# Conduct Officers Handbook

## Contents

1. **Introduction**  
   pg.3

2. **Breaches of Regulations**  
   pg.4  
   2.1 **Fixed Penalty**

3. **The Procedure**  
   pg.5  
   3.1 **Flow Chart**  
   3.2 **Initiating a Conduct Case**  
   3.3 **The Investigation and Interview**  
   3.4 **Penalties**  
   3.5 **Reporting**  
   3.6 **University Conduct Committee**

4. **Procedural Notes**  
   pg.28

5. **Timeframes**  
   pg.32

6. **Key Contacts**  
   pg.34

7. **Template Letters**  
   pg.35

   1. **Call to Interview**  
   2. **Case not Proven**  
   3. **Investigative Interview Outcome**  
   4. **Fixed Penalty**

Conduct Officers Handbook  
Last Revised April 2019
1. Introduction

The Conduct Regulations are intended to set and maintain acceptable standards of behaviour by the student members of the University community. In particular, they are intended to encourage individuals to accept their obligations to both the University community and the wider community, to maintain academic integrity, to promote an environment which enables and encourages participation in the educational activities of the University, to ensure the security of the University’s and other people’s and organisations’ property, to enable the University to meet its statutory, legal and contractual obligations, and to help maintain the University's good name and standing.

The regulations and procedures aim to adhere to natural justice, students have the right to see the evidence of their suspected misconduct, to be able to defend themselves and have the right to appeal a decision. This handbook has been created to support Conduct Officers in their role within the student conduct procedures.

Conduct Officers are taken from faculties and directorate staff. Conduct Officers are divided so that they either look at academic conduct cases or non-academic cases. They have the power to investigate cases, decide whether there has been a breach of University regulations and impose a range of penalties, if appropriate.

There is a pool of staff to draw upon. Training will be provided. A Conduct Officers’ forum, an Academic Conduct Officers’ forum, and the Student Disputes Team will provide ongoing support.
Breaches of the Regulations

The breaches are listed in full in the regulations. They cover academic integrity, examinations and non-academic incidents. The list is not exhaustive as the conduct regulations allow for investigation of any other act or behaviour which may be reasonably interpreted as misconduct. As a summary, they cover the following areas:

- Bullying, harassment or discrimination against another person, including the use of discriminatory language
- Physical, written, or verbal abuse or intimidation against another person
- Sexual harassment, violence or abuse
- Invading or abusing the security, integrity or privacy of any files or material
- Any acts which relate to politically, racially or religiously motivated violence and/or hate crimes or intolerance
- Plagiarism
  - Unacknowledged use of words and ideas from a source
  - Falsification - data in reports based on false research
  - Collusion - collaborative work submitted as entirely one’s own
  - Custom writing services
  - Duplication - submitting the same piece of coursework for two different modules
  - Falsification - providing false academic or professional references
  - Collusion - communicating during an examination with any person other than the invigilator or authorised member of staff
  - Submitting other people’s work as your own - copying or attempting to copy from any other candidate during an examination
  - Falsification - assuming the identity of another person with the intent to deceive, for example, by sitting or attempting to sit an examination or test in the place of the student who should be sitting it
  - Non-compliance with the examination regulations or disruptive behaviour

Guidelines on what constitutes academic cheating can be found at:
2.1 Fixed Penalty Fines

The intention of introducing a system of fixed penalty fines for breaches of the regulations is to reduce the administrative load in cases where students generally understand why the regulation is necessary and there is usually little doubt about the facts of an alleged breach, plus there are usually few valid grounds for mitigation.

Exams

The regulations include a Fixed Penalty Policy for breaches of the formal regulations for invigilated exams where it is clear that the student is not attempting to gain an academic advantage. The breaches relate to the Core Regulations, Students’ Responsibilities, Examinations, which can be found here:

https://www.brookes.ac.uk/regulations/current/core/a3/a3-3/

Examples include, a mobile phone going off during an examination, unauthorised material brought into the examination.

A first offence will result in a £50 fine. Any subsequent offence will result in a fine that increases by £50 per offence. All fines are reduced by 25% if paid within 10 working days. Monies raised through this Policy are added to the Student Hardship Fund.

Accommodation

The University Hall Regulations include a Fixed Penalty Policy for:

- Interfering with health and safety equipment, flat and kitchen fire-doors or breaches of safety
- Smoking within student residences
- Bringing a car to Oxford as this is in breach of the accommodation contract.

A first offence will typically result in a £100 fine (£80 for car). Any subsequent offence will result in a fine that increases by £100 per offence (except car).
3. The Procedure

3.1 Flow Chart

[Flow chart diagram]

KEY:
- CO - Conduct Officer
- SDO - Student Disciplinary Officer
- UCC - University Conduct Committee
- COP - Conduct Offenders Procedures
- AR - Academic Registrar

Conduct Officers Handbook
Last Revised April 2019
3.2 Initiating a Conduct Case

Receiving the Case

Any person suspecting a breach of the conduct regulations should inform the relevant Conduct Officer or an allocation officer. This will differ as per the breach of regulation and context.

- An examination invigilator will inform the Head of Examinations
- In accommodation, the case will go straight to the Hall Warden or Hall Manager
- For academic cases, some faculties have dedicated conduct administration, who will allocate cases to academic conduct officers. In other cases the module leader will let the CO know directly.
- For non-academic cases a student, or staff member should complete a Student Conduct Report Form and send it to the Disputes Team. The form can be found at: https://www.brookes.ac.uk/students/student-disputes/student-conduct/

Referrals should include as much information as available to the referrer and should amount to enough information to begin a case.

A Conduct Officer may request for the case to be deferred if there is an exceptional reason, e.g. conflict of interest, specific period when cases will not be managed in the timescales etc. but these deferrals should be rare.

Deciding How to Proceed

Once the Conduct Officer has all the necessary information, they will consider the evidence in relation to each potential type of breach of regulation separately (e.g. 4.1.2, 4.2.3 and 4.2.5 etc.) Depending on the circumstances they may decide to take one or more of the following actions:
• Refer the matter to the University Police Liaison Officer with a recommendation that it be reported to the Police
• Refer to another University procedure, e.g. Fitness to Study, Fitness to Practice
• Decide there is a case and arrange an Interview with the student, or anyone relevant to the case. The Conduct Officer will write to the student giving full details of the alleged breach, giving at least 5 working days’ notice of the interview
• Give a fixed penalty as outlined in the Halls Regulations (for Halls managed by the University)
• Decide there is no case to answer

The Student Disputes Officers are available to talk through the options on a case-by-case basis if needed.

Conduct Officers should remember that where the referrer has demonstrated that there are good reasons to believe that there has been a breach, it is then up to the student to demonstrate that they have not committed a breach and for the Conduct Officer to gather more evidence as necessary through investigation.

In academic cases, if the Conduct Officer decides that there is an initial case to answer and is going to arrange an interview, then the Module Leader should be instructed to enter a ‘DD’ grade for that student. You must remind the ML to inform the secretary of the relevant Examination Committee of the status of the case.

If the Conduct Officer dismisses a case, they should:

(a) Send the ‘Case not proven letter’ letter to the student if the reported student is aware that a report has been raised. (Please refer to the letter templates)
(b)

i) Academic Cases- Complete the online report form and send a copy to the Module Leader with the outcome details. Return the work to the person who referred the case with an explanation and encouragement to continue to refer cases when in doubt.

ii) Non-Academic Cases- complete the Non-academic Conduct Record form: https://goo.gl/forms/yYNCGoxArK2us4683

If the Conduct Officer decides there is a case to answer, an interview can be called, or a fixed penalty can be given. A Fixed Penalty Fine system is in place for cases relating to invigilated exams and certain behaviour related to University accommodation.

Details of the Fixed Penalty Policy in place for first and subsequent breaches of the Hall Regulations are contained within the Hall Regulations.

Checking on Prior Evidence of Breaches

It is the responsibility of the Conduct Officer to check if there has been a prior breach of the Conduct Regulations for each student. This finding is relevant at the point of determining an appropriate penalty.

For academic conduct cases the Disputes Team will give you access to the relevant Disciplinary Offence Spreadsheets.

For non-academic cases you will need to contact the Disputes Team who will check for any prior breaches on your behalf.

If relevant, you will also need to check accommodation records to check for previous breaches. Please contact the Residences Community Manager for this information.
3.3 The Investigation and Interview

Gathering Evidence to Confirm the Case

Sufficient evidence is required to determine if there is a case to answer and to build a case once this has been determined. Investigations are the responsibility of the Conduct Officer, to either carry them out or to ask others to assist as required. The Conduct Officer should normally request the student to produce evidence surrounding the allegation.

The Conduct Officer should keep all documents/evidence gathered which relates to the case. This information could be requested by the Student Disputes Officer should the case end up with the OIA (Office of the Independent Adjudicator).

Arranging and conducting an interview

Arranging for an interview should proceed shortly after deciding to go ahead with the case and within 5 working days of receiving the case. Interviews should be arranged within 20 working days from the date of contacting the student. Please see the Timeframes section in the Academic Conduct Regulations (7) and the Conduct Regulations (7).

It is good practice to allow the students to see the evidence against them before the interview.

Interview notes:

(a) If investigating the actions of more than one student, it is advised to hold separate interviews, arranged as close together as possible.
(b) A student has a right to be accompanied to an interview. The friend or colleague may undertake the presentation of the case on behalf of the student, but a student may not be represented at a hearing in his or her absence and the friend, colleague or representative may not answer questions on the student’s behalf.

(c) The Conduct Officer can decide to invite another staff member, as note-taker. In most cases, it’s not necessary to have anyone else present. Remember to be aware that more than one staff member could feel intimidating to the student. If a note-taker will be present, inform the student in advance.

**Interview Attendance**

The Conduct Officer should make every effort to arrange one that is suitable for both parties. Understandably there are some things that prevent students attending a meeting. If a student cannot attend, try to rearrange for a suitable time, or for the interview to be conducted via google hangouts or the telephone if the student provides a good reason (accompanied by suitable evidence) for the non-attendance.

The convening officer should consider the reasons given and, at their discretion, rearrange the interview or Committee or proceed to determine the allegations in the absence of the student. If the student fails to attend (after attempts to rearrange if appropriate) then the Conduct Officer should hear the case in the absence of the student.

If a student refuses to attend, does not provide additional information or does not co-operate during an interview, the conduct regulations do allow the interview to take place (and a penalty to be decided) in the student’s absence.
Re-arrangement is at the Conduct Officer’s discretion, as is the requirement of accompanying evidence, but circumstances which would normally be considered grounds for delay are:

- pre-arranged medical appointments,
- Pre-arranged important events, e.g. family wedding or funeral,
- academic commitments such as examinations, class tests and other assessed work,
- genuine and sudden emergency.

Students who have disabilities or other health concerns should be provided with reasonable adjustments in relation to the interview and disciplinary process in general, e.g. extra time to attend the interview, a note taker present etc.

Conducting the interview

Choose the interview room carefully to provide the right level of privacy, while retaining proximity to other staff members. Consider using a glass fronted room.

At the start of the interview:

(a) Complete introductions and an explanation of the role of the Conduct Officer and the conduct procedure.

(b) Explain the purpose of the interview and that it may lead to a decision about liability, and therefore penalty. Remind the student of their obligations to cooperate with the investigation and outline the anticipated structure of the interview.

(c) Remind the student of their right to appeal.

(d) Explain the role of any note taker, or friend / colleague of the student.
During the interview:

(a) Make notes of what was said and agreed during the meeting. It is good practice to then ask the student to confirm they are an accurate record.

(b) Explain the allegations and evidence and ask for the student’s response to the allegations.

(c) Explore the students’ understanding of appropriate academic practice and/or behaviour and the regulations, and if appropriate their study skills and approach.

(d) (If appropriate) assess the student’s understanding and give a short tutorial and advice on academic integrity and originality and or acceptable / desirable behaviour.

(e) Ask the student whether they understand the issues and whether they now accept that they did breach the regulations.

At all stages of the disciplinary process decisions will be based on the evidence available and the balance of probability.

If the case requires further consideration and/or interviews with other students, or time for the Conduct Officer to check the evidence that they have been given, the Conduct Officer should explain that they will contact the student again and give the student an indication of when this is likely to be.

If it appears that the student may be able to produce further relevant evidence, the Conduct Officer should set a firm deadline for providing that evidence. On receiving the evidence and depending on its nature, the Conduct Officer can either hold another interview to discuss the evidence or they can immediately consider whether the case will be progressed.
If, in the course of an interview it becomes clear that the student has breached one or more SCRs, or the student accepts that they have breached the SCRs and expresses the desire to deal with the matter there and then, it is possible to proceed directly to a discussion about liability and impose an appropriate penalty.

Concluding the Interview:

(a) Once the Conduct Officer has reached a conclusion in respect of each alleged breach, they should inform the student.

(b) If the Conduct Officer’s decision is that the student did breach one or more regulations, they should ask the student whether they have anything further to say (mitigation) that they wish the Conduct Officer to consider when deciding an appropriate penalty for the breach.

Ensure to distinguish between circumstances that are reasons why a student breached the regulation and circumstances that provide a (partial) excuse for that breach.

(c) The Conduct Officer should also ensure that all students are aware of the extent and details for the student conduct regulations and encourage them to follow good academic practices or modify their behaviour.

(d) If the Conduct Officer decides that there is insufficient evidence to conclude that the student did breach the regulation, they should thank the student for co-operating and explain the necessity of rigorous conduct procedures.
3.4 Penalties

Every case must be considered on its own merit and specific circumstances.

Subsequent breaches of conduct regulations will normally receive a more severe penalty than earlier ones. However, a breach will only be regarded as subsequent if the piece of work in question was submitted/or incident occurred, after the date of an interview, i.e. after they have been informed of the outcome of the disciplinary interview and been warned about behaviour.

Students should not gain an academic advantage, whether additional marks or a longer period in which to submit work for assessment or of any other kind, by breaching the conduct regulations.

Conduct Officers can take into account personal circumstances when deciding a penalty, but the Mitigating Circumstances procedure should not be used to circumnavigate the outcome of a conduct interview.

Conduct Officers have the capability to impose a certain level of penalties (or combination)

- (Non-Academic) up to and including 5.2.8 of the non-academic penalties
- (Academic) up to and including 5.2.6 of the academic penalties

Note: If the Conduct Officer decides on a penalty of zero marks (for academic cases) then the penalty grade should be formally recorded as 1F rather than 0F. This is a technical issue: Brookes requires a way of distinguishing between those who fail for other reasons and those who fail as a result of an academic conduct matter.
If a Conduct Officer thinks a more severe penalty is appropriate, then they must refer the case to a University Conduct Committee (UCC).

To do this, Conduct Officers must write a brief report and email it to the Student Disputes Team setting out the key facts of the case. Send this report together with copies of all correspondence plus any evidence that has been collected and the original referral to the Student Disputes Officer. A UCC will be arranged and the Conduct Officer will be invited to attend to state the case.

Please make sure the following information is included within the referral to the Student Disputes Team:

(1) Date of referral,
(2) CO name,
(3) Student Name and Number,
(4) Interview date,
(5) Main facts of case.

### 3.4.1 Tariff of Penalties for Academic Cases

This list is not prescriptive or exhaustive and should be used as guidance. Factors such as mitigation, frequency of breach and other circumstances should be considered when deciding on a penalty. The Conduct Officer has discretion over the penalty.

Every case must be considered on its own merits and if, in all the circumstances of a specific case, an Academic Conduct Officer (ACO) believes that the imposition of a penalty as indicated in this framework would be disproportionate to the breach in either direction, they shall impose the penalty that they believe to be just and equitable. However, in general, all ACOs are expected to determine the cases that they deal with in accordance with this framework.
The over-riding principle which governs all penalties is that no student may gain an academic advantage, whether of additional marks or a longer period in which to submit work for assessment or of any other kind, by breaching the regulations.

Some types of error in the attribution of material in work submitted for assessment are “poor academic practice” and may result in a lesser mark when the work is assessed but are not breaches of the regulations. Other types of error are in breach of the regulations relating to academic conduct and may fall into one or more of the following categories: poor academic practice, academic negligence, academic malpractice or academic misconduct.

The characteristics of all four of these categories and the range of penalties that are appropriate to breaches are set out in the following sections.

The definition of a “piece” of coursework is the totality of the work the student would be required to resit if they were awarded a resit grade for poor academic performance. Thus, while a piece of coursework may consist of three independent parts and the student only plagiarised in one of them, if a resitting student would be required to resubmit all three parts, a penalty of “zero for the coursework” would mean a mark of zero for all three parts.

3.4.2 Poor Academic Practice

Wherever possible, all assessments which include the use of literature should include some marks for referencing which need to be clearly identifiable by both the marker and the student. Where a student is penalised within the module criteria for poor referencing, they should be told why and informed by how much their mark has been penalised.

A student can (and should) be penalised within the assessment criteria for mistakes arising solely from misuse of the referencing conventions, e.g. in the bibliography or reference list
All assessments involving group work should include clear guidance on the elements of the assessment and the assessment process that should be undertaken collectively and those that must be undertaken by the individual student. While inappropriate collaboration between students will normally be regarded as collusion and a breach of the SCRs, if the guidance is unclear and a significant number of other students have also been misled, the ACO may decide that the fault lies primarily in the brief and not with the student(s). However, all such cases must be referred to the ACO as this decision is for them alone.

If a marker, seminar tutor or module leader is unsure about whether a piece of work is in breach of the SCRs, they should always seek advice from the ACO. All ACOs are expected to ensure that staff are aware of the regulations, penalties and information and ensure that rules for academic conduct are applied consistently across the Faculty.

3.4.3 Academic negligence

Academic negligence is where:

i) the extent of the breach was small, and

ii) where there were good reasons to believe it was due to ignorance or carelessness, rather than deliberate deception.

The first criterion (limited extent of the breach) would be indicated by any of the following:

(a) less than 5% of the total word count was text which was either inadequately paraphrased or directly quoted without speech marks and which was not referenced in the text; or
(b) less than 5% of the total word count was text which was identical to that of another student; or
(c) less than 5% of the total word count was text which was the same as work previously submitted by the student; or
(d) less than 10% of the total word count was text which was either inadequately paraphrased or directly quoted without speech marks and which was not referenced in the text but this only occurred in a part of the assessed work of lesser importance (e.g. the appendices); or
(e) less than 10% of the total word count was text which was identical to that of another student but this only occurred in a part of the assessed work of lesser importance (e.g. the appendices); or
(f) less than 10% of the total word count was text which was the same as work previously submitted by the student but this only occurred in a part of the assessed work of lesser importance (e.g. the appendices); or
(g) less than 10% of the total word count was text which was either inadequately paraphrased or directly quoted without speech marks but which was referenced in the text; or
(h) less than 10% of the total word count was text expressing ideas that were not the student’s own, which was properly paraphrased but which was not referenced at all in the text.

The second criterion (ignorance as opposed to deception) would be indicated by any of the following:

(i) it is early in the student’s academic career; and/or
(ii) there being a well-founded reason to suppose the student did not understand the academic conventions.

It would not be permissible to consider a breach as academic negligence in any of the following circumstances:
(a) there is any indication that the student had any intention to gain an unfair advantage; or
(b) the student had already committed an offence of academic negligence of a similar academic kind (e.g. plagiarism as opposed to collusion) or had committed an offence of academic malpractice or academic misconduct of any kind.

In all such cases the ACO and/or the Module Leader will be able to make a reasonable assessment of the underlying quality of the work submitted (or the breach would not be academic negligence).

The penalty for academic negligence should normally be one of:

(a) a formal recorded warning but no reduction in marks other than that incurred through the module’s assessment criteria,
(b) correction of the work by the student by a deadline set by the ACO.

The original (unedited) submission is marked by the tutor, and the mark reduced by a percentage if the student returns the work to the ACO appropriately corrected. A mark of 0F for the module will be given if the student fails to return the work or makes no real effort to correct the work.

The magnitude of the reduction shall be determined by the ACO but will normally be 5 percentage points or the proportion of the total marks for the piece of work allocated to correct referencing, whichever is the greater. No changes other than correctly attributing all material in breach of the SCRs may be made to the corrected work. Consequently, the time allowed for this to be done should normally be one week.

If the corrected work still contains any material in breach of the SCRs, this will be treated as academic malpractice and if any other changes have been made to the corrected work, this will normally be treated as academic misconduct,
(c) the work is assessed as it stands, with an additional reduction in marks (determined by the ACO but normally 5 percentage points). This deduction is in addition to any “normal” deduction for poor attribution as set out in the assessment criteria.
In exceptional circumstances, i.e. if the piece of work is either the entirety of the assessment for the module or the student is required to pass the piece of work in order to pass the module and the underlying value of the work is about 5% more than the minimum pass mark (and hence there is a risk that the student could just fail to pass the module if either of the penalties set out in paragraphs 3.4.3(b) and 3.4.3(c) were applied), and the ACO believes that this would be too severe a penalty in relation to the breach, the ACO may substitute a cap of the minimum pass mark for the reduction in marks in either of these penalties.

3.4.4 Academic malpractice

Academic malpractice typically takes one of three forms:

(i) where the extent of the breach is that for academic negligence, but it is not reasonable for the student to display such a level of ignorance or carelessness, e.g. because the breach is part of a third year dissertation or because the student has committed academic negligence before and received the consequent warning and guidance, or because the student was required to correct work or;
(ii) where the extent of the breach is that for academic negligence but the student admits knowing that their work was in breach of the regulations. It would not be permissible to regard this as academic malpractice unless it is a first offence (of any academic kind) and the student shows genuine contrition; or
(iii) where the grounds for believing that the breach arose from ignorance are those for academic negligence, but the extent of the breach is too great to regard it as such.

It would not be permissible to consider a breach as academic malpractice in any of the following circumstances:

(a) the student had already committed an offence of academic malpractice of a similar
academic kind (e.g. plagiarism as opposed to collusion) or academic misconduct of any kind,
(b) the breach was so extensive that no reasonable person should have concluded that it
could be academically appropriate, e.g.:
(I) more than 20% of the total word count was text which was either inadequately
paraphrased or directly quoted without speech marks and which was not referenced in the
text; or
(ii) more than 20% of the total word count was text which was identical to that of another
student; or
(iii) more than 20% of the total word count was text which was the same as work previously
submitted by the student; or
(iv) more than 30% of the total word count was text which was either inadequately
paraphrased or directly quoted without speech marks and which was not referenced in the
text but this only occurred in a part of the assessed work of lesser importance (e.g. the
appendices); or
(v) more than 30% of the total word count was text which was identical to that of another
student but this only occurred in a part of the assessed work of lesser importance (e.g. the
appendices); or
(vi) more than 30% of the total word count was text which was the same as work previously
submitted by the student, but this only occurred in a part of the assessed work of lesser
importance (e.g. the appendices); or
(vii) more than 30% of the total word count was text which was either inadequately
paraphrased or directly quoted without speech marks but which was referenced in the text;
or
(viii) more than 30% of the total word count was text expressing ideas that were not the
student’s own, which was properly paraphrased but which was not referenced at all in the
text.
(c) There is any indication that the student had any intention to gain an unfair advantage.

In practical terms, the criterion set out above should be regarded as being broadly the same
as a breach so extensive that the work cannot be sensibly assessed if the inappropriate
elements were disregarded or treated as properly cited. If it is not possible to assess the
work in this way, the breach should be treated as academic misconduct. Hence, in all cases of academic malpractice it will be possible for the ACO or the ML to at least broadly determine the underlying quality of the work.

In all cases of academic malpractice, the student must suffer an actual reduction in the marks awarded for their work compared with the underlying quality of the work.

The penalty for academic malpractice should normally be one of:

(a) correction of the work by the student by a deadline set by the ACO.

The original (unedited) submission is marked by the tutor, and the mark reduced by a percentage if the student returns the work to the ACO appropriately corrected. A mark of 0F for the module will be given if the student fails to return the work or makes no real effort to correct the work.

The magnitude of the reduction shall be determined by the ACO but will normally be 10 percentage points or the proportion of the total marks for the piece of work allocated to correct referencing, whichever is the greater. No changes other than correctly attributing all material in breach of the SCRs may be made to the corrected work. Consequently, the time allowed for this to be done should normally be one week.

If the corrected work still contains any material in breach of the SCRs, this will be treated as academic malpractice and if any other changes have been made to the corrected work, this will normally be treated as academic misconduct,

(b) Assess the work as it stands, with an additional reduction in marks (determined by the ACO but normally 10 percentage points). This deduction is in addition to any “normal” deduction for poor attribution as set out in the assessment criteria.

In exceptional circumstances, for instance if the piece of work is either the entirety of the assessment for the module or the student is required to pass the piece of work in order to pass the module and the underlying value of the work is about 10% more than the minimum
pass mark (and hence there is a risk that the student could just fail to pass the module if one of the penalties were applied), and the ACO believes that this would be too severe a penalty in relation to the breach, the ACO may substitute a cap of the minimum pass mark for the reduction in marks in either of these penalties.

3.4.5 Academic misconduct

In general, academic misconduct will arise in one of four ways:

(i) where the student was required to correct work and failed to do so properly,
(ii) where the extent of the breach is that for academic malpractice (or even academic negligence) but the student has already committed an offence of academic malpractice of a similar kind or of academic misconduct of any kind,
(iii) where the scale of the breach is so great that no reasonable person should have concluded that it was appropriate academic behaviour,
(iv) where the student admits or, on the balance of probability, the Academic Conduct officer determines that the student intended to gain an unfair advantage by their behaviour.

The penalty for academic misconduct should normally be one of:

(a) zero for the piece of work,
(b) zero for the module/unit concerned,
(c) referral to a University Conduct Committee with a recommendation of one of the more severe penalties available to that body.

For most cases of academic misconduct the appropriate penalty will be either zero for the piece of work or zero for the module. A minor breach should normally result in a penalty of zero for the piece of work unless it is apparent that the student has made little or no attempt to correct the work, in which case the penalty should normally be zero for the module/unit.
A major breach which is a first offence or a minor breach which is a second offence should normally result in a penalty of zero for the piece of work.

A deliberate breach, a major breach which is a second offence, or a minor breach which is a third offence should normally result in a penalty of zero for the module.

A particularly serious first offence, for example where a student steals another student’s work and submits it as their own, thus potentially depriving the second student of any mark at all, a deliberate breach which is a second offence, a major breach which is a third offence or a minor breach which is a fourth offence should normally be referred to a University Conduct Committee for a more severe penalty. In addition, any case where there is evidence of an intention to cheat and that the student was likely to have failed the module if they had not done so should normally be referred to a University Conduct Committee.
3.5 Reporting

The University requires a central record of all conduct cases; therefore, Conduct Officers need to submit a report at the conclusion of a case.

Academic Conduct cases:

- ACOs to complete the Academic Conduct Record form upon receipt of a case: https://goo.gl/forms/abOUPYBa5U17Mw8w2. This will populate a central record.
- If an ACO decides to refer a case to a University Conduct Committee (UCC), they are to contact the Student Disputes Team with details of the case.

Non-Academic Cases & Examinations

- Conduct Officers to complete the Non-academic Conduct Record form upon receipt of a case: https://goo.gl/forms/yYNC6oxArK2us4683.
- If a Conduct Officer decides to refer a case to a University Conduct Committee, they are to contact the Disputes Team with details of the case.

3.6 University Conduct Committee

As a Conduct Officer at a UCC you will be required to either:

a) Present a case you have referred
b) To hear cases and decide on penalties for severe breaches of regulations.

The committee needs two Conduct Officers to be present. The Student Disputes Officers will contact you about taking part and will aim to give you plenty of notice. Please keep them updated about availability as finding a replacement at the last minute is not possible.
Being on the panel will involve some preparation, e.g. there will be paperwork to read. You can get support from the Student Disputes Officers or from the Chair on the day.

You can find guidance for the panel member of University Conduct Committee under the section ‘useful documents’ at:

https://www.brookes.ac.uk/students/student-disputes/student-conduct/
4. Procedural Notes

- Disciplinary procedures must normally be concluded prior to any degree award being conferred.
- At least 5 working days’ notice is required before any meeting or committee date.
- If reasons and evidence for non-attendance cannot be provided cases can be heard in the absence of the student.
- An accompanying friend cannot represent the student in their absence. Questions cannot be answered on behalf of the student.
- The burden of proof is balance of probability. All procedures are evidence based and we accept the explanation that is most likely to be true.
- Cases involving allegations made by one student against another student are complicated because we have the same obligations to both the reporting and reported student. We need to take steps to protect both students from harm and to provide support and education to both students. We must also treat the reporting student and the reported student fairly and not make any presumptions.
- Bear in mind some cases might need to be considered under another internal (e.g. Fitness to Practice) or external procedure (the Police), or not at all.

We must ensure that all students involved with serious incidents have access to support, advice and assistance throughout our conduct process (and beyond). The Student Welfare Team can provide guidance and support to students during the conduct procedure and will also be aware of relevant external agencies. The Wellbeing department will also be able to provide support to those affected.

Suspension:

The Conduct Officer may refer the matter to a Suspension Officer with a recommendation that a student be suspended from one or more (or all) of the services, facilities, activities,
premises and grounds of the University and/or an associated organisation and/or if required to have no contact with one or more identified people pending the conclusion of the conduct procedure.

It should be made clear that suspension is a precautionary measure, not a penalty and does not indicate that the university has concluded that the accused student has committed a breach of regulations. A risk assessment should include consideration of the support arrangements that need to be put in place for the students involved and consideration of any measures that need to be put in place to protect the investigation and/or the reporting student. A suspension should be flexible as circumstances / risk levels are likely to change.

Alleged Misconduct Which May Constitute a Criminal Offence

Occasionally there will be cases where the entire allegations or part of the allegations also fall into the remit of the criminal justice system. E.g. sexual assault, drugs offences, violence etc.

Typically, the main options for the reporting student will be:

• make a report to the police
• take more time to consider the options
• not report the matter to the police but request that the university consider the case under the conduct regulations
• take no further action.

The Student Welfare Team is available to staff and students who wish to discuss options
The nature and scope of the University Conduct Procedure is fundamentally different to that of the criminal process. It is therefore important to maintain a clear distinction between them and for students to understand the difference.

**Conduct Regulations**

This involves a breach of the University’s rules and regulations and is investigated by internal staff. Our level of proof is based on the balance of probabilities. The maximum penalty is expulsion from Brookes and our penalties are typically limited to academic or on-campus sanctions during the period they are an enrolled student. The University does not have access to forensic analysis and medical examinations. The University cannot compel witnesses to give evidence.

**Criminal process**

This involves criminal acts and is investigated by members of the criminal justice system (though they may ask University staff to provide evidence and statements). The burden of proof is beyond reasonable doubt and the maximum penalty is imprisonment. A judge can impose conditions/restrictions on someone which apply nationwide for significant periods of time.

A student should be advised that the University cannot make any findings about an alleged criminal offence, e.g. “rape” or “fraud” or “theft”. However, a university can decide if there has been a breach of regulations, e.g. allegations of ‘rape’ could be dealt with by the University as potential sexual harassment violence or abuse and as such a breach of 4.2.3.

The criminal process must take priority. The conduct procedure should not operate at the same time, so we must suspend our conduct process if a student makes a police report. However, we can take necessary precautionary action, e.g. suspending a student, or
imposing certain orders on students, e.g. a no-contact agreement. Typically a suspension officer will make these decisions.

If an incident is not being dealt with under the criminal process or where the criminal process has concluded, then the university can consider whether a breach of the regulations appears to have occurred. We cannot dismiss a case on the sole basis that no action was taken under the criminal process.

Please note that any records or documents that are created as part of the conduct procedure could be requested by the police as part of a criminal investigation and individuals could be called to give evidence. Make sure written records are clear, accurate and appropriate.
5. **Timeframes**

It is in the best interest of the student and university that conduct cases are dealt with quickly. Delays can have a significant impact on a student’s study. Below are the expected timescales when dealing with cases, however we recognise that some cases will be complicated and take longer. The regulations state:

*Every case will need to be fully investigated and this may mean that a conclusion cannot be reached as quickly as either party would wish, particularly if the case is complex or extensive, involves external agencies or was submitted at a time when key staff are away from the University. Timescales may be varied by the University where there is good reason to do so.*

**Timescales**

<table>
<thead>
<tr>
<th>University Stage of Procedure</th>
<th>Timescale</th>
<th>Responsibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Referral of case to relevant conduct officer or another procedure</td>
<td>As early as possible, preferably within 5 working days of the discovery of the potential breach</td>
<td>Any person suspecting a breach of the conduct regulations</td>
</tr>
<tr>
<td>Conduct Officer contacts the student for more information or to arrange an interview</td>
<td>5 working days from referral</td>
<td>Conduct Officer</td>
</tr>
<tr>
<td>Student Response to Conduct Officer (CO)</td>
<td>5 working days from Conduct Officer contact</td>
<td>Student</td>
</tr>
<tr>
<td>Interview Date and Level 1 Outcome Letter</td>
<td>20 working days from initial contact from Conduct Officer.</td>
<td>Conduct Officer</td>
</tr>
<tr>
<td>Student Request to Progress to University Conduct Committee (Level 2)</td>
<td>10 working ways from outcome letter</td>
<td>Student</td>
</tr>
<tr>
<td>Event Description</td>
<td>Time Frame</td>
<td>Responsible Officer</td>
</tr>
<tr>
<td>----------------------------------------------------------------------------------</td>
<td>---------------------------------------------------------------------------</td>
<td>------------------------------</td>
</tr>
<tr>
<td>CO refers case to go to University Conduct Committee</td>
<td>5 working ways from interview date</td>
<td>Conduct Officer</td>
</tr>
<tr>
<td>Acknowledgement of Request to Progress to Level 2</td>
<td>5 working days from Student Request</td>
<td>Student Disputes Officer</td>
</tr>
<tr>
<td>University Conduct Committee (Level 2)</td>
<td>30 working days from either the penalty letter or Student request to go to Level 2</td>
<td>Student Disputes Officer</td>
</tr>
<tr>
<td>Level 2 Outcome Letter</td>
<td>5 working days from Conduct Committee</td>
<td>Student Disputes Officer</td>
</tr>
<tr>
<td>Student Request to Progress to Appeal Committee (Level 3)</td>
<td>10 working days from Outcome Letter</td>
<td>Student</td>
</tr>
<tr>
<td>Acknowledgement of Request to Progress to Level 3</td>
<td>5 working days from Student Request</td>
<td>Student Disputes Officer</td>
</tr>
<tr>
<td>Appeal Committee (Level 3)</td>
<td>30 Working Days from Student request to go to Appeal Committee</td>
<td>Student Disputes Officer</td>
</tr>
<tr>
<td>Level 3 Outcome Letter (Completion of Procedures)</td>
<td>5 working days from Appeal Committee</td>
<td>Student Disputes Officer</td>
</tr>
</tbody>
</table>

6. **Key Contacts**
**Student Disputes Team** – Sarah King (Maternity Leave Cover for Beverly Sesay) for students in TDE, HLS; Warren Rödel for students in FOB and HSS; studentdisputes@brookes.ac.uk; 01865 484203

**Associate Director of ASA**- Alison Blair; ablair@brookes.ac.uk

**Director of Academic and Student Affairs and Academic Registrar** – John Kirk; jkirk@brookes.ac.uk

**Conduct Officers** – An up to date list of Conduct Officers can be found here:
https://www.brookes.ac.uk/students/student-disputes/student-conduct/conduct-officers/

**Suspension Officers** – John Kirk, Ali Blair, Chris Tuck (Head of Wellbeing), Hayley Card
(Specialist and Operational Manager, Student Central)

**Brookes Union Advice Service;** su.advice@brookes.ac.uk

https://www.brookesunion.org.uk/advice

**Student Welfare Team** – Tania Wickham and Matt Hayes

**Head of Wellbeing** – Chris Tuck

**Residences Community Manager** - Sandra Ward-Barber

7. **Template Letters**
The **Conduct Officer** must

a) write to the student confirming the outcome decision,

b) (for academic cases only) send the M3 form and email to the ML/SEC Chair

c) ensure that copies of forms and all other records and maintained.

The following template letters are included:

1. Call to interview letter
2. Case not proven letter
3. Investigative Interview Outcome letter
4. Fixed Penalty letter
1. **Call to interview letter**

Name
Postal Address
Also via e-mail to: e-mail address
Date

Dear Name

Re: Investigative Interview

Student No: XXXXXXXX

I am writing with reference to [provide brief description of nature of issue]. Please read this letter carefully and ensure that you respond, as indicated, by [time and date] at the latest.

The relevant regulations in this case are the Academic Conduct Regulations (for academic conduct cases) or the Student Conduct Regulations (for non – academic cases) which can be accessed on at the following URL:

[http://www.brookes.ac.uk/students/your-studies/student-disputes/student-conduct/](http://www.brookes.ac.uk/students/your-studies/student-disputes/student-conduct/)

It appears you may have acted in breach of Academic Conduct Regulations/ Student Conduct Regulations X.X.X and X.X.X and which state:

X.X.X – [Find relevant regulation]
X.X.X – [Find relevant regulation]

I am considering your case as the relevant Conduct Officer and therefore calling you to an Investigative Interview.
This interview will be held at [time and date] in [room and building]. Please note that this is a formal interview under the Student Conduct Procedure. Failure to co-operate with the Student Conduct Procedure, including a failure to respond to letters and e-mails from me without a valid reason, is in itself a breach of the Student Conduct Regulations and is likely to result in a penalty regardless of the outcome of the alleged breach under investigation.

Please respond to me directly to confirm your attendance at this meeting by [time and date] at the latest. If you are unable to attend at the time stated I will consider your request for the meeting to be re-arranged however I will only do so if I believe there is a clear and compelling reason. You are expected to make the necessary changes to any pre-existing arrangements to enable you to attend.

You may be accompanied to this Interview by a friend or other person who shall not be a legally qualified person acting in a professional capacity and shall not be involved in any way in the case. If you wish to be accompanied at the meeting please also confirm this by [time and date] at the latest. If you bring someone to accompany you to the Interview on the day who you have not notified to me in advance I may refuse to allow them to enter the meeting. **I will have XX accompany me to be a note-taker / to discuss the module requirements.**

You may wish to consult Brookes Union Advice which is located in the John Henry Brookes Building, at su.advice@brookes.ac.uk, or on 01865 484770. However, if you are unable to obtain any advice you are seeking before the deadline, for whatever reason, this will not be a valid reason for delay.

If you have any questions about this letter or the Student Conduct Procedure, please contact me directly.

Yours sincerely,

Name
[Job Title]
[Conduct Officer]
2. Case not proven letter

Private and Confidential

Name:

Student number:

e-mail:

Date:

Dear,

Re: Investigative Interview

Thank you for attending the Investigative Interview held on xx/xx/xx and responding to my questions about the concerns which were raised about the originality of the work that you submitted for assessment in this module/ the material in the examination/your behaviour relating to XX. The alleged breach for which you have been investigated is: collusion.

Although there was (Description of negligent behavior, if appropriate), I have listened to what you have had to say and reviewed the documentation. I have considered carefully the circumstances surrounding these incidences and I am pleased to confirm that (your work can be accepted for assessment as independent and original work / Your work will be marked by the Module Leader as normal / I do not find you in breach of regulations)

Although I realise that this process has been a worrying time for you, I am sure that you appreciate that from time to time such queries need to be raised. We have a responsibility to all our students to (Reason why it was raised as an issues, e.g.)
maintain the high standards and reputation of the Faculty and the University by making sure that our degrees are awarded entirely on the basis of students’ original efforts

ensure the safety and security of the University, students, staff and visitors

support them with their obligations to both the University community and the wider communities with which the University interacts

(Notes about future good practice, if appropriate.) e.g.

I would also like to remind you that even though you are permitted to collaborate with each other (in some cases this is required) in your coursework, the final version that you submit must be original and unique. You are expected to do the final writing portion of the task on your own. You should always keep documentary evidence of your work, including rough drafts and notes and some record of the process by which you produced the work until after the module results have been published on PIP.

Although, I have found that you are not in breach of the regulations, please do consider future behaviour and how it may appear to staff members and other students, to reduce the likelihood of future behaviour being reported to the University.

Many Thanks for your co-operation with this process.

Yours sincerely,

Name

Conduct Officer
3. Investigative Interview Outcome Letter

Private and Confidential

Student name: «Name» «Surname»
Student number: «Student_number»

«Date_of_letter_to_student»

Investigative Interview Outcome

Dear «Name»,

Thank you for attending the investigative interview on «Date_of_interview» and responding to the concerns that were raised about the originality of the work that you submitted for assessment for Module «Module_number» / The unauthorised material in the examination / The incident that occurred on XXX

Having carefully considered all aspects of this case, I have concluded that you have breached the Academic conduct regulations/Student Conduct regulations and are in breach of Academic Conduct Regulation/Student Conduct Regulation xxx. Based on this and taking into consideration all mitigating factors, I have imposed a penalty of «Penalty».

I must advise you to take extra care (Describe errant behaviour) in producing work in future to ensure that it is original and of high academic standard / in dealing with staff in the University / in examinations. The University will treat seriously any further breach of the Student Conduct Regulations.

You have the right to request that your case be re-heard by a University Conduct Committee. If you wish to do so, you must explain in writing which part of the investigative process or the penalties imposed you believe are unfair or poorly processed. Your letter, together with any additional information you wish to submit, must be received by the Student Disputes Team within 10 working days of the date of this letter. You can write to
them via studentdisputes@brookes.ac.uk You should note that a University Conduct Committee can increase penalties as well as reduce them.

If you are unclear about any other aspect of your situation or are in any doubt as to what you should do now, you should consult the Student Union Advice Centre which is located in the John Henry Brookes Building, on Oxford 484770, at suadvice@brookes.ac.uk or refer to the Conduct Regulations and Procedure, which are available at the following URL:

http://www.brookes.ac.uk/students/your-studies/student-disputes/student-conduct/.

Here is the webpage which contains links to the various support services on offer around the University:

http://www.brookes.ac.uk/students/your-studies/student-disputes/useful-contacts/

Yours sincerely

Conduct Officer
4. Fixed Penalty Letter

Name
Address
Postcode

Also sent via email to: XXXXXXXXX
Student number: XXXXXXXX

Date

Dear XX

Fixed Penalty Fine (H&S Equipment/Examination/Car)

Please read this letter carefully as it contains important information that you must act upon. I am the relevant conduct officer dealing with this matter under the Student Conduct Regulations, which can be found in Section C here: https://www.brookes.ac.uk/regulations

Summary of Incident

H&S
I have reason to believe that: Summary of incident
e.g. you have been tampering with health and safety equipment within your room as the security team have observed a black sock in your room from outside your flat covering your smoke detector.

This is a breach of Student Conduct Regulation 4.2.15:

Misuse or interference with any equipment provided in the interests of health and safety, including negligent behaviour leading to the activating of a fire or smoke alarm.

Smoking
I have reason to believe that: Summary of incident
e.g. you have been smoking in your bedroom in XXX, as the cleaning team have repeatedly found used ashtrays within your bedroom.

This is a breach of Student Conduct Regulation 4.2.16

Breaching the terms of the regulations governing student use of residences owned or managed by or on behalf of the University (the Hall Regulations)

**Bringing a Car to Oxford**

I have reason to believe that: **Summary of incident**  
e.g. you are keeping a car in Oxford, as evidenced by CCTV

This is a breach of Student Conduct Regulation 4.2.16

Breaching the terms of the regulations governing student use of residences owned or managed by or on behalf of the University (the Hall Regulations)

**Exams**

I have reason to believe that:

**Summary of incident. e.g.** Your mobile phone rang during a formal examination on XX, as described in the invigilators report.

This is a breach of the Core Regulations (Student Responsibilities, Examinations) A.3.3.7 and thus also constitutes a breach of the student conduct regulations.

**Fixed Penalty Fine**

The University has a fixed penalty policy for breaches of the regulations where students generally understand why the regulation is necessary and there is usually little doubt about the facts of an alleged breach, nor valid grounds for mitigation.
As this is the first time you have breached this regulation, this letter is to notify you that I have imposed a Fixed Penalty Fine of £XX. The University takes breaches of this regulation extremely seriously and any future breaches are likely to result in a more significant disciplinary penalty.

As there is a 25% discount for fines paid within 10 days, the fine will be £XX if paid within 10 working days of this letter. However, if you do not pay within the 10 working days, the additional amount of £XX will be added to your account for payment, (which is the full financial penalty for this breach.) The final deadline to pay the fine is XXX.

You will be notified by the Accommodation Bureau via your StarRez account with instructions on the amount and how to pay this fine:

Please pay this fine via the Brookes online shop: https://shop.brookes.ac.uk/product-catalogue/examinations-team

Next Steps

You must pay the fine detailed above by the dates shown. Failure to comply with this process will result in you being called to attend a formal disciplinary meeting with a Conduct Officer and you may be subject to further disciplinary penalties, as well as having to pay the original fine.

If you accept that you did breach this regulation, you do not need to do anything further after paying the fine.

If you wish to dispute the fine, you must also write to me by DATE enclosing (a) any documentary or other evidence that you believe is relevant to your case and (b) evidence that you have paid the fine as described above.

I will then contact you to arrange Disciplinary Interview to consider the case and, if I find that you have not breached the regulation, the University will refund the fine.
Please note:

a) I shall not organise the Disciplinary Interview until you have provided evidence that you have paid the fine;

b) if you do not provide all the above information and documentation by XXX you will lose your opportunity to challenge this fine;

c) if you do not pay the fine by XXX, you will be in further breach of the Student Conduct Regulations. You will still have to pay the fine (which will be passed to the University’s Finance Office and treated like any other debt to the University). You will also be called to a Disciplinary Interview which is likely to result in an additional penalty for the non-payment.

For more information, please refer to the Student Conduct Regulations and Procedure which is available on in Section C here: https://www.brookes.ac.uk/regulations

You may also wish to get advice from the Brookes Union Advice Service which is located in the JHBB or contactable via su.advice@brookes.ac.uk, or on 01865 484770.

Please note, any delay in obtaining advice, for whatever reason, will not be a valid reason for missing either of the deadlines for paying the fine.

If you have any questions about this letter, please contact me immediately.

Yours sincerely

Name
Job Title
Conduct Officer