

# Guidance for the Reported Student (Conduct Cases)

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This “Guidance for the Reported Student” document is useful for all students who may wish to understand the student conduct procedures, but especially for those who have been informed that a Student Conduct report has been made in regards to their behaviour. It will describe what you can expect from the process and where to get support.

If anything is unclear to you after reading the information in this, please get in touch with the Student Investigation and Resolution Team (SIRT) via [sirt@brookes.ac.uk](mailto:sirt@brookes.ac.uk). They will be able to assist you with any questions you may have around this process.

# **1 I have been informed that I have been reported and I am really worried. What do I need to know now?**

We understand that being informed that a formal conduct investigation regarding your behaviour is underway can cause stress and upset. Please note:

- Read through this document. This will give you a clear overview of what you can expect, and you can prepare accordingly.
- No decision has been made yet on whether a breach has occurred. The University will carry out an investigation, you will be given the opportunity to provide all the evidence you want, present your version of events and will be able to bring support with you.
- 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.
- Keep the details of the case confidential. Please find more information on this below.
- There is lots of support available for you – please do not hesitate to get in touch with any of the options below. If you have read this documents and still have questions in regards to the process or the procedure, get in touch with SIRT.

## **2 Support**

### **2.1 Support from the University**

#### **Student Investigation and Resolution Team**

(for questions regarding the Student Conduct Regulations and Procedures)

Email: [sirt@brookes.ac.uk](mailto:sirt@brookes.ac.uk)

Web: [www.brookes.ac.uk/students/sirt/](http://www.brookes.ac.uk/students/sirt/)

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

#### **Wellbeing Department** (including Student Welfare and Counselling)

Email: [wellbeing-recpt@brookes.ac.uk](mailto:wellbeing-recpt@brookes.ac.uk)

Phone: 01865 484650

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

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

## **2.2 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](mailto: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

## **3 Remit of the Student Conduct procedures**

### **3.1 What's the purpose of the procedures and what do they cover?**

The Student Conduct Procedures are used to consider alleged breaches of the Student Conduct Regulations. They are designed to allow the University to investigate and address misconduct. These are not legal or criminal proceedings, and the University cannot determine whether a crime has been committed. The University considers whether there has been a breach of its own Student Conduct Procedures, not whether the law has been broken.

### **3.2 Criminal matters & police involvement**

Sometimes, conduct matters are also reported to the police. Despite this, matters will not be excluded from consideration simply because the alleged act could constitute a criminal offence. If a criminal/police investigation starts or is already in progress, then the University will typically continue with precautionary measures, but suspend its investigation of the student conduct case. We do this so that the University process does not interfere with the police investigation. Once police and/or legal proceedings have concluded, the University may choose to instigate conduct procedures at this point.

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.

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.

## 4 What are the steps of the conduct investigation?

For a quick overview, please find a flowchart of the process in the Annex.

### 4.1 Report stage

- **Student conduct report made:** A matter is reported to the Student Investigation and Resolution Team (SIRT). An assessment will be carried out about whether the case can go forward under our processes.
- **Where applicable - Pre-cautionary measures:** Pre-cautionary measures are measures put in place for the reported and reporting student to safeguard all involved parties and enable the investigation to run without interference.

A suspension officer meets with both parties individually and makes an assessment on risks and how to support everyone involved. Pre-cautionary measures may include a no-contact agreement or certain limitations on where students can go while the investigation is underway. In very serious cases, where there is a risk to the general student population, a reported student may be suspended as part of pre-cautionary measures, but this is rare. Pre-cautionary measures are not a penalty, do not have any impact on the investigation and do not imply that a student is in breach. These meetings are carried out by staff that is not involved in investigating the conduct matter and regularly reviewed. However, not adhering to the precautionary measures may be a breach of the student conduct regulations in itself.

- **Initial contact from investigating officer:** The conduct officer, who is a member of SIRT, reviews the report and the evidence they have received. They will then be in touch with both reported and reporting student. Sometimes, two investigators are assigned to a case to work as a team. You will be sent details of what has been reported, information about where to get support and an invite to an investigative interview.

### 4.2 Investigation Stage

- **Investigative interviews:** The investigating officer meets with the reported student. Generally, this will involve going through the report that has been made and giving you the opportunity to present your version of events, answer questions that the investigators may have, or discuss any

context that may be relevant, such as mitigating circumstances. You can bring any evidence you may want the investigators to consider in this, and someone to support you. 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.

- **Information collection:** Where applicable, the investigating officer may collect evidence from other sources – CCTV, witnesses or University systems.

### **4.3 Decision stage**

- **Investigating officer decision:** The investigating officer decides if 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.

Alternatively, the conduct officer may also refer the matter to a University Conduct Committee, if they believe a more serious penalty needs to be considered for the breach.

- **Where applicable - University Conduct Committee:** The University Conduct Committee consists of a panel that considers the case to make a decision whether there has been a breach, and which penalty to award if there is one. More detailed guidance will be available if you are invited to a University Conduct Committee.

## **5 I have been found in breach. What does this mean?**

There are a wide range of outcomes from our investigations, ranging from minor penalties such as a formal warning, to more serious penalties like temporary suspension or expulsion from the University. A list of available penalties can be found in the Student Conduct Procedures. The outcome letter that you receive will explain clearly what the penalty is, and what this means for your specific case.

## **6 I am unhappy with the investigation or the decision that has been made. What can I do?**

If we send you a letter with a decision that has been made, for example finding you in breach and awarding a penalty, you will also be given information on how to appeal. If you have done so and continue to be unhappy with the decision or the way the process was carried out, you are able to take the case to [the Office of the Independent Adjudicator](#), the independent ombudsman. To do so, you must have exhausted the University appeal process first, as otherwise they will not consider your case.

## **7 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 reported 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. However, we are asking you to think carefully about who to discuss this with and how to ensure that you stay in control of what information is being spread. This reduces the risk of confidential information being shared, which can have a negative impact on all involved parties, and it makes it more likely that the case can be concluded without disruptions.

The reporting party will usually have access to key information, e.g. whether a conduct committee is taking place, but will not have access to full details.

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.

# Conduct Procedures Flowchart

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