

Regulation 23 on Student Disciplinary Offences Information on the Investigation Process

A Flowchart showing the Student Discipline Process can be found at:
<https://warwick.ac.uk/services/student-discipline/waysofworking/>

1) Regulation 23 on Student Disciplinary Offences

- This document has been prepared to provide information and guidance to any student who has been asked to attend an interview as part of an investigation process under University Regulation 23.
- Regulation 23 deals with student misconduct. You can find the full Regulation here: www.warwick.ac.uk/disciplinary
- An Investigating Officer has been appointed under Regulation 23 to undertake an independent and impartial investigation. Their primary objective is to examine the factual evidence to establish the full circumstances of the case, and to reach conclusions based on the balance of probability, i.e. what is most likely to have occurred in relation to the incident or allegation under investigation, based on the available evidence.
- The Investigating Officer's findings and conclusions will be considered in line with Regulation 23 and a determination will be made as to the appropriate action to be taken.
- The University complaints process states that complaints from current students must be raised within three months of the problem becoming apparent. Complaints from current Warwick students submitted outside of this published timeframe are considered on a case by case basis by the Academic Registrar and action may still be taken. Whilst it is noted that it may be difficult to investigate historical complaints we reserve the right to do so to where appropriate. There is no time limit for complaints to be submitted by individuals who are external to the University.

2) Investigation Meeting under Regulation 23

- If you have been asked to attend an investigation meeting, you will have been informed what the meeting is in relation to and in what capacity you are being asked to attend:
 - Responding Party – it has been alleged that you committed an offence under Regulation 23
 - Reporting Party – someone against whom an alleged offence has been committed
 - Witness – someone who may have useful information about the incident / allegation
- The Investigating Officer may be interviewing a number of individuals as part of the investigation process.
- If you are a Responding Party, you should be aware that the investigation is being held in order to establish whether or not there is evidence to support an allegation that you have committed an offence under Regulation 23. Depending on the outcome of the investigation, this could lead to formal disciplinary action being taken against you.
- If you have been asked to attend an investigation meeting as someone who was directly involved in the incident but you are not under formal investigation, you should be aware of the possibility that this could change as further information about the incident becomes available.
- Regardless of the capacity in which you have been asked to attend the investigation interview, you are requested to engage openly and honestly with the investigation, and to co-operate fully with the Investigating Officer.

3) Confidentiality

- Documents relating to the investigation will remain confidential to those who are involved in the investigation and any subsequent disciplinary action, this does not mean that they are confidential to just the people present in the investigation meeting.
- You should not discuss any details of the incident(s)/allegation(s) outside of the investigation meeting.
- You should not discuss any details of the incident(s)/allegation(s) with any other individuals who are, or may become, involved with the investigation.
- **This does not mean that you cannot seek appropriate advice and support (see below).**
- It is important that you are aware of the possible consequences of sharing confidential information, and the reasons why we ask you to maintain confidentiality:
 - Once information is released to others you have little or no control over how that information is interpreted or shared. It may not be interpreted by others in the way you expect, or hope.
 - Should a post or comment made by you breach the Dignity at Warwick policy, a student is entitled to raise a Stage 2 complaint which could result in disciplinary action.
 - Should a post or comment be untrue, an individual may seek to make a civil legal claim for defamation of character.
 - Sharing information about a disciplinary matter could make an already difficult situation worse for everyone involved, and in some cases may undermine the disciplinary process.
 - Maintaining confidentiality benefits all the parties involved.
- Please make sure you are familiar with our 'Online and Social Media Communications Policy' (<https://warwick.ac.uk/services/gov/university-policies>)

4) Advice, support and the role of any accompanying person

- You have the right to have someone to support you through the process and to accompany you to the investigatory meeting.
- This person should not have been involved in any way in the incident(s) or allegation(s) in question (for example witnesses to any associated alleged incident, friends of either the Reporting Party or the Responding Party).
- Usually they would be a Student Liaison Officer, an advisor from the Students' Union Advice Centre or a member of staff from Wellbeing Support Services as they are best-positioned to provide you with independent support and advice. You may choose to have another student or staff member accompany you or a family member.
 - University Wellbeing Support Services www.warwick.ac.uk/services/wss or 024 7657 5570
 - Students' Union Advice Centre www.warwicksu.com/help-support or 024 7657 2824
- You can also approach your academic department (e.g. personal tutor) should you have any concerns relating to your academic study or should you wish to seek pastoral support.
- You can elect not to have anyone accompany you but you should be aware that obtaining support would be to your benefit and you are strongly encouraged to do so.
- Whoever you may choose to accompany you, do be aware that they are not able to speak on your behalf (unless, for example, communication aids are required due to a disability). You will be expected to answer the questions that the Investigating Officer puts to you.
- The accompanying person will not be asked to provide a 'character reference' for the student.
- Your accompanying person is to help support you and to help you ensure you have said everything you intended to. This therefore means that you will need to have discussed the incident(s)/allegation(s) in advance with them.

- As part of the support role, the accompanying person could take notes on your behalf, or ask the IO for an adjournment in order for the accompanying person to speak privately with the student or in order for the student to gather their thoughts should they become distressed.
- If necessary, you will be able to take time with your accompanying person during the investigation meeting to discuss whether all the points you wish to make have been raised.
- Students wishing to bring someone with them, will need to inform the Case Officer, (via the Student Liaison Officer in cases of Sexual Misconduct), so that any potential conflicts of interest can be resolved prior to the meeting. The Investigating Officer (IO) will also be informed as to the names of the individuals attending the meeting.

5) How the investigation meeting will proceed

A typical investigation meeting may proceed as follows, although this will vary depending on the circumstances of the case:

- The Investigating Officer will make introductions and outline the remit of the investigation and the purpose of the investigation meeting.
- The Investigating Officer will explain the estimated time for the meeting (this would typically be between 1 to 3 hours). If at any time you feel you need to take a break you should let the Investigating Officer know.
- The Investigating Officer will check that you have received, read and understood this guidance document and you will have the opportunity to ask any questions about aspects that you wish to clarify.
- The Investigating Officer will ask you a range of questions to elicit information. You will have the opportunity to describe your understanding of the incident(s)/allegation(s) – clarifying involvement, what happened and the sequence of events (what, why, how, who, where, when). Based on your responses the Investigating Officer may follow up with more questions.
- You will be given the opportunity at the end of the meeting to ask any of your own questions or make any further statement.
- The meeting will be drawn to a close. The Investigating Officer will explain that if there are any matters that could not be covered fully in the meeting, or if further information comes to light following the meeting, then they may need to speak with you again. If a further interview is necessary, you will again be given sufficient time to seek support and advice and for someone to accompany you.

6) Notes

- There will be a note-taker in attendance at the investigation meeting. They will usually be the Case Officer from the Student Discipline Team. Their role is to capture all key points and information from the meeting and they may also include specific quotes if it is judged that these are particularly relevant.
- You (or your accompanying person) will be able to take your own handwritten notes of the meeting as well if you so wish.
- Recording devices are not permitted and meetings held via virtual meeting software will not be recorded. Students must not audio or visually record any part of an investigation meeting.
- At the end of the meeting the Investigating Officer will confirm when the notes will be made available to you and whether you require the notes to be in a particular format (for the purposes of reasonable adjustments due to any disability).
- When the notes are sent to you, you will be asked to confirm them as an accurate record of the meeting, or provide comments or requested corrections. Any agreed minor corrections will be made directly in the notes. If you wish to make a further statement or substantive correction, or if you feel that the notes have not sufficiently captured what you wish to convey, then your comments will be added as an Appendix to the Investigation Report.

7) Next Steps

- The final version of the notes of the meeting will form a part of the Investigation Report and these findings will be considered by the University in line with Regulation 23. A decision will then be made as to the appropriate action to be taken and you will receive further information, as appropriate, on the outcomes.
- You may be required to engage with a Discipline Committee Meeting and be asked questions about the statement(s) or information you have provided.

8) Privacy Notice

Purpose of notice: When the University commences an investigation process under University Regulation 23 it acts as a data controller of your personal data (i.e. any information that relates to you as an individual). This notice sets out what personal data is typically collected, what the University does with it, who it may be shared with, what your rights are, etc. Please take the time to read it. If you have any questions about the notice please contact studentdiscipline@warwick.ac.uk

Types of data: As part of an investigation process the University may collect and process the following types of personal data:

- Your name, student ID, contact information
- Anything you or other parties say during the investigation process (including by email, telephone, Teams or in person)
- All evidence shared with the University (whether this be written, electronic, verbal, CCTV, body-worn video, photographs, recordings, screenshots from social media etc.) by you, other parties involved in the investigation or other parts of the University.

Purpose of processing: The University collects and processes your personal data in order to: contact you about the investigation process; liaise with you throughout the investigation process, including the provision of support; put in place any necessary precautionary measures to protect the University community; appoint an Investigating Officer; conduct an investigation meeting and take a statement from you and others involved; progress the investigation; compile an investigation report and associated appendices; communicate the outcomes of the investigation to parties involved; and, where applicable, convene a Discipline Committee and implement appropriate disciplinary actions.

Lawful basis: The University must have a lawful basis on which to process your personal data. One of the following lawful bases will apply to the processing of your personal data described above:

- If you are a Reporting Party, you will have provided your explicit consent for the University to process your personal data by virtue of submitting your complaint through the University's complaint process. Please note you can withdraw your consent at any time by withdrawing your complaint;
- it is necessary to process your personal data in order to fulfil the contract you entered into with the University at enrolment – i.e. you agreed to abide by the University's policies and regulations;
- it is in the legitimate interests of the University or a third party to process your personal data. These interests are ensuring that complaints are properly investigated for the benefit of the University of Warwick or wider community.

Sharing: Information relating to investigations shall remain confidential and will only be shared if the University deems it appropriate to do so in order to: put in place any necessary precautionary measures to protect the University or wider community, investigate an allegation of student misconduct, provide appropriate support to all parties involved, conduct a fair Discipline Committee meeting, and implement

disciplinary actions following a decision by a Discipline Committee. As such, the University may share some of your personal data, collected as part of the investigation and discipline process, with the following groups:

- Your appointed Student Liaison Officer;
- Warwick Students' Union (in certain circumstances where the University assesses there is a need to inform them);
- Other University departments, including but not limited to Community Safety, Residential Life Team, Wellbeing Support Services, academic departments, Human Resources (e.g. in cases where you are also employed by the University and an outcome may affect your status as an employee);
- Parties associated with the investigation process - i.e. the Reporting Party/Responding Party. Please note, should a case progress to a Discipline Committee, both the Reporting Party and the Responding Party will receive a copy of the Investigation Report and any associated appendices;
- Any subsequent Discipline Committee or Fitness to Practice Committee.
- Authorities such as the Police, regulatory bodies, professional bodies or other organisations with whom you may be connected, but only in certain circumstances where the University has assessed there is a lawful basis to share information with them.

Retention: The University will retain your personal data, collected in line with this privacy notice, for 6 years after the last action relating to the discipline proceedings.

Your rights: Under data protection legislation, you have certain data subject rights, including a right to: access your personal data, rectify inaccuracies, have your personal data erased, restrict the processing of your personal data and object to certain processing. Some of these rights are not absolute rights and therefore are assessed on a case by case basis. Further information in relation to your rights can be accessed here: <https://warwick.ac.uk/services/legalandcomplianceservices/dataprotection/datasubjectrights> If you wish to exercise a right or complain about the way the University has processed your personal data please contact the University's Legal and Compliance Services Team via infocompliance@warwick.ac.uk . Please note any other parties involved in the investigatory process have the same rights under data protection legislation.