

Guidance for Reporting Students (Conduct Cases)

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This 'Guidance for Reporting Students' document is useful for all students who may wish to understand the disciplinary procedure for student conduct, but especially for those who have submitted a formal conduct report to the Student Information and Resolution Team (SIRT). It describes the process and what you can expect as the 'Reporting Student' or 'Reporting Party'.

Formal reports of alleged breaches of conduct involving students are considered under the [Student Conduct Procedure](#). Please read these regulations for detailed information about the procedures.

1 Remit of the procedures

Please note that the Student Conduct Regulations are used to consider alleged breaches of the Student Conduct Procedures. They are designed to address misconduct, rather than resolve disputes between individuals.

The University cannot determine whether or not a crime has been committed. The Student Conduct Regulations and Procedures are not legal or criminal proceedings.

Matters will not be excluded from consideration simply because the alleged act could constitute a serious criminal offence. There are University staff and external organisations that can discuss how to pursue a criminal complaint if you choose to report an incident as a criminal offence, see Section 3.

If a criminal or police investigation is already on-going or it starts after a conduct report has been made, the University will suspend its investigation of the student conduct case. The University will typically continue with Precautionary Measures to ensure the safety of all parties. Conduct proceedings are put on hold to ensure that the University process does not interfere with the police investigation.

2 How does a concern progress to a conduct report under the Student Conduct Procedures?

If you have experienced or witnessed what you believe is a breach of the Student Conduct Regulations, including sexual violence, hate crime or harassment involving students, you can complete the [Student Conduct Report Form](#) (Please note you will need to log in to your Brookes google account to access this form.) This is a formal report, you will receive a reply from SIRT about next steps.

If you would like to speak with a member of SIRT before making a formal report or if you do not have a Brookes account, you can email sirt@brookes.ac.uk. Your query will be passed to the SIRT Deputy Head responsible for student conduct. They will contact you to explain the process, answer your concerns or questions and signpost you to support services before you decide whether or not to make a formal report.

If you have experienced or witnessed sexual violence, hate crime or harassment involving students, you can also report it online via the [Report and Support webpage](#). This report can be made anonymously or you can report including your contact details. If you provide contact details, the Student Welfare Team will contact you to offer support and guidance. **Note:** If you make a report via Report and Support, your report will not automatically be considered a conduct matter to be investigated by SIRT. To make a conduct report you will still need to contact SIRT directly or complete the [Student Conduct Report Form](#)

3 What support can I get?

There is a lot of information regarding the support available on the [Report and Support website](#).

A full list of support provided by the University is available on the [Student Support webpage](#)

Student Investigation and Resolution Team (SIRT)

(for questions regarding the Student Conduct Regulations and Procedures)

Email: sirt@brookes.ac.uk

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: studentwelfare@brookes.ac.uk

Phone: 01865 535 222

Web: <https://www.brookes.ac.uk/students/student-welfare>

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

Brookes Sport

If you are a student athlete or the conduct reported occurred in the context of participation with Brookes Sport you can contact the dedicated Sports Support Officer for support.

Email: sportsupport@brookes.ac.uk

Phone: 07389 706841 (Sports Support Officer) 01865534100 (Sport Centre Reception)

Web: <https://www.brookes.ac.uk/brookes-sport/team-brookes/student-athlete-wellbeing>

Address: Oxford Brookes Centre for Sport, Cheney Lane, Headington, Oxford, OX3 0GB

Support for survivors of sexual violence or abuse

If you have been subject to sexual violence or abuse, you can seek support from Brookes University Independent Sexual Violence Advisor (ISVA). Support is available for students, whether or not the perpetrator is also a Brookes student. The ISVA is experienced in supporting Reporting Students through conduct proceedings. More information for students reporting rape or sexual assault can be found [here](#).

To access ISVA support for yourself please complete the [self-referral form](#).

Email: brookesuniisva@osarcc.org.uk

Phone: 07425344668 (Monday to Friday).

Brookes Student Union

You can also contact the Brookes Union Advice Team for guidance: su-advice@brookes.ac.uk

4 What happens after I have submitted a formal Student Conduct Report?

You will receive an email from SIRT to acknowledge your report. This email will include a case number and a link to the Student Conduct Procedure and Regulations.

The senior member of SIRT will then decide if the case is eligible to be dealt with under the Student Conduct Procedures. You should be notified how the case is to be handled usually within 10 working days of submitting the report.

4.1 Anonymous reports

If you raise an anonymous report the University will endeavour to explore such issues as far as is possible; any investigation, and the outcomes of any investigation will be conducted and implemented entirely at the University's discretion. To pursue a conduct case under the Student Conduct Procedures the Reported Student will need to know the specifics of the allegation, including the identity of the person making the allegations. Only in very rare cases would the University consider proceeding without disclosing to the accused student the identity of the person making the report and/or the identity of the person alleged to have been subjected to the conduct.

4.2 Reporting on behalf of someone else

A third party can make a report if they have been impacted by the alleged conduct or, they are reporting the incident on behalf of the person who was subject to the behaviour.

For example, a parent, guardian, housemate or friend could make a report on behalf of the person who was subject to the conduct (i.e. the alleged victim of the reported behaviour). If making a report on behalf of someone, you should have the person's consent. If you are a parent reporting on behalf of your child, please note that without the express consent of the student, the University will not be able to discuss the matter with you. In most cases the person subject to the conduct will be expected to engage or participate in the proceedings.

A member of the public or a member of the University Community (including staff and/or visitors) can make a report, provided the accused person is a current student. A conduct report against a staff member is dealt with under a different procedure to which you will be signposted.

5 Who can I talk to about what is happening?

You are welcome to talk to whoever you want to for support. We encourage you to seek support from the University and external organisations as well as your own personal network.

Note about confidentiality: Please remember that you are only in control of what you say or share with others; you cannot control what others do with that information. We generally recommend students speak to people who have a duty of confidentiality, e.g. student support services, personal therapists etc. because then they can ensure that information does not get disseminated unnecessarily or misconstrued in any way.

Unfortunately, it is easy for rumours to spread around a small network, e.g. a sports club, a society or a course and this has potential to impact upon any investigation and your own wellbeing. Sharing information may prejudice a fair hearing and therefore jeopardise conduct proceedings.

The University wants students to feel supported to report misconduct by other students and recognises the importance of being able to do so, particularly to prevent future misconduct or escalation. We would not victimise anyone for reporting information they believe to be true especially if a report is made through the appropriate channels. The conduct procedure provides a framework to deal with matters in a fair and just way for the protection of all parties; however, other people may act outside of the University processes, e.g. legal processes, if they believe that someone has falsely spread information about them which impacts their reputation. Recourse to civil law is beyond the University's remit and open to everyone. Posting about a conduct matter on social media may not only jeopardise the University's ability to proceed with disciplinary actions, but students are also reminded that a digital footprint last forever.

The student welfare team have experience working with students who are going through the conduct proceedings. They can be contacted via studentwelfare@brookes.ac.uk

6 What are the procedural steps under the Student Conduct Procedure?

Initially you may be contacted by a senior member of SIRT to gather more information about your report. This will be an opportunity to explain the process in more detail, signpost you to support services and answer your questions or concerns. That staff member will either conduct the investigation themselves or delegate the matter to be investigated by another member of SIRT.

6.1 Alternative Resolution

A senior member of SIRT will assess the suitability of an alternative resolution to the matter without

proceeding to a conduct investigation.

In some cases, the motivation for reporting a conduct matter is because the Reporting Student wants the behaviour to stop. Most commonly in cases of unwanted contact or cases where the accused is engaging in disruptive behaviour, the Reporting Student wants the University to act quickly and take measures to stop the behaviour. The Reporting Student may wish to resolve the matter by SIRT informing the accused student that their behaviour has come to the attention of the University and provide them with 'words of advice' to cease the behaviour which is negatively impacting others.

Other forms of alternative resolution may include:

- an agreement not to continue or repeat the reported behaviour,
- referral to other agencies for additional support,
- adjustments to accommodation or academic study arrangements,
- input from Brookes affiliated societies and/or Brookes Sport,
- and/or
- providing individual training, education, support, and restorative approaches to improve students' awareness of behaviours and their impact.

The options above will be provided to the Reporting Student, where appropriate, as an initial attempt to resolve the matter. Alternative resolution must be with the agreement of the Reporting party and without prejudice to future reports or proceedings; meaning that if the Reported Student does not comply with the agreed resolution, the matter could still proceed as a formal conduct report. The Reporting Student will be informed of the steps taken and the outcome of the meeting with the Reported Student and any agreement reached.

6.2 Proceeding to investigation

In cases where alternative resolution is not suitable or rejected by either party, the conduct report may progress to investigation. The Conduct Officer appointed will request to meet with the Reporting Student and/or witnesses to gather information and obtain written accounts. You will be asked if you have any evidence to support your allegations. Do not worry if you don't have evidence, depending on the nature of the allegation, it is not unusual for cases to proceed without witnesses or supporting evidence.

You may have someone attend the meeting with you, provided this person is not directly involved in the matter.

During the meeting, the Conduct Officer will ask you to explain what happened and may ask you questions to assist with drafting your account (otherwise known as a statement). You will be asked to review and sign a final version of your account.

The Conduct Officer will contact the Reported Student(s) to inform them of the allegations including the identity of the Reporting Student. The Conduct Officer may notify you of when they plan to inform the Reported Student if they consider this appropriate.

The Conduct Officer will then carry out an investigative interview with the Reported student(s).

The Conduct Officer may advise the Reported Student not to contact the Reporting Student and/or any witnesses. The Reported Student will be told not to ask others to contact the Reporting Student and/or potential witnesses or otherwise interfere with the case, as this may constitute a further alleged breach of the Student Conduct Regulations.

7 Precautionary Measures

The University will assess whether Precautionary measures are necessary for students involved in a conduct case. More information can be found in section 4 of the [Student Conduct Procedures](#).

An assessment will take place and a plan can be created to mitigate against future incidents occurring or restrictions put in place to reduce the likelihood of the reporting student and reported student meeting each other. Arrangements may include:

- No contact between the students involved
- No access to certain areas, e.g. accommodation
- Restricted access to facilities, e.g. sports centre

These plans are made on a case-by-case basis, both parties will be involved in any discussion and the measures will be kept under review.

8 Will I be updated?

The Conduct Officer may keep you informed about the general progress of the investigation and the general outcome of it, but specific details will not be shared.

You should inform the Conduct Officer of any changes in your circumstances, e.g. if you plan to leave the country or if you withdraw from the University.

The Conduct Officer may notify you when they plan to inform the Reporting Student, if they feel this is necessary for safeguarding.

You will not be invited to attend the investigative interview with the Reported Student, but you may be

asked to provide a response to any new information or explanation provided by the Reported Student.

9 What happens if the Reported Student is found in breach of the Regulations?

9.1 Conduct Investigation

At the end of the investigation, the Conduct Officer may reach a decision as to liability on the evidence provided i.e. the Conduct Officer alone may conclude that, on the balance of probabilities, there is sufficient evidence to find the Reported Student in breach. If the Reported Student is found in breach, the Conduct Officer will award the appropriate penalty/penalties available to them.

The list of penalties, including those available to a Conduct Officer, are listed under section 6 of the [Student Conduct Procedures](#).

In cases where there is a lack of overwhelming or direct evidence, or the nature of the breach is so serious as to warrant a penalty beyond those available to a Conduct Officer, the Conduct Officer may refer the case to a University Conduct Committee (UCC).

The Conduct Officer may base their decision to refer the matter to a UCC on the following grounds:

- i) the seriousness of the allegations
- ii) the nature of the conduct reported
- iii) the absence of overwhelming factual evidence, and
- iv) the gravity of any potential outcome (if the Reported Student is found in breach they could face the most severe penalty)

Where the Conduct Officer may not be able to determine liability (whether or not the student is in breach), it is in the interest of fairness to both parties for the matter to be heard and decided by an independent panel unencumbered by any involvement in the investigative stage.

It will be for the University Conduct Committee to consider the case in full and determine whether the alleged conduct constitutes a breach of the Student Conduct Regulations.

9.2 The University Conduct Committee

If a Reported Student is given a penalty by the Conduct Officer at the conclusion of the initial investigation, the Reported Student can request the case to be considered at a University Appeal Committee.

The University Conduct Committee can raise or lower the penalty that was awarded initially.

Recent case law in the area of disciplinary procedures in Higher Education now necessitates that Universities apply the principles of natural justice in a particular way when conducting investigations and hearings.

This means that in the most serious cases, the Reported Student has a right to 'test the evidence' against them; to meet that obligation of testing the evidence. This means the overall case would be more secure if the Reporting Student participates in the University Conduct Committee. There is a criteria test for determining whether the case would be more robust if the Reporting Student attends; that decision will be made with the welfare and safeguarding of the Reporting Student in mind. Throughout the process the Reporting Student will be told about the likely expectation relating to their attendance at a hearing and they will be provided with support beforehand and during the hearing. The Reporting Student does not have to attend, but should be aware of the potential implications and risks if they do not.

The Reporting Student will be given due notice of the UCC date and the practical arrangements. During the hearing, arrangements will be made to preserve any precautionary measures already in place. The Reporting Student will not have to be in the same room as the Reported Student and they will not be questioned directly by the Reported Student. The Reporting Student can have someone attend with them in support, either a member of the University welfare team, the ISVA or a person chosen by the Reporting Student. As the arrangements vary significantly depending on the nature of the case, the Reporting Student will be given specific advice on what to expect from a UCC by the Conduct Officer responsible.

The Reported Student will have the opportunity to request an appeal of the decision, if they meet certain grounds. If this occurs, the Reporting Student will be given due notice of any further committees.

9.3 Appeal Committee

A different panel will consider the case at the Appeal Committee.

The appeal shall normally take the form of a review of the decision of the University Conduct Committee or Student Investigation and Resolution Officer/Conduct Officer.

The panel can raise or lower the penalty that was awarded by the conduct officer or University Conduct Committee.

A Completion of Procedures letter will be issued upon conclusion of the Appeal Committee. The Reported Student can then take the case to the OIA (external ombudsman).

10 What if the Reporting Student is unhappy with decisions made under the student conduct procedures?

The Reporting Student or witness cannot request that decisions made under the Student Conduct Regulations are reversed.

If the Reporting Student can demonstrate that something was not done correctly with the procedure, a formal complaint (under the [Student Complaint Procedure](#)) can be submitted via the complaints [form](#). The can be found on the Student Investigation and Resolution [webpage](#).

11 Confidentiality

Any case file will be shared with people who are involved in making decision, e.g. a member of a conduct panel. The University is asking everyone involved in the conduct procedure to keep the details of the report, investigation and outcome confidential. As the Reporting Student, this does not mean that you are not allowed to discuss this case with your support network or with a support service, such as counselling. You will usually have access to key information, e.g. whether a conduct committee is taking place, but we may not be able to give you full details about every aspect of the case.

In some cases, the Reported Student may be enrolled on course which leads to professional registration, and therefore required to adhere to the Standards of Conduct: Fitness to Practise Regulations. As such, any breach of the Student Conduct Procedures may result in a referral to those regulations and the casefile, including evidence submitted by you, would be shared with appropriate University staff. In such cases this will be explained to you by the Conduct Officer.

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.

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12 Conduct Procedures Flowchart

Conduct Procedures Flowchart



