

# Guidance for Reported Students (Conduct Cases)

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This 'Guidance for Reported Students' is useful for all students who may wish to understand the [Student Conduct Procedure](#), but especially for those who have been informed that a student conduct report has been made about 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? (The Reported Student)**

We understand that being informed that a formal conduct investigation regarding your behaviour is underway can cause stress and upset. Read through this document, it will give you a clear overview of what you can expect, and you can prepare accordingly.

- Please respond to emails or requests from SIRT. Failure to comply with reasonable requests is a breach of the Student Conduct Procedure in itself.
- 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 person who made the report against you (**The Reporting Student**), or any potential witnesses. You should not suggest or ask others to attempt to make contact with the Reporting Student and/or potential witnesses. Attempting to contact the Reporting Student or witnesses, or to otherwise interfere with the case could be investigated as a further alleged breach of the Student Conduct Regulations.
- **Keep the details of the case confidential.** Please find more information in section 7 of this document.
- There is lots of support available to you. Please do not hesitate to get in touch with any of the support options below.
- If you have read this document and still have questions about 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: [studentwelfare@brookes.ac.uk](mailto:studentwelfare@brookes.ac.uk)

Phone: 01865 535 222

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

Address: Buckley Building, Headington Campus, Gipsy 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](mailto: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

## **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 534005

Web: <https://brookesunion.com/advice>

Address: Brookes Union, John Henry Brookes Building, Headington Campus, Gipsy 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 by the University 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 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 SIRT will consider ‘Precautionary Measures’:** Precautionary measures are arrangements put in place for the Reported and Reporting Students to safeguard all involved parties and enable the investigation to run without interference.
- **Precautionary Measures meeting:** A suspension officer meets with both parties individually and makes an assessment on risks and how to support everyone involved. Precautionary 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. Precautionary 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 a trained, senior member of SIRT and the measures are regularly reviewed. If a student fails to comply with Precautionary Measures this may be a breach of the Student Conduct Regulations in itself. If there is a change in the student’s circumstances impacting the Precautionary Measures, the student should contact the suspension officer or SIRT.
- **Initial contact from the Conduct 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 Alternative Resolution**

- Where a conduct report has not yet progressed to an investigation, SIRT may contact all involved parties to gather information and assess the suitability of an alternative resolution without proceeding to a conduct investigation.
- If the Reporting Student agrees to seek alternative resolution, a senior member of SIRT will contact the Reported Student to notify them of the report and, if appropriate, the Reported Student will be offered ‘words of advice’. Words of advice will usually take the form of explaining why the behaviour has been reported and the impact of the behaviour on the Reporting Student. The SIRT member will explain what actions the Reported Student should take to cease the behaviour to prevent a formal investigation.

### **Example Alternative Resolution:**

Student 'A' has informed the University that they are being subjected to unwanted contact from Student 'B', both via social media and in person. Student A thinks they have repeatedly told Student B that they do not want to be contacted or approached but Student B continues to send messages and 'likes' on social media.

Student A does not feel unsafe or overly concerned, they simply want to be left alone. A senior member of SIRT has assessed the situation and met with Student A. Student A agrees that in the first instance, Student B should be informed of the situation and told to stop contacting Student A. Student A's aim is for the behaviour to stop.

If a meeting between Student B and SIRT is enough to stop the behaviour, then Student A would consider the matter resolved and would not wish to pursue a conduct case. SIRT contacts Student B via email, giving them a summary of the situation and requesting a meeting. The senior member of SIRT meets with Student B to explain what has happened and to ask Student B for their account of the situation and whether they are aware that the contact is unwanted. Student B says that they were genuinely unaware that their behaviour was having a negative impact on Student A. Student B genuinely believed that the contact was reciprocated, because on earlier occasions Student A had eventually responded. During the meeting Student B is given 'words of advice' that they should not contact Student A in person, or online, directly or indirectly. Student B agrees to this and understands that if they do not follow the words of advice, then Student A may initiate a conduct case and the matter will be investigated under the Conduct Procedures.

- In other circumstances, 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.
- As with a conduct investigation, the same support is available to a Reported Student who is engaged in a conduct report and seeking alternative resolution e.g. you may bring someone with you to the meeting with SIRT and you may also seek support from the student welfare.
- Alternative resolution must be with the agreement of the Reporting party and without prejudice to future reports or proceedings

### 4.3 Investigation Stage

- **Investigative interviews:** The investigating Conduct 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.
- You may also wish to bring someone to the meeting to support you. You should tell the Conduct Officer in advance if you are planning to bring someone; this person should not be someone who is a witness or involved in the incident. You may bring a friend, colleague or a relation, but you will not be able to bring legal representation with you to the interview.
- **Information gathering:** Where applicable, the investigating officer may collect evidence from other sources – CCTV, witnesses or University systems. The University does not have the same powers as the police to seize evidence. That means that any evidence provided to the Conduct Officer is given voluntarily e.g. the Reporting Student may have submitted screenshots of messages to support the initial report. If you have any evidence, you should tell the Conduct Officer or share the material with them. You can block-out or redact the names of other students who are not involved. You can also suggest lines of enquiry for the Conduct Officer.
- **Invite to interview and evidence provided:** As a Reported Student, you will be invited to interview by the Conduct Officer. The time, place and location will be provided; if you have a reason why you cannot attend you must let the Conduct Officer know. The letter will include details of the allegations and the alleged breaches, you will also be provided with 'disclosure' which is the process of disclosing to you the evidence gathered so far. The investigating Conduct Officer will explain what documents will be provided before the interview and you may be provided with more information during the interview. The Conduct Officer will decide how much disclosure you should be provided with, and at what stage, based on how best to achieve your full, untainted account. If your case proceeds to a University Conduct Committee (UCC) you will be given access to the casefile including all the evidence in advance.
- **Preparing for the interview:** You may want to prepare for this meeting by reading the Student Conduct Regulations and speaking with someone in the Brookes Union Advice Team. If it would help you in the meeting, you can bring notes with you e.g. a timeline of relevant events, screenshots of relevant messages or other digital evidence.

## 4.4 Decision stage

- **Conduct Officer decision:** The investigating Conduct 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.
- **Referral to University Conduct Committee (UCC):** Where a case involves serious breaches (usually Major breaches under 5.7 of the Student Conduct Procedure) and requires consideration of the most severe penalties, the Conduct Officer may determine that the case needs to be referred to a University Conduct Committee. The Conduct Officer will inform you in writing of the decision to refer to a UCC explaining the reason for this decision
- **Where applicable - University Conduct Committee:** The University Conduct Committee consists of a panel that will consider all the evidence in the case before making a decision as to whether or not there has been a breach. If the Reported Student is proven on the balance of probabilities to have breached the Student Conduct Procedures, i.e. they are found liable, then the panel will proceed to consider the most appropriate penalty. 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.

If you are enrolled on course which leads to professional registration, you are also 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.



## **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 and Who Can I Talk to for Support?**

Any documents produced during the investigation will be included in the casefile and will be shared with people who are involved in making decision, e.g. members of a conduct panel. The University is asking everyone involved in conduct proceedings to keep the details of the report, investigation and outcome confidential.

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 during conduct proceedings. 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](mailto:studentwelfare@brookes.ac.uk)

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.

*Last updated by Student Information and Resolution Team: September 2024.*

## 8 Conduct Procedures Flowchart

Conduct Procedures Flowchart

