

Student Conduct Annual Report 2022/23



Foreword

From the Vice-Chancellor



As I stated last year, as part of fulfilling the University's commitment to a zero tolerance policy on harassment, discrimination and bullying, 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.

For that reason we are sharing the findings of our second Student Conduct Annual Report following our inaugural report last year. This second report provides an overview of the types of non-academic conduct cases investigated during the academic year 2022/23. As I made clear last year, we are limited to some extent under UK Data Protection Law as to what level of information can be made public, but again, through this report, we have tried to offer as much detail as we believe is appropriate to demonstrate our commitment to transparency and to demonstrate to you the importance that we place upon taking action.

For the second year in a row I think that there are a number of messages that stand out:

The University considers a notable number of complaints within an academic year, and we now have two full years' worth of data to give an idea of the volume of cases that are investigated.

Again, many of the cases that are reported to the University are complex, requiring a significant level of detailed investigation, and have multiple stages of consideration, including involvement from the police in roughly 30% of cases, before they can be considered complete.

I remain convinced, having now seen two full annual reports, that we take all cases reported to the University seriously, we investigate diligently and professionally, and we have again demonstrated that we will apply some of the most serious penalties available to us in appropriate circumstances. I hope that this continues to give those involved, and those who read this second report, confidence that the University will take action when things are reported to us.

As I stated last year, we need to remember 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, which is why the dedicated network of support systems that interact with our conduct cases continues to be so important. 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.

Again, as I did last year, I would encourage anyone who feels 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

At Oxford Brookes University, staff and students work hard every day to create a community that is safe, friendly, and welcoming for all. This applies to our role as a learning environment, as neighbours in the city of Oxford, and as a space where members of our University socialise, grow and work together. This requires a shared commitment from all of us, which includes high expectations of our students and their conduct both on and off campus.

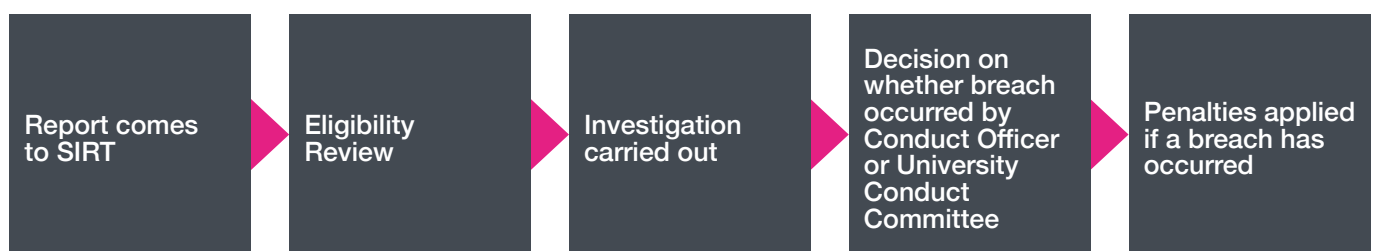
Where serious incidents occur that may be a breach of our Student Conduct Procedure, the University's Student Investigation and Resolution Team will investigate and ensure that appropriate action is taken. These investigations are carried out for, on behalf of, and in cooperation with the student body as a whole. It is therefore important that an annual, transparent report gives an overview of the actions that were taken in an academic year.

This second annual report gives an insight into how the University dealt with non-academic student conduct when reports were brought to the Student Investigation and Resolution Team. While last year's report covered the period of 1 August 2021 to 31 July 2022, this year's report covers 1 August 2022 to 31 August 2023.

There are other areas within the University dealing with student conduct, for example, the Community Engagement team and within Brookes Accommodation. Some headline figures are within this report and detailed information about those areas is available elsewhere. This report mainly deals with the most serious reports of misconduct or instances where students have repeatedly breached the regulations.

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 Student Investigation Team (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, the Accommodation team, or following a specific report related to sexual violence, hate crime or harassment via the University reporting tool.
- 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 5.6 for details).

- Investigation carried out: If a case is eligible to be considered under our conduct go procedures, it will go to an investigation
- 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 major breaches).
- Penalties: If a breach has occurred, penalties are imposed. These range from a formal warning to permanent expulsion from the University.

3 Investigation and outcome numbers

44 non-academic conduct cases reported in total	21 cases concluded following investigation (two cases reported last year, 19 investigations carried out this year)	
11 cases in breach (including one case reported last year)	2 cases referred to other teams to investigate	
9 cases not in breach (including one case reported last year)	2 cases awaiting outcome (including one case reported last year)	7 University Conduct Committees and 1 Appeal Committee held

3.1 Overview

In total, 44 non-academic conduct cases were reported to SIRT in the timeframe considered by this report, and 21 cases were concluded following investigation. This means that interviews were carried out, evidence was collected and considered, and the decision on whether a breach has occurred was made.

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 time period considered in this report, **7 cases were taken to a UCC** to consider potentially serious breaches for non-academic conduct. **5 of these found that the reported student was in breach** and the Committee applied appropriate penalties, and **2 not in breach**.

For the other 23, they were either:

- determined there was no case to answer / we could not pursue due to lack of information
- resolved by an alternative means / processed under a different procedure
- were withdrawn by the reporting party
- or are on hold (typically due to police involvement).

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 **there was 1 in the reported time period**, and this resulted in an overturning of the initial decision.

In total, in 11 cases students were found in breach of our regulations in this time period.

In comparison to last year, the total number of cases reported to SIRT has decreased, from 57 to 44. There are no obvious reasons for this decline. During Semester 1 (September-December 2023) the number of referrals received was already as high as 21, seeming to indicate that the year 2022/23 received an unusually low number of referrals.

Of the 44 cases that were reported to us in the reporting period, we investigated 19. In the annual report from last year, we investigated 61% of all cases, while this report shows that we investigated a smaller share of the cases that were reported to us (43%). This is driven by several factors:

- cases with police involvement, during which we cannot investigate, and which may still await investigation
- an increase in cases that were withdrawn by the reporting student before formal action was taken by the University
- a number of cases that were resolved under different procedures or by other teams
- the reported student withdrew from their programme of study before we could investigate.

This context therefore reveals that a lack of investigation does not mean a lack of resolution. Close cooperation with other stakeholders means that cases are dealt with appropriately - and a formal investigation by SIRT is not always the most appropriate action in the interest of the student body and the University as a whole. The team further deals with frequent informal concerns raised by students and staff that are not captured in these numbers, for example because students choose not to make a formal report but talk through their options with SIRT in a confidential meeting.

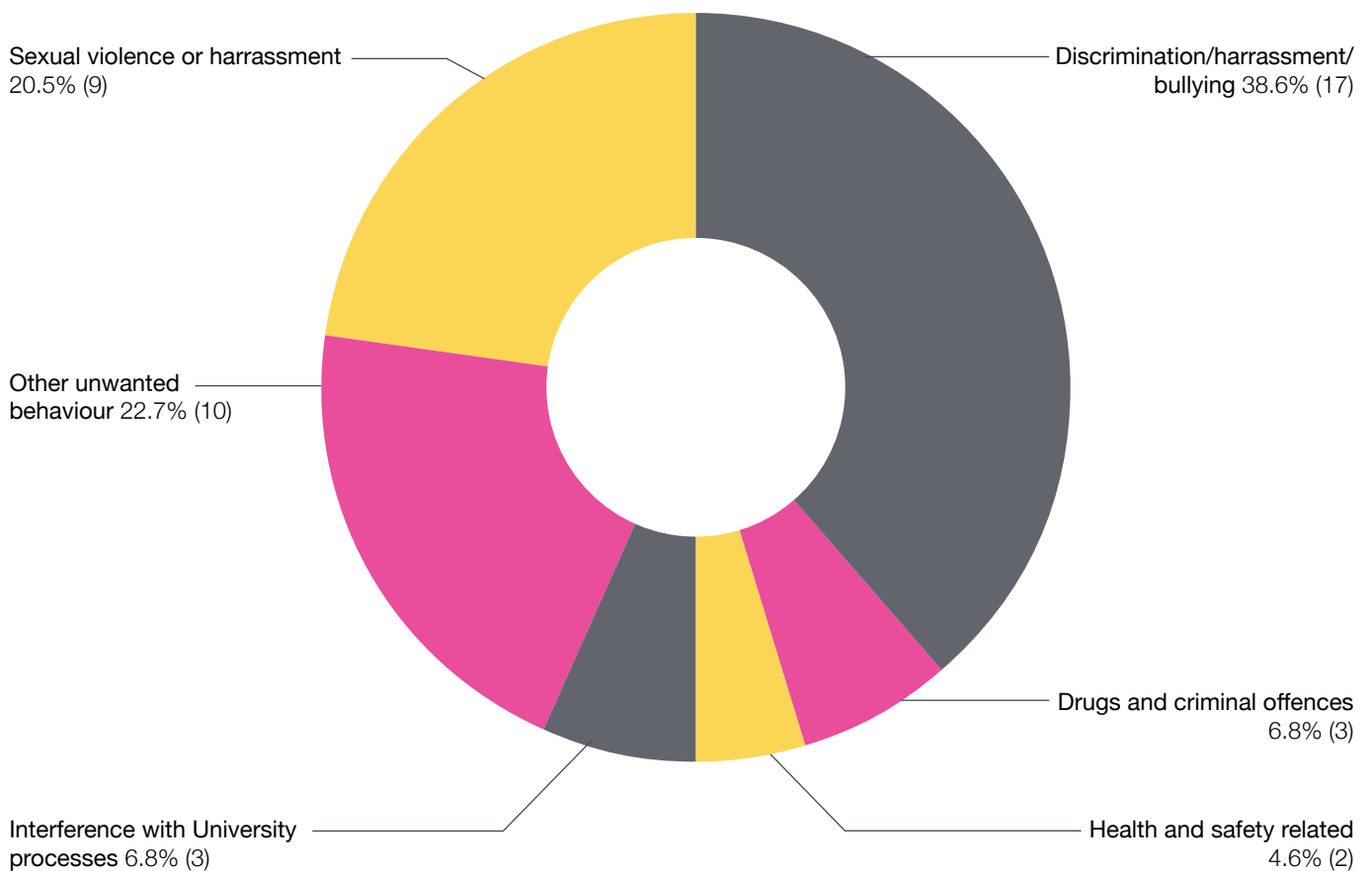
3.2 Cases by type of breach

The Student Conduct Procedure lists 27 different types of breaches, with many cases being covered by several potential breaches. For reporting purposes, these have been categorised into six areas, under which the breaches fall:

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

The numbers presented here list the primary alleged breach that characterises the case, and cover all cases reported to the team in the relevant time period.

Cases reported to SIRT by type



3.2.1 Sexual violence or harassment

There were nine reports of sexual violence or harassment made to the SIRT team in the reporting period. Cases of this kind range in severity and type of conduct, but frequently require a complex response that can involve police, welfare and the independent sexual violence advisor (ISVA) at Oxford Brookes. Every case is considered on its own merit by two investigators, in addition to a member of staff who carries out the assessment for precautionary measures, if needed (more information on this in 5.6).

SIRT staff are actively keeping up with developments on best practice and case law in the higher education sector, and have in the past received training such as interviewing skills and trauma-focused approaches to investigations. Several members of the team have investigative backgrounds, former police staff for example.

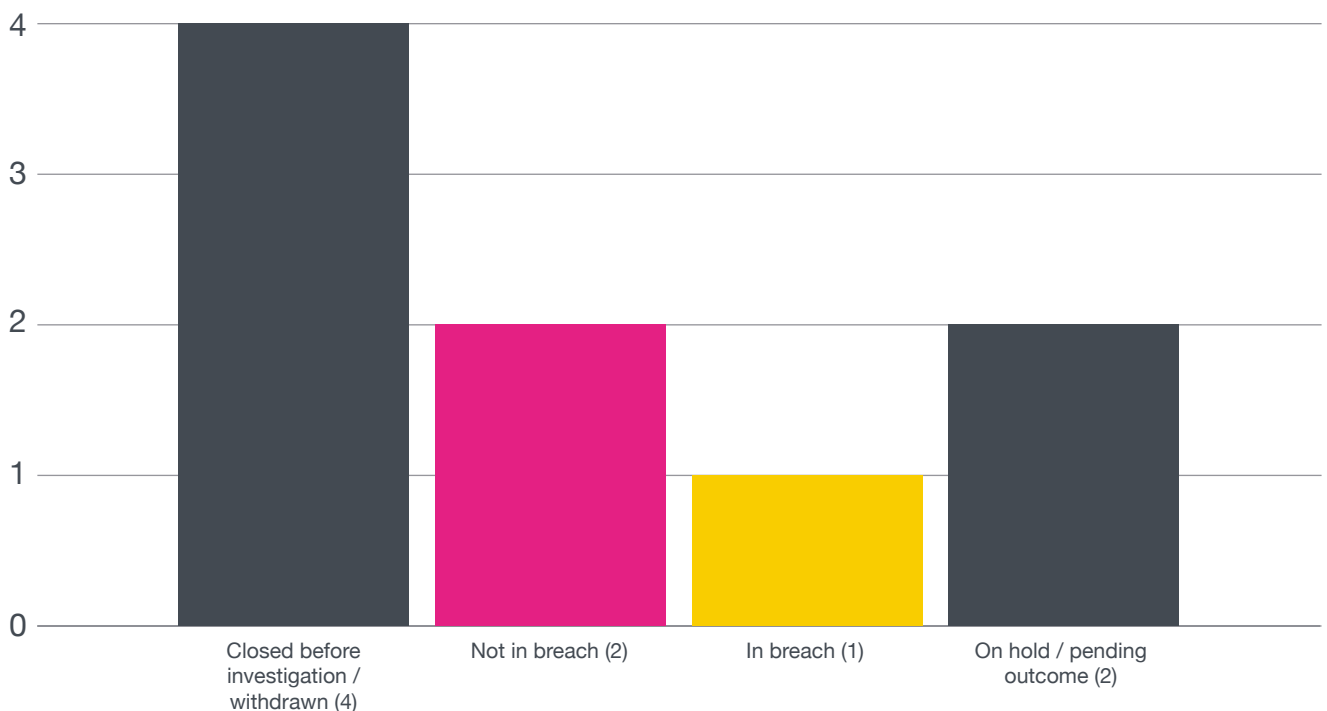
The nature of some cases of sexual violence or harassment make it more likely for police to be involved. When this is the case, the University pauses its own investigations until an appropriate point, in line with current **Universities UK (UUK) guidelines**.

The precautionary measures process is a tool to support the wellbeing, safety and educational aspirations of students involved in these cases.

Six of the cases reported of this nature in the relevant time period had police involvement; two remained on hold due to police investigations at the end of the timeframe covered in this report. As police investigations are frequently lengthy, there have been several cases where the reported student left the University before the police concluded their case and therefore the University could not pursue their own investigation. Additionally, some reporting students withdraw their University report upon conclusion of the police case.

Of the three cases that were concluded in the reporting period, one student was found in breach of the Student Conduct Regulations.

Outcomes at time of report – sexual violence and harassment

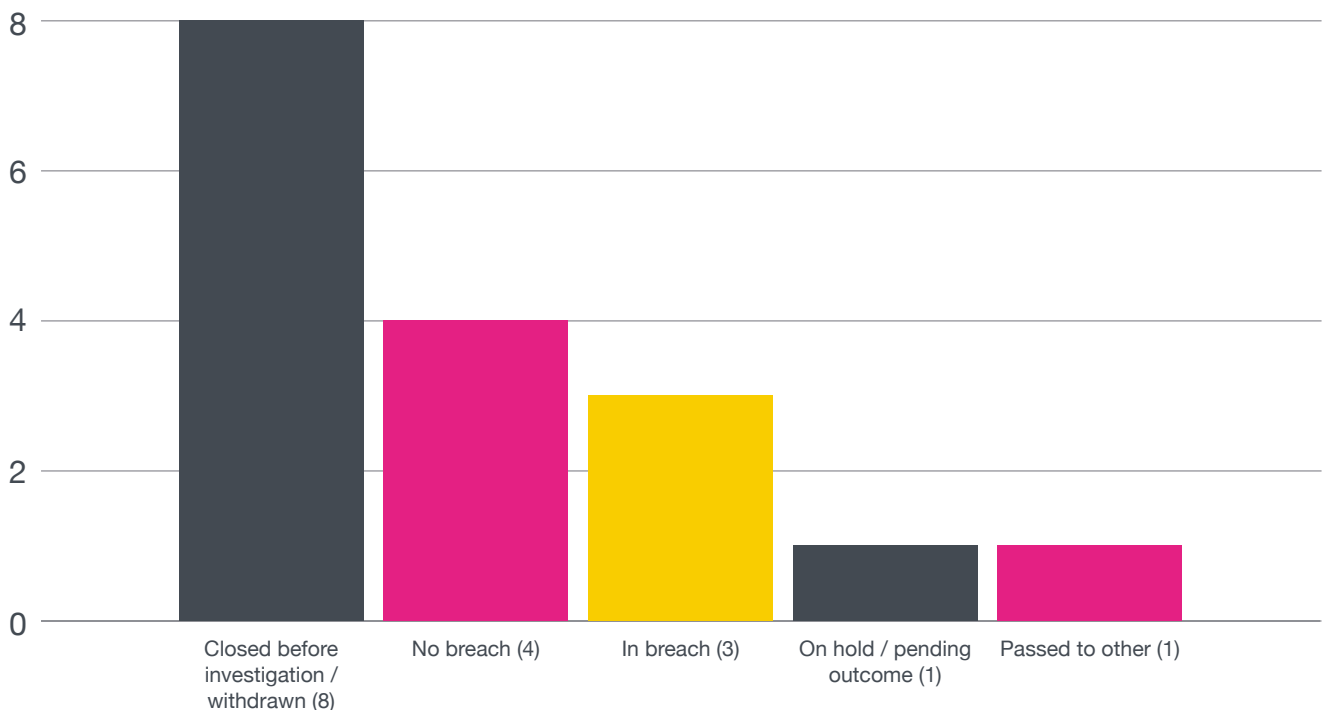


3.2.2 Discrimination, harassment and bullying

In the time between 1 August 2022 and 31 August 2023, SIRT had 17 reports 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 serious nature of some of these cases means that a number of cases were or are still being investigated by the police.

Seven of the reported cases were investigated, which means that 10 cases were not taken forward by SIRT. There were various reasons for this in the last year, for example a student leaving the University before the police investigation had concluded; reports being made about matters that cannot be investigated, such as civil disputes between students; or reporting students withdrawing cases.

Outcomes at time of report – discrimination, harassment and bullying



3.2.3 Drugs and other criminal offences

In the relevant reporting period, this category contained three cases of criminal offences that the University was made aware of. While one case was found in breach, the other two were not concluded as the reported students withdrew from their programme of study during an ongoing police investigation.

In this year, there were no drug-related cases brought to SIRT, but most cases relating to drug use are dealt with by the Accommodation team.

3.2.4 Health and Safety related

Health and Safety related cases mostly occur in accommodation, and are frequently about tampering with equipment such as smoke detectors or fire doors. As this poses a risk to others, these cases are taken seriously under the Student Conduct Procedures.

Occasionally, cases are referred to SIRT when considered more serious or escalated, as happened twice in the reporting period. One case was investigated and the student was not found in breach of the regulations. The other was not taken to a formal investigation. It is clear that these types of cases are generally well-managed at a lower level, and involvement of the Student Investigation and Resolution Team is rarely necessary.

3.2.5 Interference with University processes

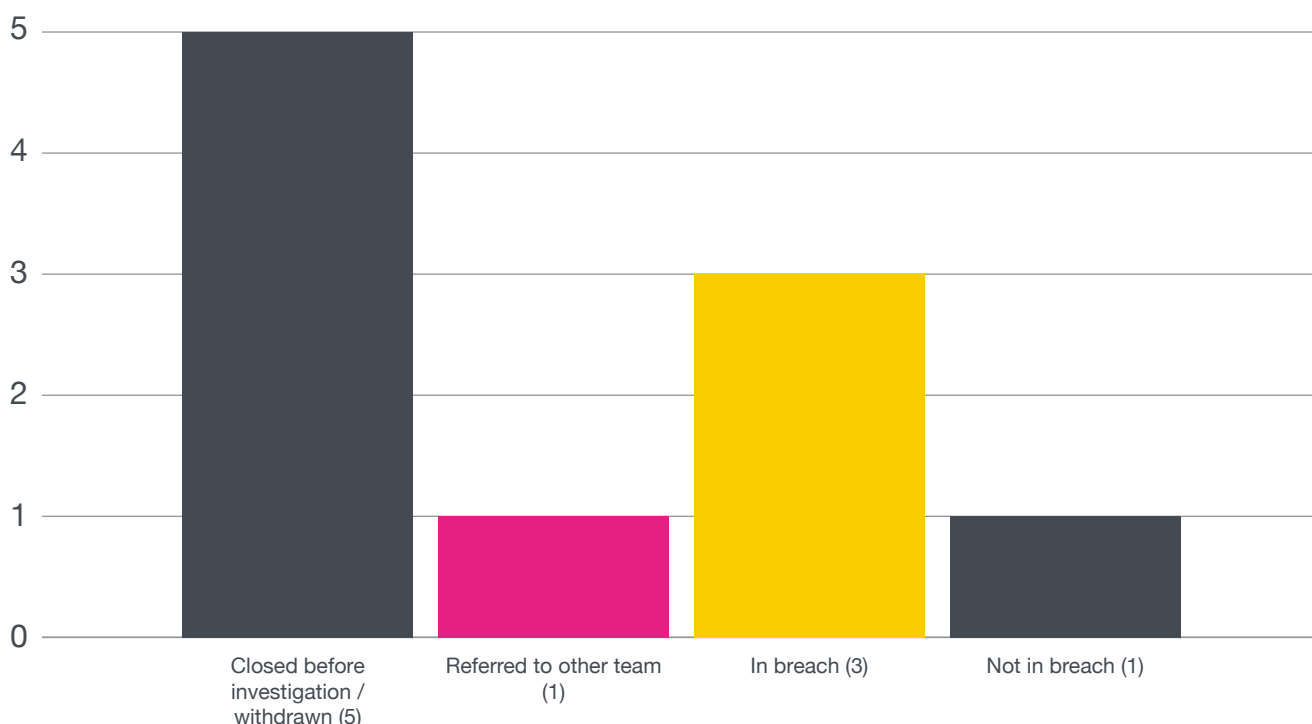
In the reporting period, three cases of this kind were reported to SIRT, with two of them resulting in a student having been found in breach, of which one student was expelled.

This group of cases covers actions such as a failure to follow staff instructions or dishonesty when giving information to the University.

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. In the reporting period, SIRT received ten reports of cases of this kind. 5 of the reports could not be investigated because they were closed or withdrawn. 1 was referred to another team or procedure within the University. 4 of these cases were investigated, In 3 cases the reported student was found in breach of the regulations and in 1 case the student was not found in breach of any regulations.

Outcomes at time of report – other unwanted behaviour towards others



4. Penalties

Penalties can be applied either by the investigating officer or by the relevant UCC. It is common that several penalties are applied in a single case.

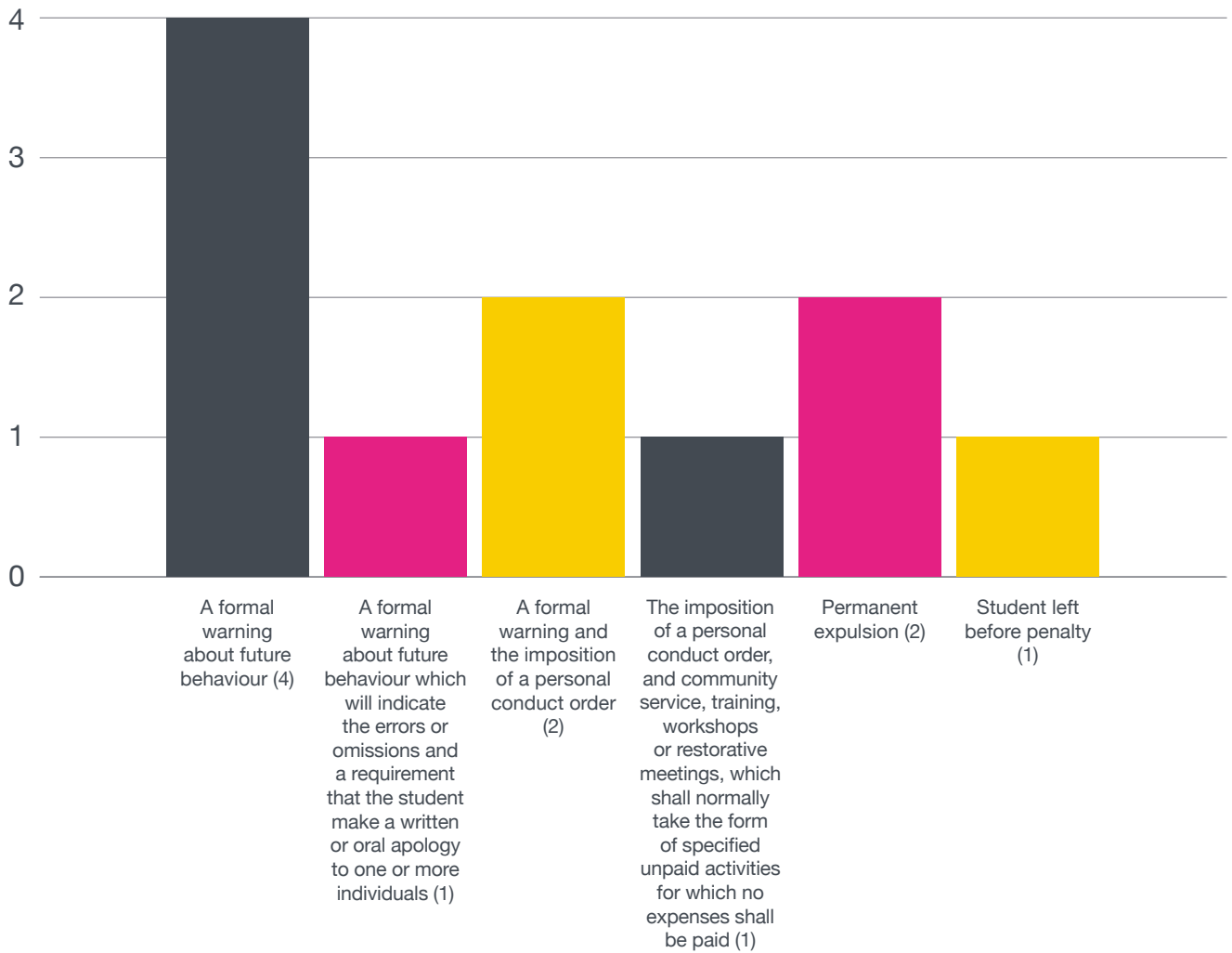
In the reporting period, 11 cases were found in breach following an investigation; including one case that was reported last year and concluded in this reporting period. Penalties were applied in all cases but one, as the reported student for that case left the University before the implementation of the penalty.

It is important to note that some students receive measures such as suspension as part of the precautionary measures process. Some students then leave of their own volition before an investigation and a penalty can be applied. When this occurs, the University records this and would not allow the student to re-enrol in future without going through the student conduct procedures.

4.1 Breakdown of penalties

- A formal warning about future behaviour. (4 occurrences within this reporting period)
- A formal warning about future behaviour
 - which shall indicate the errors or omissions
 - and a requirement that the student makes an oral or written apology to one or more individuals.
- A formal warning and the imposition of a personal conduct order. (2 occurrences)
- The imposition of a personal conduct order, and community service, training, workshops or restorative meetings, which shall normally take the form of specified unpaid activities, for which no expenses shall be paid.
- Permanent expulsion. (2 occurrences)

Penalties applied



5. Interaction with external actors and other University processes

5.1 Police

In the last year, there has been increasing cooperation between the University and the police regarding matters of conduct. 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.

More cases are now being reported to both the police and SIRT, and this has led to more cooperation. As such, there has been work around data requests from the police, and a visit to the team from Thames Valley Police to clarify processes and learn more about each other's investigation procedures.

In this reporting period, 11 out of the 44 cases had some involvement with the police.

5.2 Fitness to Study (FtS) and 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.

Between 1 August 2022 and 31 August 2023, there were 3 Fitness to Study cases that progressed to Level 2 of the Fitness to Study procedure. This occurs when the action taken under the first level has not been successful, or it is felt that the case is too serious to be dealt with through an informal discussion.

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 a placement, the relevant **Fitness to Practise** procedure will normally be applied.

5.3 Accommodation investigations

Some 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 and safety equipment. A common outcome for these cases is the issuing of fixed penalties, for example for smoking in accommodation. Regular meetings between the Accommodation team and SIRT have led to steps being taken to ensure that the appropriate team are managing the reports and that concerns are flagged up to SIRT as necessary.

For the academic year 2022/23, the Residences Conduct Team awarded a total of 143 Fixed Penalties. These are fines given to students where there is no need for an investigation.

- 66 of these were for smoking inside University-owned accommodation.
- 46 of these were for health and safety breaches, for example covered safety detectors, interfering with or damage to fire/safety equipment.
- 31 of these were for non-completion of the Fire Safety Awareness Moodle course.

The team also dealt with reports of excessive noise, drug use, unauthorised car on residential sites and general behavioural issues. Warnings and penalties were applied accordingly. In 7 serious cases involving multiple breaches, Notice To Quit letters were issued, meaning the student was required to leave the accommodation.

5.4 Community Engagement Team

The Community Engagement team works to develop positive relationships with the local community. As part of this work, it provides a complaints process to allow local residents to raise concerns about the behaviour of Oxford Brookes students.

In the academic year 2022/23, the Community Engagement team held conduct interviews related to 6 separate houses, in which reports were made relating to the following regulations:

- Disorderly or disruptive, behaviour directed towards, or affecting, any member of the University community or visitors.

and

- 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.

These interviews results in the following as penalties:

- a formal warning about future behaviour, which shall indicate the errors or omissions (4)
- a requirement that the student makes an oral or written apology to one or more individuals. (5)
- the imposition of a personal conduct order (2)
- community service, training, workshops or restorative meetings, which shall normally take the form of specified unpaid activities, for which no expenses shall be paid. (2)

The team also carried out 32 advisory meetings for households that addressed noise disturbance and/or anti-social behaviour in private housing, resulting in written apologies delivered to the complainants.

5.5 The University's sexual violence, hate crime and harassment 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.

Typically the University cannot investigate anonymous reports. However, there may be other action that can be taken, for example. reporting to the police, triangulating information, communicating about acceptable behaviour and other remedial action.

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.

In the academic year 2022.23, there were 88 reports made via the tool, 32 were anonymous and 56 were made by people who identified themselves.

From the 56 reports in which the reporting party could be identified, the following outcomes occurred:

- 5 received support solely from student support services.
- 33 received support from student support services, as well as being referred to external support services
- 12 people were offered support but they did not take up the offer
- for 6 of the reports, information was passed to a relevant, alternative University team for appropriate action

5.6 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 19 cases, with the typical outcome being a no-contact agreement between students. This typically requires no direct contact between the parties involved and often extra measures, such as moving seminar groups, one party having specific days to attend the library or the gym, or other measures designed to minimise contact as much as possible.

It is also possible for the member of staff carrying out the assessment to suspend the reported student (either from campus, or entirely) until a case has been concluded, as has happened in four cases in the reporting period. The decision to suspend a student 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.

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

If a student has exhausted the appeal stages within the University's procedures 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 final relevant procedural letter from the University. 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, one of our conduct cases was considered by the OIA. 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 general approach or a change in the relevant case outcome.

6. University response

6.1 Action taken in the last year

- More than doubled the number of chairs for the UCCs and Appeal Committees; training carried out for all of them.
- Incorporation of recommendations made by a legal review of one of our cases.
- Close work with the Oxford Brookes Legal team and Thames Valley Police to enhance the clarity of Thames Valley Police's requests for information sent to the University.
- Investigations carried out in cooperation with members of Brookes Sport to get better insight into the specific context of sports teams.
- Implementation of a two-investigator approach for most of our conduct cases to improve robustness of investigations and limiting biases.

6.2 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:

- student representatives on committees will be employed, making the role more professional and allowing for better training and development
- review of how we conduct the initial investigation
- feed into a review of the University's substance abuse policy, which will require changes to our procedures in the future
- consideration and implementation of new case law regarding UCCs (Student AB vs University XYZ).

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**

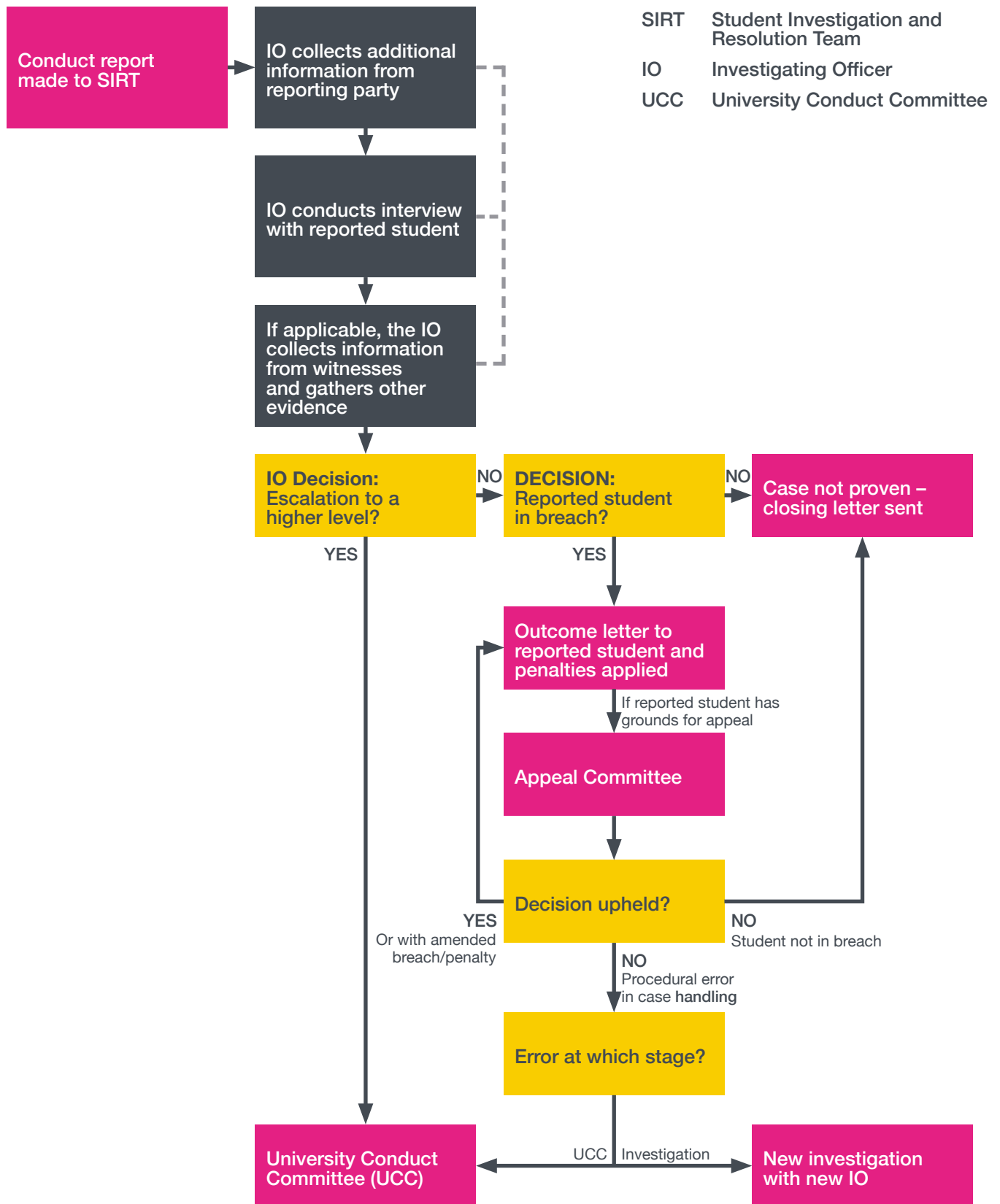
Can't Buy My Silence campaign **universities pledge**

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

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

Appendices

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
<p>Drugs and criminal offences</p>	<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>
<p>Other unwanted behaviour towards others</p>	<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>