

Student Conduct: Guidance for University Conduct Committees (Level 2) and Appeal Committees (Level 3)

These guidance notes can be used by student reps and staff to prepare for a University Conduct Committee (UCC) or Appeal Committee and to answer any questions you may have about the hearings.

These notes should be read in conjunction with the [Academic Conduct Regulations](#) and [Student Conduct Regulations](#) which can be found under section C1.1 and C1.2 respectively of the University Regulations (www.brookes.ac.uk/regulations).

Purpose of the Committees

The panel at the Committees are asked to decide whether or not a student has breached the Student Conduct Regulations.

The Committee can be requested by a student to review a Level 1 decision; or by a Conduct Officer if the penalty they believe to be appropriate is beyond what they are permitted to award.

There are only two possible outcomes:

1. The student **has breached the regulations and a penalty will be given**
2. The student **has not breached the regulations**

For the Reported Student to be found to have breached the regulations, the panel must believe it is more likely than not that the Reported Student did what he/she has been accused of. The panel will listen to and review relevant information and make a decision based on the presented information.

If the panel finds that the Reported Student has breached the regulations, they will then decide which penalty is most appropriate.

Terminology

Here is a list of some of the vocabulary used with their meanings.

Reporting Student: The student who has reported another student for an alleged breach of the Student Conduct Regulations.

Reported Student: The student who has been accused of breaching the Conduct Regulations.

Witness: A person who either witnesses the incident or provides information to aid the case of either the Disciplinary Officer or Student.

Conduct Officer: An appropriately trained member of Oxford Brookes University Staff who has been asked to investigate an alleged breach of the Student Conduct Regulations.

Secretary: A member of Oxford Brookes University Staff who is responsible for arranging the Conduct Committee, taking notes at the meeting, ensuring that procedures are followed and writing the outcome letter to the Reported Student.

Panel: Group tasked with hearing the case and deciding if the regulations have been breached. Contributions of the University Conduct Committee Panel members are equally weighted. All decisions shall be made by a simple majority of the members of the Committee. In the event of a tied vote, the Chair shall have a second and deciding vote.

Quoracy: The number of panel members required to make the University Conduct Committee meeting possible.

OIA: The Office of the Independent Adjudicator (OIA) review individual complaints by students against higher education providers. The OIA is an independent body and has no regulatory powers over providers and cannot punish or fine them.

Balance of probability: The level of proof used by the Committee. The Committee will accept the explanation that is most likely to be true. This is different to a legal proceeding where the level of proof required is: beyond reasonable doubt.

Academic conduct: Student conduct relating to a course of study.

Non-academic conduct: Student conduct relating to student life excluding academic conduct.

Sequence of events at a Level 2 University Conduct Committee

The University Conduct Committee is: Chair*, 2 Conduct Officers, 2 Student reps (Chair plus 3 for quoracy); SDO as secretary.

- Private discussion with the Panel.
- Conduct Officer and Reported Student enter the meeting.
- The Conduct Officer states their case and recommendation for the outcome of the University Conduct Committee.
- The Reported Student to state their case.
- Panel members question any witnesses and clarify any evidence or statements produced.
- Private discussion of the Panel to decide if there has been a breach of Regulations and what Penalty (if any) to apply.
- Conduct Officer and Reported Student enter the meeting.
- The Chair of the Panel will state their decision as to whether there has been a breach of Regulations. The Chair will then state what penalty (if any) will be imposed.
- The Secretary will write the outcome letter and send this to the student a few days after the conclusion of the University Conduct Committee.

Sequence of events at a Level 3 Appeal Committee

The Appeal Committee is: Chair, Member of the Board of Governors, A Student Rep; SDO or nominee as secretary; no previous involvement with case; Student (accused) and Chair of UCC have the right to attend.

- Private discussion of the Panel.
- The Chair of the University Conduct Committee and the Reported Student join the meeting.
- The Chair of the University Conduct Committee will state their case.
- The Reported Student will state their case.
- Members of the Appeal Committee will question any witnesses to clarify any evidence or statements produced by either party.
- Private discussion of the Panel to decide liability and penalty (if any).
- The Chair of the University Conduct Committee and the Reported Student join the meeting.
- The Chair of the Appeal Committee will state their decision as to whether there has been a breach of Regulations. The Chair will then state what penalty (if any) will be imposed.
- The Secretary will write the outcome letter and send this to the student a few days after the conclusion of the Appeal Committee.

Preparing and asking questions

Questions based on the shared materials (both the Reported Student and the Conduct Officer will be allowed to submit any further documentation by a deadline and before the Committee meeting) can be prepared in advance of the Committee meeting.

Panel members can ask questions of the Conduct Officer, Witnesses and the Reported Student.

The Reported Student can ask questions of the Conduct Officer and Witnesses.

The Chair will ensure that questions are appropriate and understood.

Consider how you phrase your questions to get the information you are looking for:

Open questions - these cannot be answered with a “yes” or “no”, e.g. “How did you feel when you met up with him?” Such a question compels thinking about emotions and feelings and the impacts of actions.

Closed questions - such questions can be answered with a “yes” or “no”, e.g. “Did you break the window?” Closed questions can be helpful when you are looking for clarity. Try to use these questions sparingly as they will not elicit the same amount of information as open questions.

Stringy questions - this is a multi-part question asked as one question, e.g. “when you met him, were you angry? Confused? Annoyed? Or were you just there because you felt you had to be?” Stringy questions can confuse people.

Some advice:

- Ask open questions frequently.
- Ask closed questions less and specifically for clarifying information.
- Avoid stringy questions.

It is important for us to enter into Committee meetings with an open mind. Having a prepared list of questions can be helpful. It could also be a hindrance because you may be more focused on asking your questions, rather than listening to what is being said. Your questions may be answered while you are carefully listening.

What should I say?

As a panel member, you may wish to tell the panel which pieces of evidence you found most compelling and why.

The Reported Student may wish to explain their response to the accusation and how the accusation has impacted them.

It is acceptable to point out inconsistencies, flaws or errors in the investigative report or statements made. It is OK to explain that there is no evidence or weak evidence to support a particular explanation.

All information and documents relating to the case are confidential and must not be shared or discussed with anyone outside of the Committee.

What can I do to help keep the hearing orderly?

- Wait to be addressed before speaking (don't interrupt others who are speaking).
- Use polite and courteous language.
- Consider the volume and tone of your voice so that it can be audible, especially if a telephone conference or Skype call is being used.
- Avoid using rhetorical statements, sarcasm or derogatory language.
- If you're feeling overwhelmed by an emotional response, ask the Chair for a break.
- Practice framing your thoughts in conciliatory language. Consider the following statements as examples: "Please can you explain so I may better understand", rather than: "What you said makes no sense at all".
- Be aware that people may say things that you disagree with. Allow them the opportunity to speak and try to respond in a calm and considered way.
- Take notes during the meeting. If you think something occurred that put you at a disadvantage, then document it for a possible appeal.

Do I have to attend?

- If you are a Panel Member, your attendance is required for the meeting to go ahead. As per the University Conduct Regulations (paragraph 6.5.2), there is a quorum for the meeting and consequently, the meeting cannot go ahead if this quorum is not reached.
- Also, we do not have long to conduct the meeting, so please make sure you arrive on time.
- As a Reported Student, it is always a good idea to attend the meeting. Being in attendance will allow you to explain your statement further, answer and ask questions. If you cannot attend, please let the Student Disputes Officer know why and provide evidence to support your explanation. It may be possible (in exceptional circumstances) to reschedule the meeting, but would normally go ahead in the absence of the Reported Student.
- The Conduct Officer will present the case at the meeting on behalf of the Reporting Student and is required to be at the meeting. The Conduct Officer can, in exceptional circumstances, provide a statement to be read out in their absence. The Reporting Student does not have a right to attend the meeting but may be called as a witness by the Conduct Officer.

Can a lawyer represent the student?

- Oxford Brookes University procedures are not legal procedures and students should not need to have a legal representative, and would normally be better advised to seek guidance from the Brookes Union. Legal representation is also costly.

Can a friend or colleague represent the student?

- A friend or colleague can present the case on the student's behalf, but the student cannot be represented at the hearing in his or her absence and the friend or colleague cannot answer questions on the student's behalf.
- If the student does not provide any valid reason or evidence for not attending the hearing, then the case can be heard in the absence of the student.

How will the room be configured?

- The Panel and Secretary will be in the room at the start time. The Secretary will greet the Conduct Officer, Reported Student, Witnesses, accompanying friends/ representatives at the start time and ask them to wait outside the room and nearby while those already in the room hold a private discussion.
- The Conduct Officer, Reported Student, Witnesses, accompanying friends/ representatives will be called to the room. The Secretary or Chair will indicate where everyone can sit.
- If you do not want to be in the same room as the Reported Student, please let the Student Disputes Officer know as soon as possible so alternative arrangements can be made, e.g. Skype or telephone conference call.

What can I expect from a fair hearing?

- The opportunity to present information, evidence and witnesses.
- The opportunity to question those present at the hearing.
- A decision will be made based solely on the information that has been shared with all parties and during the hearing.
- The right to not respond or answer a question without it being held against you.

What if I think a panel member is biased?

If you have a reasonable belief, supported by evidence, that a member of the Panel (including the Chair) cannot serve impartially, you may request that they do not serve on the Panel. Raise your concerns with the Student Disputes Officer. If this is in advance of the meeting, the Student Disputes Officer will aim to find a replacement. If the Panel has a Chair and three members, the meeting can still go ahead.

How can the Committee accommodate reasonable adjustments?

Please inform the Secretary / Student Disputes Officer of any disability before the hearing, so that they can consider reasonable adjustments.

What penalty should I choose?

Here are some questions you may wish to consider when deciding on a penalty:

- Why did the student breach the Conduct Regulations?
- Was the breach intentional?
- Were there any mitigating factors?
- Was he or she aware of the possible consequences?
- What were the actual consequences of the behaviour?
- Was there physical damage or personal harm?
- What were the potential consequences of the behaviour?
- What penalty would the student learn from the most?
- What penalty would benefit the community or those directly affected?
- Is the penalty educational and reflect the importance of student development?
- Does the penalty reduce risk for the University community?
- Does the penalty simply punish or does it help inform a new way of behaving?

Can the Committee make recommendations?

Where the University Conduct Committee or an Appeal Committee believe it appropriate, it can recommend that the student seek counselling or some other specified form of support, such as:

- Student can be encouraged to use Wellbeing services - Counselling or Student Welfare Manager.
- Referrals to external support services may also be relevant, e.g. Turning Point for substance misuse, psychiatric services.
- Support services may be relevant for both the subject of a disciplinary investigation and the student who has made the complaint.

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