

Guidance for students who have been accused of sexual harassment, violence or abuse

If you are subject to an allegation of sexual harassment, violence or abuse, please read this guidance. It is a resource to help explain what action the University will take. You can also seek support from the University.

When an allegation of sexual harassment, violence or abuse is reported, the University will aim to ensure the safety and wellbeing of the reporting and reported student and the wider University community.

What happens if another student approaches me directly (not using the formal Student Conduct Procedures) with an allegation of sexual harassment, violence or abuse?

A student may choose to discuss the matter with you directly, rather than initiating a conduct case. In dealing with the accusation informally, you will need to listen carefully and calmly to what is being said. If you find that you have unintentionally caused offence, or you believe that your words or actions have been misinterpreted or misjudged, then you will need to keep calm in order to try to reach an understanding with the person accusing you.

If you come to realise that you have harassed another person, be ready to change the behaviour causing offence. You may wish to seek support in changing your behaviour in future; the University Counselling Service or other external support may be able to help you.

If you believe the accusation to be unfounded state this, but arrange to seek advice and support as soon as possible, whether the situation is resolved informally or formally.

Please note that the University will investigate alleged breaches of the University Conduct Regulations and will be able to apply penalties as per the Conduct Regulations. *This is not a legal proceeding.*

The role of the Student Investigation and Resolution Team and Conduct Officer

A student may make a report of sexual violence, harassment or abuse to the Student Investigation and Resolution Team. Additionally, if there has been a report to the police, the Student Investigation and Resolution Team may be informed.

A Student Information and Resolution Officer will arrange a conduct interview with you. You will receive a letter regarding the inquiry meeting. You will be allowed to be accompanied by someone who is not acting in a legal capacity. You could consider asking a member of the Brookes Union Advice Team to accompany you. The Conduct Officer will let you know if they will be accompanied by a note taker. The Conduct Officer will share information about the allegations with you prior to the meeting.

A. If the reporting student has not reported to the police

1. You will be asked to give an account of the incident. This account will be kept on record by the Conduct Officer and the Student Investigation and Resolution Team. You may want to prepare for this meeting by: reading the Student Conduct Regulations and speaking with someone in the Brookes Union Advice Team; making a timeline of the events in question.
2. The Conduct Officer will continue the conduct interview under the University's [Student Conduct Regulations](#) to determine whether there has been a breach of our Regulations.
3. After the conduct interview, the Conduct Officer may do one or more of the following:
 - Share the notes taken at the interview for you to check. Upon agreement of the notes taken, the Conduct Officer will send you a formal outcome letter with their decision on whether the Student Conduct Regulations have been breached and a penalty (if any). If there is an opportunity to appeal the decision, this will be explained in the letter.
 - Tell you if they have decided that there has been a breach of the Student Conduct Regulations or not. They will tell you what penalty (if any) they have decided to give. This will be followed up with a formal letter including details about an opportunity to appeal the decision.
 - If the Conduct Officer decides that the Student Conduct Regulations have been breached but they believe a more serious penalty (which they are not permitted to give) is more appropriate, they can refer the case to a University Conduct Committee for consideration.

You should not approach or make contact in any way with the reporting student, or any potential witnesses. You should not incite others to attempt to make contact with the reporting student and/or potential witnesses - to do so could be investigated as a further alleged breach of the Student Conduct Regulations.

Please remember any notes taken, or information given may be requested by the police if there is a criminal investigation later.

B. If the reporting student has reported to the police

The University will not normally investigate a case if there is an ongoing criminal investigation, so the Student Investigation and Resolution Team or Conduct Officer will act accordingly and update you. If you are invited to a conduct interview:

1. You will be asked to bring along to the meeting any paperwork that relates to your case. This may include bail conditions.
2. You may be asked to give a statement of the incident to a Conduct Officer and this account will be kept on record.
3. If there are criminal or court proceedings underway, the Conduct Officer will not conduct a conduct interview until the criminal or court proceedings have been completed. However, the Conduct Officer can investigate any other separate breaches of the Regulations that are not related to criminal proceedings, e.g. bullying or harassment. If this is the case, refer to section A above.

Where the police have imposed bail conditions on you, it is important that you follow these conditions. Failure to follow these conditions could result in your arrest and imprisonment.

Failure to follow any conditions could result in the police and the University taking action against you. You should consider confidentiality (information should only be shared on a need to know basis) and are advised not to post information about the case on social media. Seek advice and do not take any action that you may regret later.

You should not approach or make contact in any way with the reporting student, or any potential witnesses. You should not incite others to attempt to make contact with the reporting student and/or potential witnesses - to do so could be investigated as a further alleged breach of the Student Conduct Regulations.

It is important to note that a reporting student who initially decides not to involve the police can decide to change their mind later on and ask for the police to take action.

It is advisable to discuss the use of a solicitor with the police.

The police can ask for any records held by the University in relation to the alleged incident at any time. However, should the police make a request the University does have strict procedures in place that are in line with the requirements of the Data Protection Act 2018.

The Suspension Officer

A Suspension Officer may complete a risk assessment at any time during the procedure, possibly before the inquiry meeting. This is to assess if there is any risk for you, the other student, or the wider University community in the circumstances. The risk assessment will also take into consideration any bail conditions (if applicable).

The risk assessment may result in the University taking action which could include: suggestions for extra support; a behaviour agreement; or temporary or permanent exclusion from all or specific areas on the campus. You will be advised in writing of the outcome of the risk assessment and you will be able to appeal the decision. Conditions placed upon you as a result of a risk assessment are not a penalty or presumption about the allegations, nor are they prejudicial to the outcome of the conduct investigation.

Where the University has imposed conditions on you following a risk assessment, it is important that you follow these conditions. Failure to do so could result in a conduct inquiry.

Questions and answers

If I am suspended, how long will my suspension last? How am I going to catch up on my course?

Suspension from the University is rare; there are many options available to a Suspension Officer. Any decision to suspend a student will have taken many factors into account. The time limit cannot be set at the start because it depends on individual circumstances and the suspension will be reviewed as necessary.

You are advised to seek advice from your Faculty regarding your academic studies during the period of suspension.

How can you suspend me when there is no criminal investigation taking place?

The University's Regulations are not criminal proceedings. Any action is taken in good faith for the protection of the reporting student and/or the reported student whilst University inquiries are taking place. The risk assessment considers the accounts of all parties involved as well as external sources where relevant and applicable, e.g. the police, mental health professionals.

I have been found guilty by the criminal courts. What happens now?

The University will review your case, taking into account the risk assessment and any potential breaches of our Regulations. You are advised to seek more support in light of the new information.

Support from the University

Student Investigation and Resolution Team (for questions regarding the Student Conduct Regulations and Procedures)

Email: sirt@brookes.ac.uk

Phone: 01865 484203

Web: www.brookes.ac.uk/students/sirt/

Address: B1.10, Buckley Building, Headington Campus, Gypsy Lane, Oxford, OX3 0BP

Wellbeing Department (including Student Welfare and Counselling)

Email: wellbeing-recpt@brookes.ac.uk

Phone: 01865 484650

Web: <http://www.brookes.ac.uk/students/wellbeing>

Address: Buckley Building, Headington Campus, Gypsy Lane, Oxford, OX3 0BP

Support from Brookes Union

The Brookes Union Advice Team can provide advice, information and assistance to help guide you through the University's Regulations and procedures. All advice, information and assistance given is independent of the University and completely confidential.

Advisers can also explain how your student funding might be impacted but are not able to provide legal advice or representation in any criminal proceedings. If you have been temporarily excluded, you can still access Brookes Union.

Email: su.advice@brookes.ac.uk

Phone: 01865 484750

Web: <https://www.brookesunion.org.uk/advice>

Address: Brookes Union, John Henry Brookes Building, Headington Campus, Gypsy Lane, Oxford, OX3 0BP