

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

These guidance notes can be used by students 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 in the University 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*, 1 Panel Conduct Officers, 1 Student reps, a 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, 1 Panel Conduct Officer, A Student Rep; a secretary; all with no previous involvement with case;

- Private discussion of the Panel.
- The Chair of the University Conduct Committee and the Reported Student join the meeting.
- The Reported Student will state their case.
- The Chair of the University Conduct Committee 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 will state their decision and state the penalty (if any)
- The Secretary will write the outcome letter and send this to the student a few days after the conclusion of the Appeal 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 Secretary 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 normally 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 I ask a lawyer to represent me?

- 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 me?

- 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 another person, please let the Secretary know as soon as possible so alternative arrangements can be considered, e.g. Google Hangouts 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 Secretary. If this is in advance of the meeting, the Secretary will aim to find a replacement.

How can the Committee accommodate reasonable adjustments?

Please inform the Secretary of any disability or requirement before the hearing, so that they can consider reasonable adjustments.

Can the Committee make recommendations?

Where the University Conduct Committee or an Appeal Committee believe it appropriate, they 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.

University support services

- Wellbeing www.brookes.ac.uk/students/wellbeing
- Brookes Union Advice Service www.brookesunion.org.uk/advice
- Student Support Co-ordinators www.brookes.ac.uk/students/support-services/ssc

- Upgrade Academic Skills Development, which is the University's confidential study advice service for anyone who wants advice on referencing, writing essays, assignments and dissertations, Academic English and more. They can be contacted via email at upgrade@brookes.ac.uk or via their webpages www.brookes.ac.uk/students/upgrade.