

Student Conduct Annual Report 2021/22



Foreword

From the Vice-Chancellor



We want everyone who studies or works at Oxford Brookes to feel welcome, safe, included and able to reach their full potential. We are committed to continuously developing and supporting diversity, inclusivity and openness to foster a trust-based culture.

We recognise that while the majority of people at our University have been following our **Guiding Principles**, the behaviour of a small minority has at times cast a shadow over the whole Brookes community. This year we want to work with you to co-create a new zero tolerance approach to these behaviours, with a view to introducing a zero tolerance statement next academic year.

As part of fulfilling any commitment to a zero tolerance statement, I believe that it is essential that we are as transparent as possible with you about the processes that we go through, and the actions that we take in response to behaviours that are incongruous with the provision of a safe, inclusive environment. That's why we are sharing the findings of our first Student Conduct Annual Report. This report provides an overview of the types of non-academic conduct cases investigated during the academic year 2021/22. We are limited to some extent under UK Data Protection Law as to what level of information can be made public, but this report is an attempt to offer as much detail as we believe is appropriate to demonstrate our commitment to transparency.

In reading the report, I think that there are a number of messages that stand out:

The University considers a notable number of complaints within an academic year. At this stage, we only have one full year of data recorded in this manner, but future years' reports will give us an opportunity to evaluate any trends in our figures.

Many of the cases that are reported to the University, either through our dedicated reporting tool or through our Student Investigation and Resolutions Team (SIRT), are complex – they require a significant level of detailed investigation, and have multiple stages of consideration before they can be considered complete. Around a quarter of all of the reported cases involve some element of police involvement, which complicates matters even further.

I believe that the report demonstrates that we take all cases reported to the University seriously, we investigate diligently and professionally, and we will apply some of the most serious penalties available to us in appropriate circumstances. I hope that this gives those involved, and those who read this report, confidence that the University will take action when things are reported to us.

We acknowledge that we will not always get everything right, though; and that, in some cases, the actions that we take might not be those that satisfy all parties involved in a case. We find that the most difficult cases are those where we see significantly conflicting sets of information or accounts submitted by different students, or where there is insufficient evidence available to make a judgement. While we operate on a different evidence threshold than the police, who are investigating crimes, the

University will – particularly in cases that involve the most serious penalties – still be held to account about the reasonableness of our decisions, and the evidence bases that we have relied upon.

We would be naïve to think that every case that we investigate could be resolved in a way that was satisfactory to all involved, but we will always promise to take every report seriously and to do our best to investigate.

I am also acutely aware that behind every case that is referenced or counted within this report, there will likely be traumatic personal experiences for a number of our students, and that is why a dedicated network of support systems that interact with our conduct cases is so important. Such systems are designed to support reporting and reported students, and other students who may be connected to the situations that are being investigated. Again, we may not always get this exactly right to the satisfaction of all parties involved, but we do commit to try our best, and we will always take feedback on board from those who feel that we could have done more. While we have not been able to include it in this report, we have commissioned an independent review of one of our cases, which is designed to report back on ways in which the University could have improved on how we supported those involved. We will certainly be taking the lessons learned on board when the independent review concludes and reports back to us.

We want more people who need support, and/or who experience behaviours that are not acceptable or in line with our Guiding Principles, to use our student conduct processes, so that we can offer them the help they need and can take appropriate action against those who disrupt our inclusive community. I hope that what you read within this report will give you some additional confidence that those making reports will be offered support, will be believed and will have their cases investigated fully.

I would encourage anyone who does feel that they need support, or who has experienced behaviours of members of our community that do not accord with our guiding principles to report this to us through any of the three established routes listed below.

PROFESSOR ALISTAIR FITT
VICE-CHANCELLOR

SIRT

www.brookes.ac.uk/Students/SIRT/Student-conduct

University Reporting Tool

www.brookes.ac.uk/students/report-and-support

Student Welfare Team

www.brookes.ac.uk/students/student-welfare

1. Introduction

The University wishes to create a safe, welcoming and inclusive environment, within which all members of our community feel a sense of belonging. A range of **support services**, educational programmes and policies are in place in order to foster and enhance the community experience; and we expect high standards of behaviour from our students. Any reports of breaches of the University's expectations of **student conduct** are taken extremely seriously: they will be diligently and sensitively investigated under the Student Conduct Procedure and appropriate action will be taken.

The University wishes to be transparent in the way in which it responds to reports of student misconduct, and to encourage students to come forward when they feel affected by, or witness, behaviour that they believe breaches the University's regulations. This is the first report (to be produced annually from this point) on how the University has dealt with reported cases of student conduct (*not including* cases of academic conduct), based on an analysis of the cases investigated by the **Student Investigation and Resolution Team** (SIRT) in the period from 1 August 2021 to 31 July 2022. This report provides an overview of and context to the non-academic conduct cases investigated during this time. Much of this casework was highly complex and time-consuming, and included cases of harassment, violence and sexual misconduct. The report is intended to provide assurance about the care and attention which is given to the investigation of reports of misconduct, and transparency about the numbers of cases that are considered and reported.

2. Process

The flowchart below offers a simplified overview of how a case progresses from an initial report. The full process, and associated procedures, can be found in the Appendix.



- Report comes to SIRT: Cases usually come to SIRT through the **Student Conduct Form**, but may also reach the team by email or through a referral from other teams, such as the Welfare team.
- Eligibility review: At this stage, an investigator considers whether the case can go through our conduct process, or is not eligible (for example, because the matter reported is a civil dispute), or a different process is more suitable. If appropriate, precautionary measures will be considered and implemented - measures that allow for a safe student experience and minimise disruptions while the case is ongoing (see 4.6 for details).

- Investigation carried out: If a case is eligible to be considered under our conduct procedures, it can go to an investigation, in this report referred to as Level 1 (in contrast to Level 2, the appeal stage).
- Decision: At the end of the investigation, a decision about a breach will be made by either the investigating officer or the University Conduct Committee (for serious breaches).
- Penalties: If a breach has occurred, penalties are imposed. These range from an absolute discharge to permanent expulsion from the University.

3. Investigation & outcome numbers

3.1 Overview

<p>57 non-academic conduct cases reported in total</p>	<p>12 University Conduct Committees held 11 of these concluded that a breach had occurred, and applied penalties to the reported students</p>
<p>35 cases were investigated of which 20 were found in breach, 13 not in breach, and two are on hold</p>	<p>Four appeal committees were held two resulted in changes to the original conduct committee outcome</p>

In total, 57 non-academic conduct cases were reported to SIRT in the timeframe considered by this report, of which 35 were eligible to be investigated at Level 1 of the procedure. This means that interviews were carried out, and evidence was collected and considered.

At the end of an investigation, a decision is made on whether a breach of the Student Conduct Procedure has occurred. This is taken either by the Investigating Officer, or – if the alleged breach potentially warrants a major penalty – by a specially convened University Conduct Committee (UCC). In the last year, 12 UCCs were convened to consider potentially serious breaches, and 11 of these found that the reported student was in breach and the Committee applied appropriate penalties.

If a reported student is unhappy with the outcome of an investigation, they are entitled to appeal the decision (taking the case to Level 2 of the procedure). Appeals are considered by an Appeal Committee, of which four took place in the reporting period. Two of these – both for the same student – resulted in a change to the level 1 outcome.

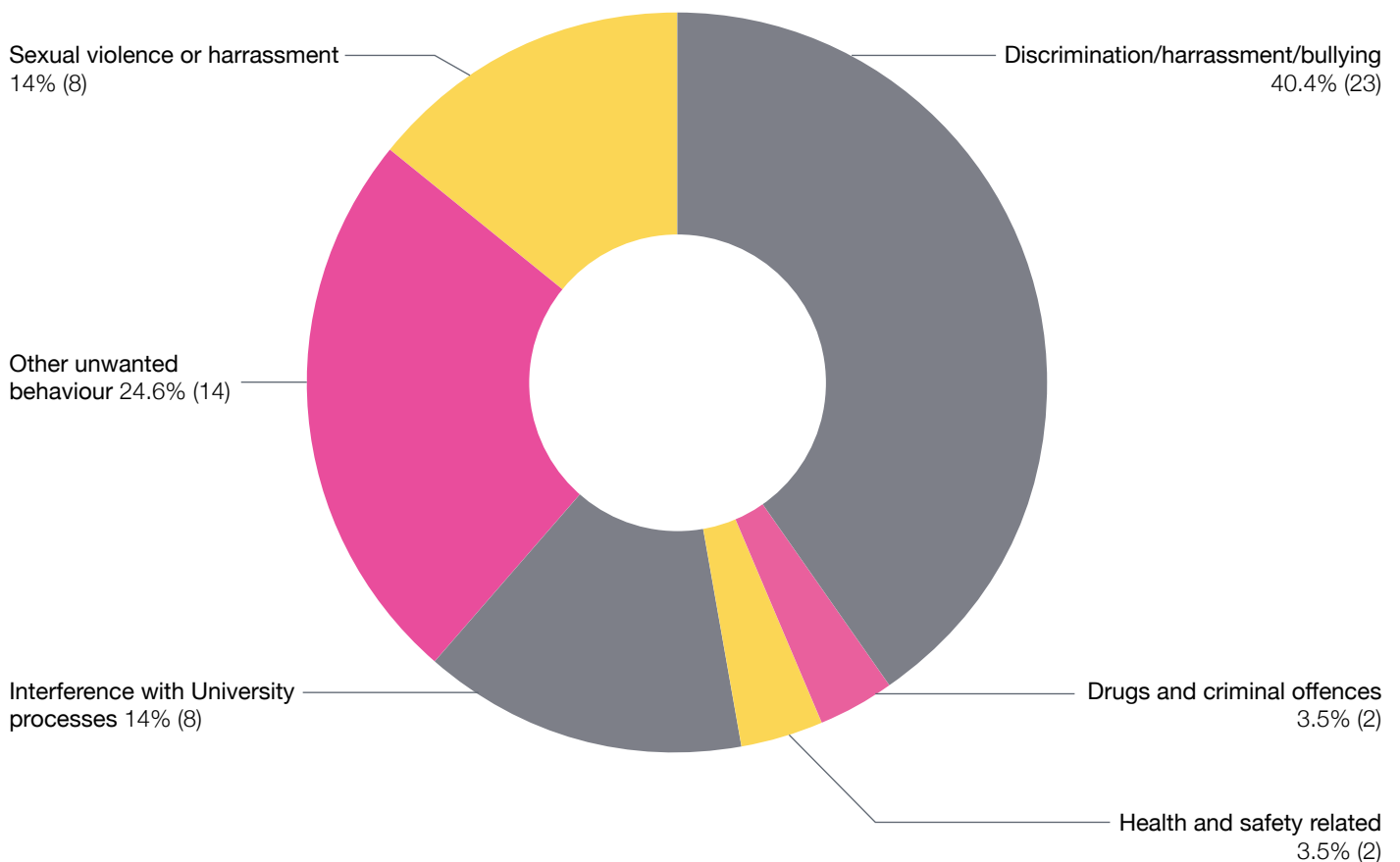
3.2 Cases by type of breach

Due to the number of potential breaches defined in our procedures (30), categorising the reported cases by individual breaches does not give a meaningful overview; particularly as most cases will include reference to several potential breaches. For the purpose of this report, the cases considered in 2021-22 have been categorised into six areas, under which the breaches fall:

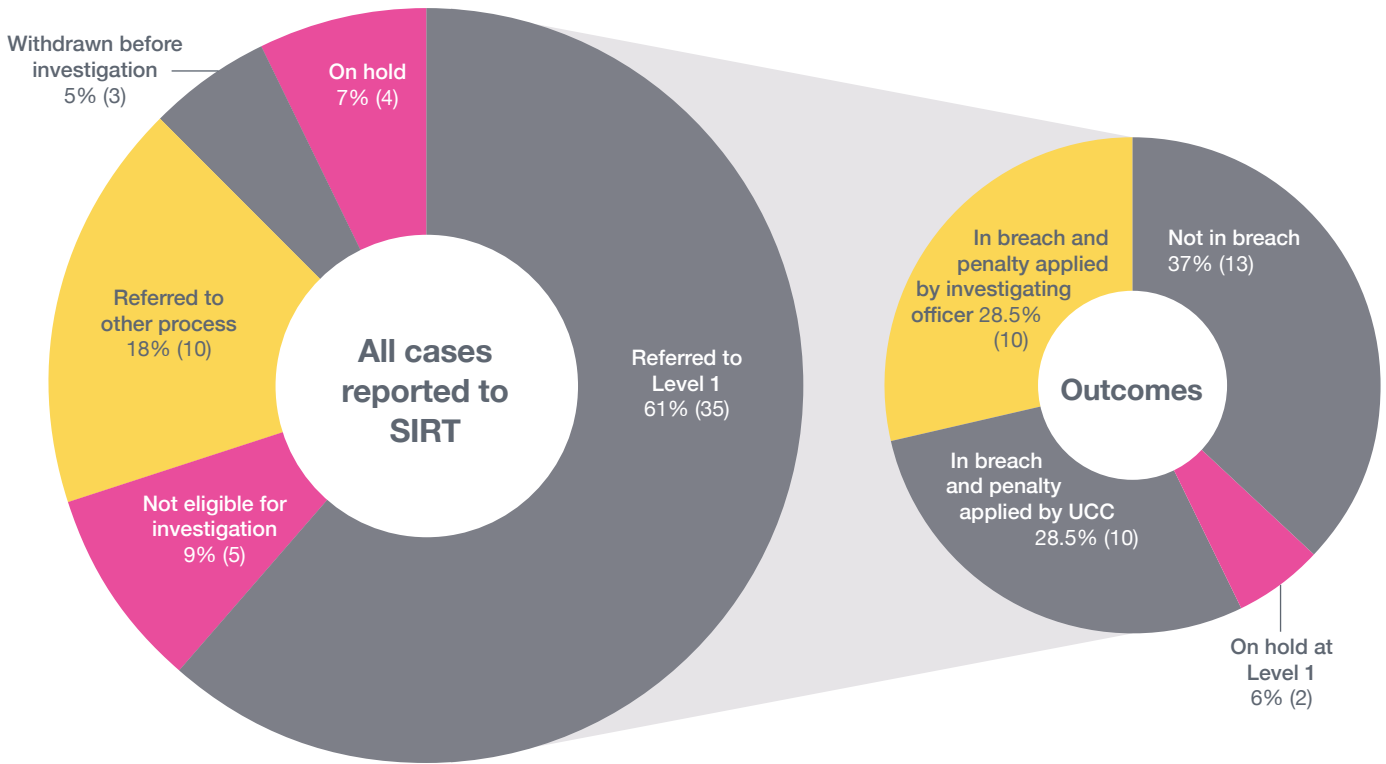
- Sexual violence or harassment
- Interference with University process
- Discrimination/harassment/bullying
- Health & safety
- Drugs/criminal activity
- Other unwanted behaviour towards others.

While cases often include several of these issues, the primary reason for being reported has been used as the basis for categorisation

Cases reported to SIRT by type



Case progressions and outcomes



3.2.1 Sexual violence or harassment

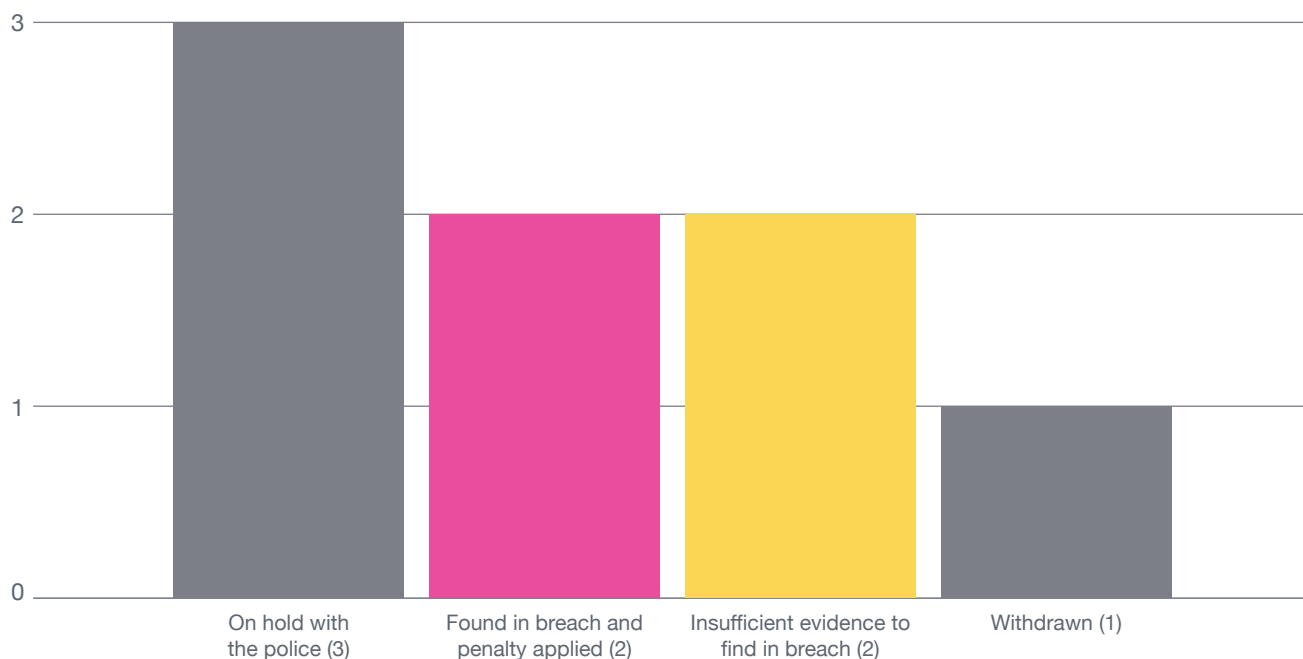
The SIRT team dealt with eight cases of this type in the reporting period. Understandably, such cases are particularly complex for all parties involved, often involving multiple students, support services, and sometimes external agencies such as the police. Cases of this nature are nearly always considered by two investigators, in addition to the member of staff who carried out the assessment for precautionary measures as explained in 4.6 (which, following review, were applied in seven out of eight cases of this type).

The combination of low numbers of cases, and the very complex, often bespoke, nature of each case makes it difficult to draw general conclusions that may be applied more widely. Sexual violence and harassment covers a wide range of actions, and not all cases are of the same severity. As such, each case is treated individually. SIRT staff members have received specific training for investigating complex cases related to sexual violence and harassment, and regularly draw on best practice shared across the practitioners within higher education and other relevant sectors.

Staff are aware of the immense emotional impact that the investigation of these cases has on all parties involved, and have therefore worked hard to improve the turnaround times without compromising the quality of investigations. On average, there are now 70 days between the initial report and an outcome. However this may be significantly longer if there is police involvement, as we are required to put our casework on hold until an appropriate point at which our case can be resumed, in line with current Universities UK (UUK) guidelines. There are currently three of the eight reported cases at this stage of the process, pending further investigation. In the last year, we have significantly reduced the waiting times for UCCs due to improvements in the scheduling of these hearings.

Students in two cases of this kind were found to have been in breach last year by UCCs, and penalties were applied. The University considers whether a breach has occurred on the balance of probability, and in two other cases, there has been insufficient evidence to determine whether a breach has occurred or not.

Outcomes at time of report – sexual violence and harassment

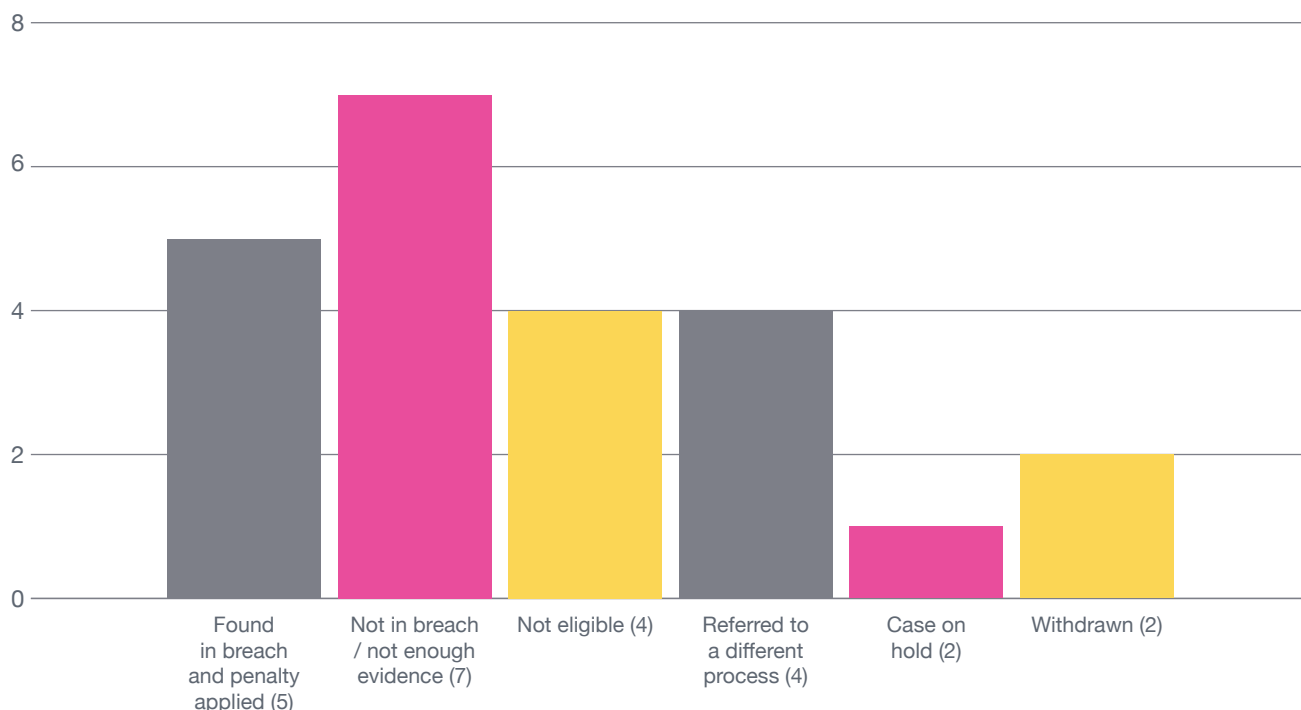


3.2.2 Discrimination, harassment & bullying

In the reporting period, SIRT dealt with 23 cases that fell into this category. This covers matters such as bullying but also includes cases of harassment and stalking, and discrimination based on protected characteristics, such as racism and ableism. The nature of these issues means that in this group, some of the most severe penalties were applied to students found to have committed major breaches.

There are various reasons why a case may not be eligible for investigation, as happened in four cases in this category; for example, because no evidence has been given or can be reasonably obtained. Some other issues that are sometimes referred to SIRT may also not constitute a breach of the Student Conduct regulations, for example, civil matters such as disputes between housemates.

Outcomes at time of report – discrimination, harrassment and bullying



3.2.3 Drugs and Criminal Offences

This category of cases involves breaches such as the possession of or supplying of drugs, failure to declare criminal convictions to the University, or other criminal activity. Two cases of this kind were brought to SIRT's attention during the reporting period; one was referred to the Accommodation team, and one was found not to be in breach. It is important to note that possession of drugs is most commonly reported to, and dealt with by, the University's Accommodation teams, so the low number is not reflective of the general occurrence of this type of case at Oxford Brookes.

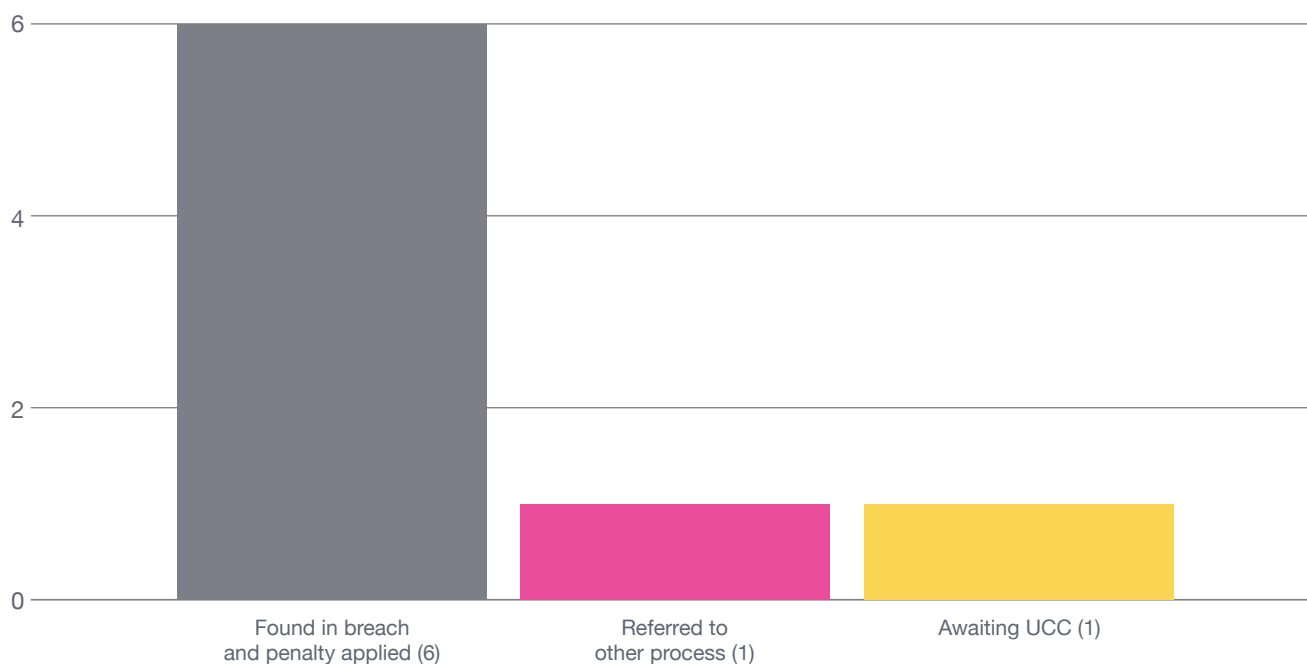
3.2.4 Health & Safety related

Health & Safety related cases mostly occur in accommodation, with examples such as students covering fire doors or smoke detectors, which can put lives at risk. Only two cases were reported to SIRT, and both of these were dealt with under different processes, with one being referred to Fitness to Study and the other dealt with by the Accommodation team.

3.2.5 Interference with University processes

This group of cases covers actions such as a failure to follow staff instructions or dishonesty when giving information to the University. Eight cases of this type were considered by SIRT in the reporting period, and two of these cases led to expulsion of the reported student.

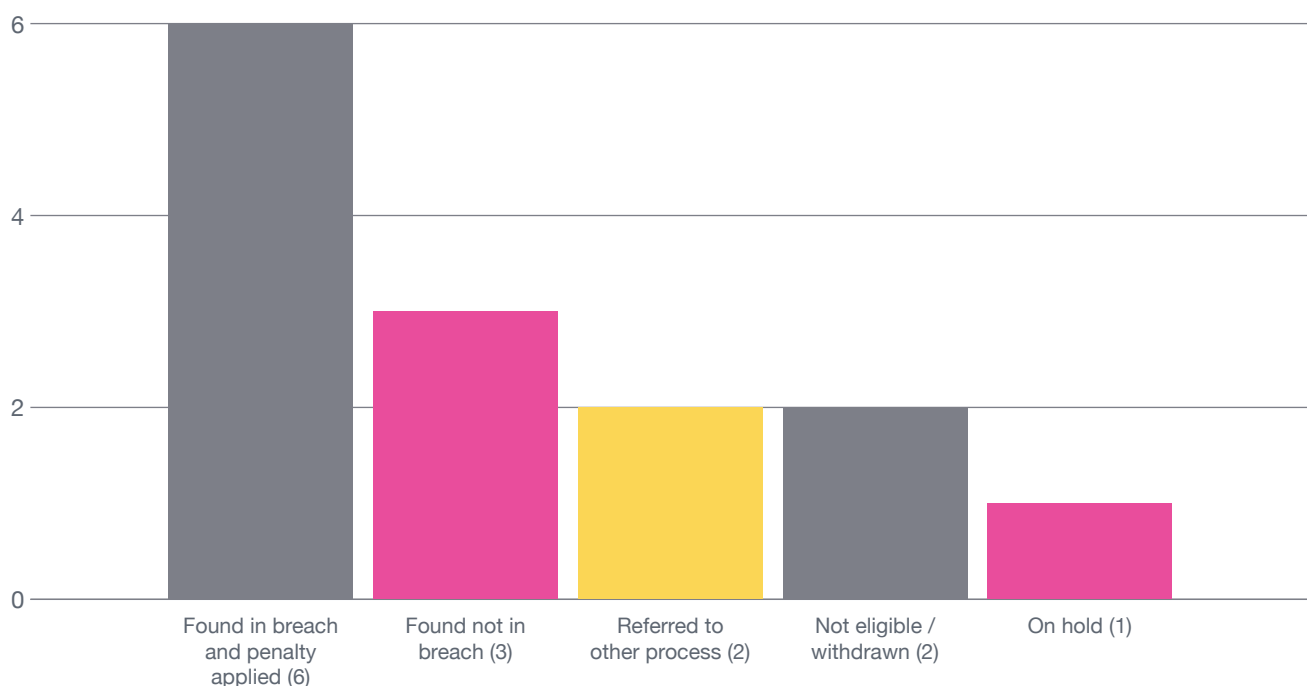
Outcomes at time of report – interference with University processes



3.2.6 Other unwanted behaviour towards others

The majority of cases in this category refer to violent or offensive behaviour that is not covered by harassment, or that causes damage to the University’s reputation, but also covers victimisation of those who have made a report to the University, and vexatious allegations. Fourteen cases of this type were dealt with by SIRT, though one of them remains on hold pending police investigations, and will be investigated under the University’s processes once the police process has concluded.

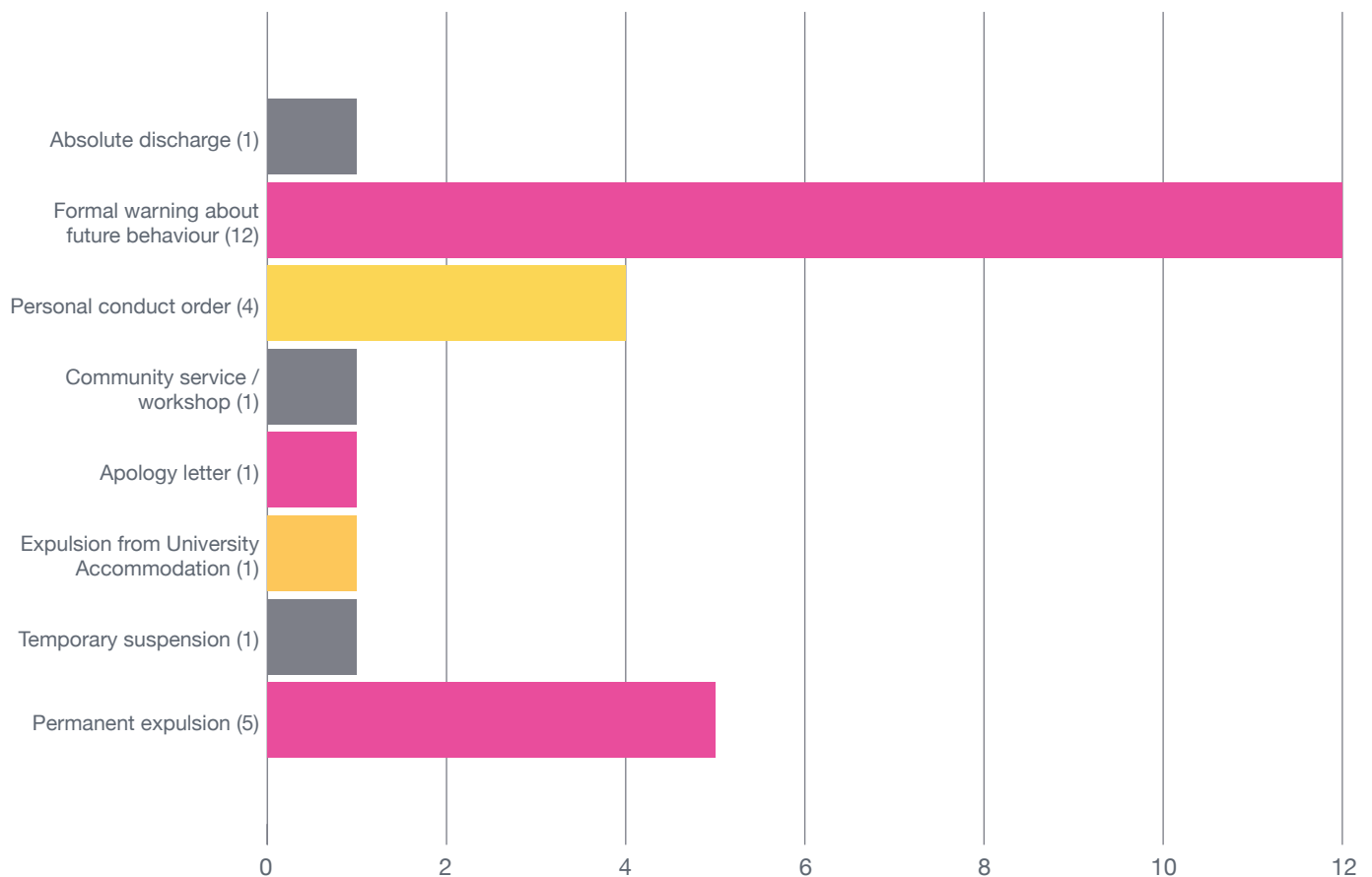
Outcomes at time of report – other unwanted behaviour towards others



3.3 Penalties

Penalties were applied in all 20 cases that were found in breach, either by the investigating officer or by the relevant UCC. It is common for a combination of penalties to be applied in a single case.

Penalties applied



4. Interaction with external actors and other University processes

4.1 Police

Some of the cases that are brought to the attention of SIRT may also constitute a criminal matter, and we advise students reporting these cases that they are free to go to the police if they wish to do so. When this occurs, we will normally put the University investigation on hold until the police have concluded their procedures, or it is agreed that the University can proceed. In most cases where the police are involved, the University will apply precautionary measures (details on this below). When the matter has been concluded by the police or the courts, and we are informed of this by the responsible police force or the student, the University's investigation will usually resume.

4.2 Fitness to Study (FtS) & Fitness to Practise (FtP)

If a serious welfare concern about a student arises at any point when SIRT is investigating a case, the student may be referred to the **Fitness to Study** procedure. If a student is enrolled on a programme where expectations are set out by a regulatory or professional body, such as teaching or nursing, and may be attending placement, the relevant **Fitness to Practise** procedure will normally be applied. For context, between 1 September 2021 and 31 August 2022, there were 14 Fitness to Study panels held.

4.3 Accommodation investigations

Lower-level conduct issues that occur in accommodation owned by the University are initially considered by Residential Conduct Officers, who are not part of SIRT. This frequently includes disputes between housemates or issues such as tampering with health & safety equipment. A common outcome for these cases are the issuing of fixed penalties, for example for smoking in accommodation. In the last 12 months, the teams have cooperated closely to clarify escalation structures to SIRT for cases that include potential major breaches, in order to improve consistency. Accommodation investigators issued 147 fixed penalties in the reporting period, the majority of which were for smoking; in addition, 202 other investigations of matters such as noise issues, kitchen management and drug use were carried out.

4.4 The University's Reporting Tool

The **reporting tool** allows students to flag up issues such as bullying, harassment, stalking, hate incidents and sexual violence, or other unwanted conduct. It is possible for students to submit reports either anonymously or with contact details. If details of the reporting party are provided, the Student Welfare team will be in touch within three working days to offer support and consider possible next steps with the student. The table below details the follow-up actions taken during the reporting period.

The Student Welfare team will encourage students reporting issues that may constitute a student conduct matter to take the case to SIRT, and they will support students throughout the investigation if they wish. The two teams cooperate closely and Student Welfare will provide support to all students engaging with SIRT processes if required.

Period 1 August 2021 to 31 July 2022

	Anonymous	Non-anon	Total
Number of reports received	21	52	73

Follow up actions:

Received Wellbeing support	0	12	12
Referred to external support services	0	6	6
Received Wellbeing support and referred to external support services	0	25	25
Further support not required or accepted	13	9	22
Information passed to relevant internal service	8	0	8

4.5 Office of the Independent Adjudicator for Higher Education (OIA)

If a student has exhausted the University's processes and has received a Completion of Procedures (CoP) letter at the end of the Level 2 consideration, and they are not satisfied with the outcome, they are entitled to take their case to the **Office of the Independent Adjudicator (OIA)**. This independent body is set up to review student complaints about higher education providers in England and Wales and is a free service for students. The OIA usually accepts cases up to a year after the student has received the CoP letter. The adjudication process generally takes several months to reach an outcome and, due to these timelines, it is very difficult to directly link the number of cases that we have in the reporting period to OIA outcomes. Conduct cases are rarely taken to the OIA: in the reporting period, two of our conduct cases were considered by the OIA, and both were withdrawn by the students before they were investigated. In its outcome letters, the OIA finds a student's complaint either Justified, Partly Justified or Not Justified, and may make recommendations to the University such as a change in outcome.

4.6 Precautionary Measures

When a case is reported, and there is reason to believe that the reported student may interfere with the investigation, repeat the alleged breach, pose a danger to themselves or others, or the nature of the breach makes it not reasonable for staff and/or other students to associate with the reported student while the matter is investigated, trained staff will carry out a precautionary measures assessment. Measures such as a suspension, a no-contact agreement, or a move to alternative accommodation may be put in place. During the reporting period of this report, precautionary measures were applied in 20 cases, with the typical outcome being a no-contact agreement between students. This can, for example, mean that specific days to attend the library or the gym are agreed with both reported and reporting students, to minimise contact as much as possible.

Alternatively, students may be asked not to contact each other in person or via any other means, including social media or instant messaging. However, it is also possible for the member of staff carrying out the assessment to suspend a student until a case has been concluded, as has happened in a case involving two students during the reporting period. The decision to suspend is never taken lightly, and will usually involve a discussion with the Academic Registrar. The impact on all students involved needs to be carefully considered as are other factors, including any information given by third parties such as the police.

5. University Response

5.1 Action taken in the last year

- Sexual Misconduct Discipline Proceedings Training took place for all investigators dealing with cases of this nature to better understand how to embed trauma-informed principles in investigations.
- A number of new student representatives have been trained to sit on University Conduct Committees, with an equal voice in the decision-making process regarding breaches and penalties.
- Changes in the administration of University Conduct Committees have reduced waiting times for hearings, allowing for cases to be concluded faster.

5.2 Future outlook

The University is committed to the continuous improvement of processes and conduct investigations. As such, a range of actions are currently in development or already ongoing, including the following:

- Bitesize training on the student conduct procedure is being developed for all members of staff at the University who have regular student contact, as part of their induction. This training gives a broad overview of the conduct process, but most importantly guides staff on who to contact and which support options to signpost to when a student discloses a potential conduct issue. A draft of this training has been developed, and will now be put into an appropriate format for staff training.
- A review of one of our cases, which was highly publicised, is being carried out by an external law firm. This will inform lessons to be learned going forward, with a view to strengthening our policies and processes.
- A zero-tolerance statement regarding cases of bullying, harassment, discrimination and victimisation is in development, clarifying the University's position on how cases of this manner will be considered.
- Appointment of an Independent Sexual Violence Advisor (ISVA) who will offer practical and emotional support and advice to any members of the Oxford Brookes community who have experienced sexual harm. The ISVA is independent of the University and can be accessed irrespective of whether a report has been made to the University or the police.
- Mental health training provided by the Charlie Waller Trust will be undertaken by all conduct investigators in November 2022, to strengthen understanding of and support for young people who may experience poor mental health.
- A review of information-sharing processes to reporting parties in harassment cases, in light of new UUK guidance, will be carried out early on in the new academic year.
- Training will be provided in October 2022, for three new conduct officers for sports teams to deal with low-level incidents, mirroring the structure in place for accommodation.

Useful links (sector resources, guidance and regulation)

Office for Students (OfS) expectations on universities to **prevent and address harassment and sexual misconduct**

Office of the Independent Adjudicator (OIA) for HE **Good Practice Framework**

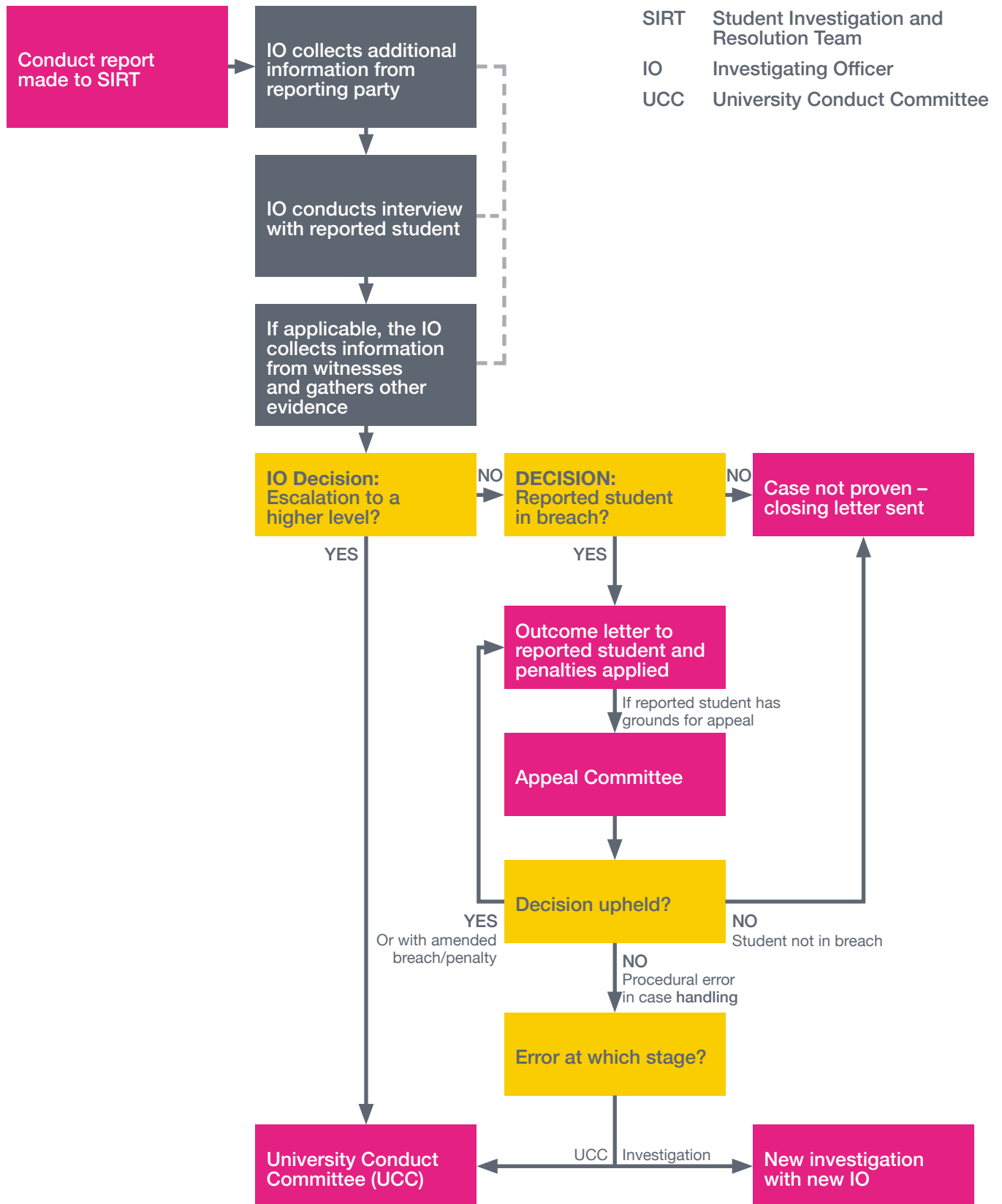
Can't Buy My Silence campaign **universities pledge**

Universities UK guidance on **Changing the culture: tackling staff-to-student sexual misconduct**

Against Violence & Abuse (AVA) project **Combat Misconduct**

Appendix

Conduct Procedures Flowchart



Categorisation of breaches

Category	Breach
Sexual harassment	5.7 (p) Sexual harassment, violence or abuse.
Interference with University processes	<p>5.6 (a) Dishonesty and deceit, in relation to the University, its staff, students, visitors, or procedures.</p> <p>5.7 (d) Unauthorised accessing or amendment to, or interfering in any way with the security, integrity or privacy of any files or confidential material (including those held within the University’s computer system.)</p> <p>5.6 (b) Disruption of or improper interference with the academic, administrative, sporting, social or other activities of the University.</p> <p>5.6 (c) Failure to disclose names, relevant details, or documentation about themselves, or those known to them, in the vicinity at the time of a breach, to any employee or agent of the University who reasonably requires it, or failure to hand over any object or material that is in their possession or under their control when requested to do so.</p> <p>5.7 (b) Provision of false or misleading information, or withholding relevant information from any staff member or agent of the University.</p> <p>5.7 (a) Persistent failure to comply with reasonable requests from staff, or failing to respond to or to comply with disciplinary sanctions imposed under the Student Conduct procedures</p> <p>5.6 (h) Breach of one or more of the University Policies listed in 5.3</p>
Health and Safety related	<p>5.6 (e) Negligent behaviour that presents a risk to health and safety for any member of the University community.</p> <p>5.6 (f) Misuse or interference with any equipment provided in the interests of health and safety</p> <p>5.6 (j) A third breach under the fixed policy procedure</p>
Discrimination, harassment, bullying	<p>5.7 (r) Any threatening, violent or discriminatory act that is motivated by prejudice based on any protected characteristic under the Equality Act 2010.</p> <p>5.7 1 (i) Coercing, pressuring or forcing others into taking part in any ceremonies or activities that could be demeaning or dangerous. This includes (but is not limited to) forcing someone to drink or consume anything that could potentially cause harm.</p> <p>5.7 (l) Bullying, harassment or discrimination against another person, including the use of discriminatory language.</p>

Category	Breach
Drugs and criminal offences	<p>5.7 (s) The supply of drugs, or possession with intent to supply drugs that are prohibited by the University or illegal.</p> <p>5.7 (q) Any criminal activity (including breaking the conditions of a Community Protection Notice or a Criminal Behaviour Order) or any equivalent notice or order.</p> <p>5.7 (e) Keeping any offensive weapons within the premises or grounds of the University or any University residences.</p> <p>5.7 (h) Possession or use of Class A drugs that are prohibited by the University:</p> <ul style="list-style-type: none"> • Illegal drugs covered under the Misuse of Drugs Act 1971; • Prescribed medications covered under the Medicines Act 1968, that have not been prescribed to that individual student; • Novel psychoactive substances and compounds that produce a psychoactive effect by stimulating or depressing the central nervous system and affect mental functioning or emotional states <p>5.7 (g) Damage to, or taking property from University staff or the University without permission.</p> <p>5.6 (g) Possession or use of Class B and / or C drugs that are prohibited by the University</p> <p>5.6 (k) Failure to declare any criminal offence for which a conviction has occurred after enrolling with the University.</p>
Other unwanted behaviour towards others	<p>5.6 (d) Disorderly or disruptive, behaviour directed towards, or affecting, any member of the University community or visitors.</p> <p>5.7 (o) Threatening, indecent, offensive or violent behaviour directed towards any member of the University community or member of the public.</p> <p>5.6 (f) Any act which damages the University's reputation or the relationship with its local communities, as demonstrated by substantiated complaints from residents, local authority representatives, the media or a police dispute.</p> <p>5.7 (c) Vexatious, reckless or malicious allegations or complaints or reports against any member of the University community or visitors.</p> <p>5.7 (m) Victimisation of anyone because they have raised a complaint or exercised any other right under a University or other procedure, or have been involved with such a procedure.</p>