



PROCEDURE FOR STAGE 2:

INVESTIGATIONS INTO STUDENT MISCONDUCT & FITNESS TO PRACTISE

1. We recognise that an allegation of misconduct may be stressful and upsetting. Advice and support are available from:
 - The Students' Union - <https://www.uswsu.com/academic>
 - Student Services - <https://advice.southwales.ac.uk/a2z/student-services/>
 - The Chaplaincy - <http://chaplaincy.southwales.ac.uk/>
2. A list of **non-exhaustive** examples of possible misconduct are included in the [Student Code of Conduct](#) and in the [Student Misconduct & Fitness to Practise Regulations](#).
3. The Head of Student Casework (or nominee) in conjunction with the Faculty will decide whether an alleged breach of the Student Code of Conduct should be managed using the [Procedure for Stage 1: Non-major Student Misconduct](#) or whether a formal investigation under this Procedure for Investigations is appropriate.
4. Where an investigation is deemed appropriate, the University will start this process as soon as possible after the allegation is received.
5. The purpose of an investigation is to establish the facts of the matter, collect and consider evidence and decide if there is a case to answer.
6. If the allegation has been made against a group of students, and a decision has been made that the case will be considered as a group, each student will be given the opportunity to meet with the Investigating Officer. Each student will be provided with a copy of the evidence to be considered, and all of the individual circumstances will be taken into account when making decisions. Where a Disciplinary or Fitness to Practise Committee hears each case individually, the members of the Committee will be the same for each hearing.
7. An Investigating Officer will be appointed by the Student Casework Unit. In serious and/or complex cases, the Investigating Officer will be one of the University's Professional Investigating Officers. If an Investigating Officer from the faculty or an area of professional services is required, they will normally be from outside of the subject area in which the Responding Student is based and will have no prior knowledge of the case. In certain circumstances, the University may decide to employ a specialist investigator external to the University. The Responding Student will be informed in writing of the details of the allegation, and the identity of the Investigating Officer.
8. New or amended allegation(s) that are made, or come to light, during the course of an investigation will be communicated to the Responding Student in writing. They will be given the opportunity to comment on the new/amended allegation(s) and any comments made will be shared with all relevant parties. In exceptional circumstances, the University may need to share information outside the institution if this is necessary to protect the Responding Student, the Reporting Party or others from harm or prevent a crime taking place.

9. Where counter-allegations are brought forward by a Responding Student, these will usually be explored through the same investigation, by the same Investigating Officer. Where it is appropriate to appoint a separate Investigating Officer to investigate the counter-allegations, this will be decided by the Head of Student Casework (or nominee).
10. The Investigating Officer will aim to complete their investigation within 30 working days. This timescale may be extended in agreement with the Responding Student or, in exceptional circumstances¹, by the University. The Responding Student will be kept informed of any delays in the process.
11. The Responding Student will normally be interviewed as part of the investigation. The Investigating Officer will decide who to interview and in what order.
12. Students cannot send any other person to the interview on their behalf. They are, however, allowed to have a support person with them at any meetings; for example, an officer from the Students' Union, a member of staff from the Chaplaincy, or a friend. The role of a support person is to be there for the student during the meeting as a supportive presence. Their role is not to represent the student, advocate on their behalf or speak for them, unless this has been agreed as a reasonable adjustment.
13. At least 48 hours before the meeting, the student must advise the University of the name, status and contact details of the person accompanying them.
14. The Head of Student Casework (or nominee) reserves the right to refuse the attendance of a support person if it is determined that there is a conflict of interest relating to the nominated person, in which case, the student will be given the opportunity to nominate a different support person.
15. The University of South Wales' Regulations, Policies and Procedures are not legal in nature; however, students are able to seek preliminary advice without prejudice.
16. While students do not have an automatic right to a legally qualified support person or representative under this Procedure, if they wish to be supported/represented, they should refer to the University's [Procedure for Requests for Legal Representation](#) for further information.
17. Any meetings will be held either in person or via electronic means, for example on Teams. Video or audio recordings will be taken and used by the Investigating Officer to produce their report. Recordings will be kept for the duration of the University's internal procedures and, if necessary, throughout the timeframe for the request for review and consideration of a case by the Office of the Independent Adjudicator for Higher Education.
18. The Responding Student is able to request a copy of a recording; however, any unauthorised recording, copying or distribution of recordings or written materials will be considered a disciplinary offence.
19. The Investigating Officer will determine whether they need to interview any witnesses identified by either the Reporting Party or the Responding Student. In order to do so, they will have to disclose to the witness details of the case under consideration but will ask them to maintain confidentiality.
20. Once the investigation has been completed, the Investigating Officer's report will be presented to the Dean of Faculty (or nominee).

¹ We may extend the timescales where, for example, a case is particularly complex, and we have to interview a number of staff and other students; this is to ensure we conduct a full and fair investigation into the matters raised. Another example is where a key member of staff may have an unplanned absence that may impact timescales.

21. If the Dean's nominee determines that no allegations are upheld, the case will be closed. Otherwise, a decision will be taken on whether:
 - a. a stage 1 sanction should be put in place; or,
 - b. the case should be referred to a hearing.
22. Where the case is referred to a hearing, this could be either the University Disciplinary Committee or, if the Responding Student is enrolled on a course leading to professional registration and/or a license to practise in a professional context, the Fitness to Practise Committee. The Responding Student will receive a copy of the Investigating Officer's report and a letter from Student Casework confirming what will happen next. The Procedure that will be followed is the [Procedure for Stage 2: Committee Hearings](#).
23. Students are able to submit an application for extenuating circumstances, if they believe that a case has affected their academic studies. They will not need to disclose the details of the allegation(s), as the Student Casework Unit can provide a letter in support of the application.
24. Where a student's physical or mental health is directly impacting on their behaviour, and an investigation highlights the need for a referral to the [Support to Study Procedure](#), then the case will be referred accordingly.