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# INVESTIGATIVE PROCEDURES FOR STUDENT MATTERS

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## **1. Introduction**

1.1 A case for investigatory action shall exist but is not limited to if a student is alleged to have:

- engaged in conduct which disrupts any University activity including teaching, learning or administration
- behaved in a manner that brings the University into disrepute
- interfered or attempted to interfere with an employee of the University in the performance of their duties
- wilfully damaged or defaced University property or treated as their own the property of the University or of an employee and/or student of the University
- broken the Code of Conduct which applies both on and off Campus in such a way as to bring discredit upon the University
- broken a published rule, regulation, or policy adopted by the University

## **2. Scope and Purpose**

2.1 These procedures apply to formal investigations in relation to student matters occurring on or off campus including within halls of residence.

2.2 Investigations initiated may be conducted as part of (but are not limited to) the University's Student Harassment Policy, Student Whistle-blowing Procedure, and may lead to the instigation of the University's Student Disciplinary Procedures.

2.3 For those registered on professional programmes of study such as Law, Education, and Social Work which impose their own professional standards or fitness to practise regulations, this investigative procedure is complementary to, and does not replace, any active investigation being held regarding standards, regulations or professional conduct requirements. The University may, however, decide to not initiate, suspend or drop either procedure should it deem that one procedure alone is sufficient to appropriately to investigate the allegations against a student.

2.4 The University's Investigative Procedures may operate concurrently with any Students' Union and Police investigation that might be in operation, or the University may decide to not initiate, suspend or drop an Investigation pending the outcome of a Students' Union or Police Investigation.

2.5 The general purpose of an investigation is to establish and to clarify the issues involved and, as far as possible, the facts of a situation.

2.6 The outcome of the investigation will normally be a report by the Investigating Officer, which will be considered by the individual who initiated the investigation. Upon receipt of the investigation report the initiating Senior Manager (normally a Faculty Dean, the Director of Student Services or the Head of Student Housing) will decide if further action is appropriate.

### **3 Investigative Procedure**

3.1 Allegations of misconduct as described above should be made to the Office of the appropriate Faculty Dean, or the Office of the Director of Student Services, or if the misconduct takes place within a Halls of Residence to the Head of Student Housing.

*3.2 If the Faculty Dean, the Director of Student Services, their nominated Senior Manager or Head of Student Housing receiving an allegation believes it is appropriate, then an Investigating Officer will be appointed and tasked with conducting a full investigation into the allegations.*

3.3 The Investigating Officer will have received training in conducting investigations and/or be experienced in carrying out investigations.

3.4 The Investigating Officer will be impartial and not normally have had any prior involvement with the situation being investigated or have a conflict of interest.

3.5 If the Faculty Dean, the Director of Student Services, their nominated Senior Manager or Head of Student Housing are concerned either over the safety of any student or for the reputation of the University due to the nature of the allegations, then they should consider if it is appropriate for any student at the centre of the allegation to be suspended from University for the duration of the investigation. In such circumstances, the Director of Student Services should be informed, and they will discuss with the Vice Chancellor and/or Deputy Vice Chancellor. In some cases students may be suspended from the University during the period of time in which the investigation proceeds applied until final decisions have been reached. Such a suspension may be wholly (i.e. from the grounds of the institution) or in part (i.e. student may be able to access the grounds for their studies, but may be suspended from other parts or activities of the institution)

### **4 Investigation Process**

4.1 The Investigative Officer will formally invite the student(s) to an investigatory interview.

4.2 At this interview the student may be accompanied by a friend or representative from the Students' Union, and will have been invited to do so by the Investigative

Officer. The student may not be accompanied by a legally trained individual or anyone acting in a legal capacity.

4.3 The Investigative Officer may be accompanied by an appropriate staff member for the purpose of taking notes during the course of the investigation. Notes of meetings will normally be limited to recording the principal points of discussion.

4.4 The Investigating Officer may, at their discretion, meet with people not directly involved but who may be able to provide relevant information.

4.5 As outlined in the University's Disciplinary Procedures for Student Matters, the University reserves the right to receive formal reports from the police or any other appropriate agency and to utilise such reports as the 'formal investigation', and as such not appoint an Investigative Officer to investigate. As such, the Deputy Vice Chancellor may receive such reports and invoke the Disciplinary Procedures directly.

## 5 Timescales

5.1 In the interests of ensuring that any matter is resolved as speedily as possible, time limits are given within the appropriate University procedures. Upon receipt of an allegation the University will seek to conclude the investigation process within 30 calendar days. There may be occasions when the timescale needs to be extended due to extenuating circumstances, for example where witnesses or the Investigating Officer are unavailable, or if key information needs to be obtained from an external organisation/agency. In such occurrences the University will inform all parties in writing if it is not practicable to adhere to the timescales, outlining that they may be amended, after having attempted to gain the agreement of all parties.

5.2 The Investigating Officer will give a least 2 working days' notice of meetings related to the investigation and will seek to take account of the availability of individuals and, if applicable, chosen representatives. It is expected that meetings with the Investigating Officer will be given a high priority and that the Investigating Officer will give priority attention to the task.

**5.3 If a student fails to attend meetings related to the Investigation without good reason then the University reserves the right to reach a conclusion in absentia.**

## 6 Taking Statements

6.1 The Investigating Officer is encouraged to obtain brief written statements from those who have relevant information. These statements must either be sent

from their University e-mail account or be signed and dated by the individuals making the statement.

6.2 Unsubstantiated opinion or hearsay will not be considered during the investigation, information provided anonymously or in confidence will be treated with caution.

6.3 The factual accuracy of reports of individual meetings/interviews will, as far as possible, be confirmed by the Investigating Officer with those involved before being included in the report of the investigation.

## **7 Confidentiality**

7.1 In the course of an investigation, confidentiality must be maintained as far as is consistent with the matters being investigated.

7.2 Care should be taken to ensure the confidentiality of the process, the report and elements of it. This applies particularly when using email and electronic transmission of personal confidential information.

## **8 Conclusions**

8.1 On conclusion of the investigation the Investigating Officer will produce a written report to the relevant interested parties (i.e. the student(s) involved, the complainant, the Senior Manager who initiated the investigation i.e. Faculty Dean, the Director of Student Services or the Head of Student Housing). The report will summarise the issues investigated, the facts established and include any documentation and written statements gathered in the course of interviews. The Investigating Officer may make recommendations, but may not make a determination.

8.2 At the conclusion of the investigation, upon receipt of the final report, the Senior Manager may:

- declare that there is insufficient evidence to proceed
- find that there is no case to answer
- find that there is a case to answer, and then recommend one of the following:
  - Issue a formal advisory letter of caution about the student's future conduct
  - Refer the matter to the Head of Student Housing– in respect to an incident within any halls of residence.

- Refer the matter to the Director of Student Services requesting the invoking of either the University Fitness to Practise or Supported Study Procedures
- Refer the matter to the Director of Student Services and the Deputy Vice Chancellor requesting the invoking of the University Disciplinary procedures through the Vice Chancellor's office

## **9 Rights of Appeal**

9.1 If a student wishes to appeal against the verdict issued under these procedures they must write within 10 working days, to the Deputy Vice Chancellor.

9.2 Upon receipt of the letter the Deputy Vice Chancellor will respond to the student within 10 working days. The decision of the Deputy Vice Chancellor will be final.

9.3 In the absence of the Deputy Vice Chancellor an appropriate deputy from the Executive Group may act in their place.