

PROCEDURE FOR INVESTIGATIONS INTO CASES OF STUDENT MISCONDUCT

1. We recognise that having an allegation of misconduct made against you 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/>
 - Immigration and International Student Advice - <https://intadvice.southwales.ac.uk/>

There are also a number of other services that can provide you with support, full details of which can be found [here](#).
2. A list of **non-exhaustive** examples of possible misconduct are included in the Student Code of Conduct and in the Non-academic Misconduct Regulations.
3. The University will start an investigation as soon as possible after an allegation of a breach of the University's Student Code of Conduct is received.
4. The purpose of the investigation is to establish the facts of the matter, collect and consider evidence and decide if there is a case to answer.
5. 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.
6. An Investigating Officer will be appointed by the Student Casework Unit. In serious cases, the Investigating Officer will normally be one of the University's Professional Investigating Officers. If an Investigating Officer from the faculty is required, they will normally be from outside of the subject area in which you are based and will have no prior knowledge of your case. In certain circumstances, the University may decide to employ a specialist investigator external to the University. You will be informed in writing of the details of the allegation, and the identity of the Investigating Officer.
7. New or amended allegation(s) that are made, or come to light, during the course of an investigation will be communicated to you in writing. You 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 you, the Reporting Student or others from harm or prevent a crime taking place.

8. The Investigating Officer will aim to complete their investigation within 30 working days. This timescale may be extended in agreement with you or, in exceptional circumstances¹, by the University. You will be kept informed of any delays in the process.
9. You will normally be interviewed as part of the investigation. The Investigating Officer will decide who to interview and in what order.
10. You cannot send any other person to the meeting on your behalf.
11. 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.
12. You are 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.
13. You are able to submit an application for extenuating circumstances, if you believe that the case has affected your academic studies. You will not need to disclose the details of the allegation against you as the Student Casework Unit can provide a letter in support of your application.
14. You are allowed to have a support person with you at any meetings; for example, an officer from the Students' Union, a member of staff from the Chaplaincy, or a friend. The role of the support person is to provide support during your meeting. Their role is normally not to represent you, or to advocate on your behalf or to speak for you, unless this has been agreed as a reasonable adjustment due to a disability.
15. At least 48 hours before the meeting, you must advise the University of the name and status of the person accompanying you. It is strongly recommended that you seek support from the Students' Union or Chaplaincy as they are independent and familiar with the Regulations and Procedures of the University.
16. 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, you will be given the opportunity to nominate a different support person.
17. The University of South Wales' Regulations, Policies and Procedures are not legal in nature and consequently, you should not need to have a legally qualified support person or representative at any meetings. However, you are able to seek preliminary advice, without prejudice, where a case is particularly complex, and the potential outcome is serious.
18. While you do not have an automatic right to a legally qualified support person or representative, if you wish to be supported/represented at a meeting, you must apply

¹ We may extend the timescales where, for example, your 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.

for permission in writing to Student Casework (studentcasework@southwales.ac.uk) at least five working days before the scheduled date of the meeting. You must include the name of the proposed representative and the rationale for your request. Please see the University's Procedure for Consideration of Requests for Legal Representation for further information.

19. Once the investigation has been completed, the Investigating Officer's report will be presented to the Dean of Faculty (or nominee). A decision will be taken whether there is a case to answer and, if so, whether the faculty already has sufficient evidence to reach a conclusion and to apply a penalty or whether the case should be referred to a hearing. This could be either the University Disciplinary Committee or, if you are a student studying on a course leading to professional registration and/or a license to practise in a professional context, the Fitness to Practise Committee. You will receive a copy of the Investigating Officer's report and a letter from Student Casework confirming what will happen next.
20. 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.

Related Regulations and Procedures

Non-academic Misconduct Regulations

Procedure for Disciplinary/Fitness to Practise Hearings

Procedure for Requests for Review

Procedure for Requests for Legal Representation

Risk Assessment Procedure

Guidelines for Application of Sanctions

Extenuating Circumstances Regulations and Procedure

Support to Study Regulations and Procedure