any witness.

The investigation report will be shared with the responding student to check for accuracy before it is sent to the Disciplinary Officer. Any queries raised by the responding student must be submitted in writing and must be addressed by the investigating officer before the report is sent to the Disciplinary Officer. Such cases will normally be referred to a Committee of Discipline for consideration.

6. Training

Members of any Committee of Discipline charged with considering a case of serious misconduct should receive appropriate training.

7. Decision Records

Decisions should be recorded, including the date, the name and title of the decision-maker/s, the decision and the rationale for the decision.