

## STATEMENT OF REASONS

1. The Claimant is a former student of the Defendant University, attending the University between 2018 and 2022.
2. Between September 2020 and October 2021, the Claimant was in a sexual relationship with another student (“**the reporting student**”).
3. On or around February 2022 the reporting student raised with the police an allegation of serious sexual assault against the Claimant, which was alleged to have occurred on 8 September 2021.
4. By letter of 5 February 2022 the police informed the reporting student that no further action would be taken. That decision was taken by the police without having interviewed the Claimant.
5. On or around March 2022 the reporting student raised an allegation of sexual misconduct on 8 September 2021 against the Claimant with the University.
6. On 10 March 2022 the University first contacted the Claimant to inform him that allegations had been made against him.
7. On 11 March 2022, the Claimant was told that the reported matter concerned allegations of sexual misconduct, and that the University was acknowledging a request for the allegations to be considered formally and investigated as a breach of the University’s Sexual Misconduct Policy and Regulation 13. The Claimant was also informed that given the severity of the alleged incidents, the University was taking immediate precautionary action in the form of a “no contact” arrangement between the Claimant and the reporting student pending a Stage 2 investigation.
8. On 21 March 2022, the Claimant received an email from the University’s Head of Quality and Academic Development offering a preliminary interview as the first part of the Stage 2 investigation. The allegations were defined as “*bullying and harassment, inappropriate behaviour and sexual abuse*”.

9. On 23 March 2022, the reporting student was interviewed. The following day, on 24 March 2022, a Stage 2 investigation meeting and interview was held. The Claimant was not provided with the detail of the allegations in advance of the investigation meeting.
10. On 26 April 2022, the Claimant was provided with the Stage 2 investigation report.
11. Following a Stage 2 Disciplinary Panel hearing on 27 June 2022, the Claimant was expelled from the University with immediate effect on the ground that he had breached the University's Sexual Misconduct Policy on 8 September 2021.
12. On 27 July 2022, the Claimant appealed the Stage 2 decision. On 15 August 2022 he was informed that the appeal had passed the initial scrutiny stage and would proceed to a Stage 3 Panel. The Stage 3 Panel hearing was held on 16 September 2022. By a decision dated 4 October 2022, the Stage 3 Panel upheld the decision of the Stage 2 Panel.
13. The Claimant lodged judicial review proceedings on 10 November 2022, challenging the decision of the Stage 3 Panel on six grounds. The University disputed all grounds and relied on the Claimant having available to him the alternative remedy of taking his complaint to the Office of the Independent Adjudicator for Higher Education.
14. Permission was refused on the papers by Simon Tinkler sitting as a Deputy High Court Judge on 17 January 2023.
15. The Claimant renewed his application for permission to an oral hearing, and permission was refused by Deputy Chamber President Tudur on 23 March 2023.
16. The Claimant appealed on three grounds. Permission to appeal to the Court of Appeal was granted by Lord Justice Coulson on 5 July 2023 on two grounds: breach of a procedural legitimate expectation and the failure to give adequate reasons. Lord Justice Coulson considered that it was "*arguable that the original (very serious) allegations may not have been made clear to the appellant before he was interviewed and where the reasons for the original decision by the Stage 2 panel ... were, on any view, extremely meagre. The*

*judge not only said that this latter point was “probably the strongest of the Grounds”, but also did not explain why she was not persuaded that it was arguable”. Permission was refused in respect of the third ground, which was an Article 8 ECHR challenge.*

17. An appeal hearing was listed for 27 February 2024. At that hearing, the Court of Appeal determined that there should be a further “rolled up” hearing at which the appeal and, if the appeal were allowed, the claim for judicial review would be determined. The Court of Appeal refused a request from the University to determine the issue of suitable alternative remedy at that hearing. The Court of Appeal gave directions for the filing of updated skeleton arguments and the University’s Detailed Grounds and Evidence.
18. The University filed its Detailed Grounds of Defence and Evidence on 28 March 2024. These had been due on 27 March 2024 but on the day of the deadline the University filed an application for an extension of time, which was granted.
19. The parties filed updated skeleton arguments, on 18 April 2024.
20. The University acknowledges that the disciplinary process followed in the Claimant’s case was flawed in its breach of paragraph 53 of the Senate Regulation 13: Student Disciplinary, and in the absence of adequate reasons following the Stage 2 Panel. Accordingly, the University has agreed to withdraw the Stage 3 Panel decision, to re-instate the Claimant, and to reconsider allegation 1 afresh at Stage 2 of the disciplinary process under Regulation 13. For the avoidance of doubt, the Claimant’s reinstatement and any further study that he undertakes as a student of the University is subject to the outcome of the reconsideration of allegation 1 at Stage 2 and the question of appropriate sanction, should the allegation against the Claimant be upheld.
21. The Claimant has agreed to withdraw his Appeal and the University has agreed to pay the Claimant his reasonable costs pursuant to paragraph 2 of the Consent Order.

**BY THE COURT**