

Who can I speak to about the reporting process?

To report an incident/experience or to get advice about the reporting process, you can speak to a member of the Student and Legal Affairs Casework team.

To contact a member of the Student and Legal Affairs Casework team, email Care and Concern at careandconcern@mdx.ac.uk ask for a member of the Student and Legal Affairs Casework team to contact you back.

They can talk to you about what action the University can take, for example under the Student Conduct and Discipline procedure or the Student Complaints and Grievance Procedure (both found [here](#)), and provide clarity regarding possible outcomes. They will also tell you about how the reporting process works and the support you would be able to access during the process. Their objective is to help you decide if reporting to the University is right for you.

By speaking to a member of the Casework Team, you will not be required to report to the University. Anything you tell them will be treated as confidential unless, in exceptional circumstances, where there is a significant risk of further harm to somebody – in which case, you will be asked for consent for the information to be shared with the Care and Concern team for appropriate action to be taken.

They will also signpost you to where you can get emotional and practical support, and assign a key contact with whom you can speak to if you have further questions.

What will the University do if a report relates to a Middlesex student?

If an report relates to a student, the University will initiate the Student Conduct and Discipline procedure. The Student Conduct and Discipline rules sets out the types of behaviours against which the University can take action.

If, following an investigation, the allegation is proven true on the balance of probabilities, then the University will impose a sanction of 0 to 4 points, ranging from a formal warning, restrictions/ conditions, a written apology, suspension and expulsion.

Any sanction must be deemed appropriate and proportionate and in line with what is set out in the Student and Conduct and Discipline rules. Only will a matter warrant a sanction where there is sufficient and appropriate evidence.

You will not be treated less favourably by the University or suffer any detriment or disadvantage if you make an allegation in good faith, regardless of whether the allegation results in a penalty.

What will the University do if a report relates to a member of staff or/and university practice?

If a report relates to a member of staff or/and university practice, the University can take action under the Student Complaints and Grievance Procedure and the Staff Disciplinary Procedure. These procedures provide frameworks to ensure the matter is dealt with fairly and quickly. If both procedures are enacted, it is likely that they will be carried out at the same time.

If, following an investigation, the allegation is proven true on the balance of probabilities, then the University will impose a disciplinary penalty against the member(s) of staff concerned, ranging from an oral or written warning to dismissal. Penalties will only take place after a full investigation and hearing has taken place. Whilst an investigation is being carried out, the University can take action in the form of suspension if it is felt necessary to ensure an individuals' safety.

Any disciplinary penalty must be deemed appropriate and proportionate and in line with what is set out in the staff disciplinary procedure. Only will a matter warrant a penalty where there is sufficient and appropriate evidence.

You will not be treated less favourably by the University or suffer any detriment or disadvantage if you make an allegation in good faith, regardless of whether the allegation results in a penalty.

What are the different stages of the reporting process?

Initial meeting

A member of the Student and Legal Affairs Casework Team will meet with you. You can be accompanied by a friend, family member or Students' Union advocate and you can request a specific gender if you want. If you feel it's unsafe to meet on campus, an alternative meeting place can be arranged off-campus.

You will be told which procedures will be followed (e.g. Student Conduct and Discipline procedure; Student Complaints and Grievance procedure; Staff Disciplinary procedure) and who will potentially need to be informed if the case is to be investigated.

You will be assigned a key worker whilst the investigation is ongoing with whom you can contact if you have any questions, if you would like an update, or if you would like to provide further evidence. You can drop out/stop the procedure at any time.

Making a statement

You will be asked to give a statement – this could be verbal or written or both. In the statement, you will be asked to describe what happened and what impact it's had on you. You will be treated with a great deal of sensitivity and the team will carefully manage the process so you don't have to talk about anything which isn't absolutely essential.

Providing evidence

You will also be asked to provide any evidence of the incident(s). This could include text messages, emails or photos. You may also be asked to suggest where the team could get further evidence e.g. by speaking to a witness or accessing CCTV footage. The more information you are able to provide to support your case, the better.

To help you with providing evidence, we recommend that you make a note of what's happened as soon as possible after the incident(s). If it's ongoing, try to log each instance as it occurs.

Include the following:

Date, time and place of the incident(s)

Details about the person who you're reporting

What the person did / what the issues were

Impact e.g. on your health, your studies, your relationships

Take photos (e.g. on your phone) of the place where the incident(s) occurred

Take screenshots on your phone of any text messages

Keep secure any emails or letters or anything else that you think can be used as evidence

Investigation

The Student and Legal Affairs Casework Team will begin their investigation without reasonable delay to establish the facts of the case. Before the investigation begins, you will be asked about anyone who you do not wish the team to talk to and, where possible, you will be informed of all parties involved in the investigation.

The investigation will constitute gathering information and collecting evidence e.g. collecting written statements from other parties, reports from Halls of Residence or Security, other forms of evidence, such as CCTV footage, emails, text messages, messaging on social media, mobile phone screenshots etc. The amount of investigation required will depend on the nature of the allegations and will vary from case to case.

Investigations are solely for the purpose of fact-finding and no decision on the disciplinary sanctions or penalties will be taken by a panel (for allegations against a student) or disciplinary hearing (for allegations against a staff member). Any accused party, student or staff member, will be able to respond to the allegations against them and the evidence that has been gathered. Where staff members are involved i.e. they are accused, implicated or identified as a witness, they are required to cooperate fully and promptly with any investigation.

Measures taken during an investigation

Whilst an investigation is being carried out, the University can take a number of immediate actions to ensure your safety, to help you feel comfortable on campus, and to minimise the impact on your academic studies and university life.

These actions include:

Suspension - the temporary removal from the University, pending an investigation;

Imposing precautionary measures – such as forbidding a student from entering a certain building on campus or restricting their access to specified days or times;

Academic support – we can support your application for a deferral or extenuating circumstances without you having to disclose what has happened to you;

Confidentiality – utmost regard will be given to confidentiality at all times. Documents used by the University during its own investigation e.g. case notes, could be requested by the police, as could members of staff involved in the investigation be asked to give evidence in Court. However, there will be very limited circumstances in which the University will disclose information about the incident to third parties and information will only be shared with those who absolutely need to have that information.

Panel meetings / Disciplinary hearings

Following the investigation, if it is felt there is sufficient evidence, a panel meeting or disciplinary hearing will meet to decide an appropriate sanction or penalty. For allegations against another student, you will not normally be informed of this outcome in line with data protection rules.

What about misconduct which is being investigated by the police?

The University is very careful not to take action which might prejudice a criminal case. If a police investigation is underway, or about to commence, the University will wait until the criminal process is over. The only actions the University will take whilst a criminal investigation is underway are precautionary measures (see above).

The University will only report the incident to the police without your consent in exceptional circumstances (for example, where a crime is about to take place and/or it is believed that there is a significant risk of harm).

Anyone can make a report of criminal activity to the police. Where the victim of a criminal offence is the reporting student, the University will usually consider the decision to report the criminal offence to the police a matter for the reporting student. Only in exceptional circumstances will the University report an alleged crime to the police contrary to the wishes of the reporting student. Care and Concern can support you to contact the police, or to contact the police on your behalf, if you wish.

The nature and scope of the university's internal disciplinary process is fundamentally different from that of the criminal process. In the criminal process allegations are treated as a potential criminal offence and have to be proven beyond reasonable doubt; in the university's disciplinary process, allegations are treated as a potential breach of discipline and allegations have to be proven on the balance of probabilities.

Further information about university processes

To follow the various next steps in the Care and Concern procedure, click [here](#).