

Guidance for Students Making a Complaint about another Student(s)

I have been affected by the conduct or behaviour of another Student – what can I do?

If you want to receive support or discuss how the conduct has affected you, you may want to speak with University Student Support services or your Personal Tutor.

The webpage with contact details for Student Support can be found at the webpage below:

<https://www.westminster.ac.uk/current-students/support-and-services/student-wellbeing>

The webpage with details on how to find out your Personal Tutor can be found at the webpage below:

<https://www.westminster.ac.uk/current-students/support-and-services/personal-tutors>

Concerns which are about the conduct of another student are dealt with under the University's Student Disciplinary Regulations. Concerns which do not relate to the conduct of another student will be dealt with in the usual way under the University's Student Complaints Procedure.

The University's Student Disciplinary Regulations are intended to address misconduct by a student rather than resolve disputes between individuals. Incidents which are not a potential breach of Student Code of Conduct will not be investigated under this process. A link to Student Code of Conduct has been provided here <https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-code-of-conduct>

If you feel you are concerned about behaviour from another student, you should report this to your Personal Tutor or Course Leader. They can either speak directly with the other student if they are on the same course as you or refer the matter to the other student's Personal Tutor and Course Leader who will speak to the student and explain to them how their behaviour is affecting you, which will hopefully resolve the situation. If the matter is serious, or you are dissatisfied with the attempts to resolve the situation informally, or you do not wish to raise the matter informally you may want to consider raising your concerns to your College using the Concern Form. The procedures detailed in the Student Disciplinary Regulations will be used to investigate your concern.

If you do not know the name of the student, please provide as much information as possible and the University will investigate if they are able to identify the individual.

A Concern Form is available on the University webpage below:

<https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-code-of-conduct>

Once you have completed this form it should be submitted to your College:

- Westminster Business School – wbscollegesupport@westminster.ac.uk
- Design, Creative and Digital Industries – dcdicollegesupport@westminster.ac.uk
- Liberal Arts and Sciences – lascollegesupport@westminster.ac.uk

Details regarding your course, school and college are located on your student record which can be accessed by logging on to the University website and viewing your 'My Student Record'.

What happens when the University receives my complaint?

The complaint will be received by the College and sent to the Associate Head of College (Education and Students) or nominee to investigate and may result in the other student(s) being investigated in relation to potential breaches of University Regulations. Your complaint may form part of the evidence of the potential breaches.

What do I need to include on the Concern Form?

You would need to provide information about the incident or events which have prompted your complaint including: what, when, where, and who; e.g. observations of behaviour and impact, dates, times, locations, name(s) of those involved and any witnesses who could be contacted. You should also provide any evidence that may support your complaint e.g. copies of messages or any photographs.

Is there a deadline by which I have to report my concern?

Allegations of breaches of the Student Code of Conduct should ideally be submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of alleged misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary deadline for the submission of an allegation, or a time limit based on whether someone

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who was a student at the time of the alleged breach of the rules remains a student when the allegation is submitted. The timeframe may however have an impact on the investigation, decisions, and potential sanctions or measures, for example if the student has completed their studies the actions the University can take may be limited.

Will the other Student(s) know I made a complaint against them?

Yes – we would not normally deal with anonymous complaints. We will need to disclose your name and a summary of the complaint to the Student you have complained about so that they can respond to the allegations.

If you are worried about any repercussions of this, you need to discuss this with the Associate Head of College (Education and Students) or nominee and we will look at whether any measures can be put in place to address your concerns.

Will my account be sufficient evidence for the University to take action?

We understand that reporting certain incidents is often an extremely difficult thing to do. The investigation process is an evidence-based process and decisions are made on the balance of probabilities, which means we would be looking at whether the evidence supports that it is more likely than not that a breach has occurred. If the University determines that no further action can be taken it does not mean that the University is questioning whether or not you are telling the truth, it normally means that there is insufficient evidence which can be used in misconduct proceedings to support that there has been a breach of University Regulations.

Is there any support I can receive?

If you need to talk to someone about the incident or events there are support services available, and more details about these can be found at the below web page: <https://www.westminster.ac.uk/current-students/support-and-services>

We also provide information concerning external organisations that offer specialised support, please use the link below for information on external organisation;

<https://www.westminster.ac.uk/current-students/support-and-services/counselling/self-help-resources>

If you have questions regarding the University disciplinary procedures, please contact the Academic Standards Team via email academicstandards@westminster.ac.uk

How long will it take to investigate my complaint?

The circumstances behind any complaint are unique, so the length of each investigation can vary. Some investigations can take several weeks (or even several months) before a decision is made about whether there is sufficient evidence, or whether the matter can be dealt with under Stage 1 or Stage 2, particularly if there is a police investigation or there are a number of witnesses to interview, or other evidence to review. If the matter is referred to a Stage 2 Formal Disciplinary Panel Hearing, as well as working to the availability of panel members, there are procedural timeframes that have to be met to ensure a fair hearing, which will impact on the time it can take for the investigation to be completed.

Will you tell me the outcome of any investigation?

We understand that you may want to know what action has been taken since you made your complaint as well as the outcome of any investigation. There will be very limited circumstances in which the university can disclose any information about the misconduct to any third parties.

The University may provide information on whether the case is being considered, and if your complaint was upheld and if action had been taken that directly impacts you. We will provide you with as much information as is lawful and appropriate.

If you have concerns about how the matter was handled by the University you can submit a formal complaint under the Student Complaints Procedure <https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-complaints> . The complaint procedure cannot be used to challenge the response from the responding student or the decision at either Stage 1 or Stage 2.

The incident(s) happened off-campus – will the University be able to take action against the other student?

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Yes the University can take action if the person who is being reported is another student at the University of Westminster.

I am afraid of seeing the other Student on campus or in accommodation – what will happen?

We would normally ask that the subject of an investigation and the Student who has made a complaint to stay away from each other.

In cases where there is a reasonable suspicion that the Student being investigated has committed a serious or significant disciplinary offence or has been accused of, charged with or is being investigated by the police for a serious significant criminal offence, then the University may consider taking action in accordance with the Emergency Powers detailed at paragraph 9 in the Student Disciplinary Regulations.

Measures that could be taken include a partial or total ban on attendance either physical or online, including at learning, teaching or assessment activities, including placements; and/or on participation in University activities, and/or on attendance at or access to specified facilities or parts of the University (including residential accommodation); and/or on exercising the functions or duties of any office or committee membership in the University or the Students' Union.

The University owes a duty of care towards all students therefore any decision to temporarily suspend the student or to remove the student from university accommodation under these regulations shall be taken by the Associate Head of College (Education & Students), or nominee following a risk assessment.

I have reported the matter to the police and they are investigating will the University also investigate?

If the police are investigating the same incident or related matter, the University will normally start its own investigation, but then immediately put it on hold until the police investigation and any related court proceedings are complete. The University would not normally investigate whilst there is an ongoing police investigation.

As outlined above, if a Student is being investigated by the police, the University will consider whether any preventative measures need to be put in place. In circumstances where there is a criminal investigation, the University may be required to disclose information to the police. Where this is the case, the University would consider whether the information should be released and may discuss the request with you.

Who else will know about my complaint?

The University may share information provided by students, staff and other witnesses with people involved in the case for the purposes of investigating and concluding the case, including the student under investigation, for transparency and to provide a fair process. This may be done at any stage of the process, paying due attention to confidentiality and data protection requirements. Information is only shared within the University as is necessary for the investigation and support of any disciplinary process e.g. Academic Standards team, College Support Office.

If we need to contact witnesses, we will only provide them with such information as they need to know in order to provide their evidence.

Can I talk about this complaint with other people?

You should not discuss this matter with other witnesses or the student about whom you are making the complaint, as doing so may jeopardise a fair investigation. If you want to speak to someone, you may want to as a Wellbeing Officer, Counsellor or your Personal Tutor.

The webpage with contact details for Student Support can be found at the webpage below:
<https://www.westminster.ac.uk/current-students/support-and-services/student-wellbeing>

Do I have to attend a meeting with the Associate Head of College (Education and Students) or nominee?

Under the preliminary investigation process, the Associate Head of College (Education and Students) or nominee may invite you to a meeting to discuss your complaint and they may need to ask you questions about the incident(s). This meeting may take place in person or video-conferencing such as via Microsoft Teams. They may also ask if you have any further evidence to support your complaint e.g. photographs or copies of messages. If you are invited to attend a meeting, you may be accompanied by a "Friend".

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A 'friend' is defined as a currently registered student of the University, a sabbatical officer or staff member of the University of Westminster Students' Union, or member of University staff. The "Friend" cannot also be a potential witness to the incident(s). If you do not attend the meeting, it may affect the University's ability to proceed with the investigation and take any further action.

What are the possible outcomes?

The University investigates concerns about a Student's conduct in accordance with the Student Disciplinary Regulations. The University investigation is an evidence-based process and decisions are made on the balance of probabilities. Please click this link to access the Student Disciplinary Regulations <https://www.westminster.ac.uk/current-students/guides-and-policies/student-matters/student-code-of-conduct>

Possible outcomes include:

- **No further action**
After gathering information which may involve speaking to you and the Student(s) against whom the complaint is made, we may determine that, on the basis of the evidence, we will not be taking any further action. This does not mean that the University is questioning whether or not you are telling the truth; it normally means that there is insufficient evidence which can be used in misconduct proceedings to support that there has been a breach of University Regulations.
- **Stage 1 Formal Disciplinary Meeting**
It may be determined that, based on the evidence, that there is a case to answer but it is not sufficiently serious to refer the case to a Stage 2 Formal Disciplinary Panel Hearing. If the alleged misconduct is found proven, the following range of penalties could be applied, these are detailed in the Student Disciplinary Regulations.
- **Stage 2 Formal Disciplinary Panel Hearing**
A matter may be referred to a Stage 2 Formal Disciplinary Panel Hearing if following the investigation, it is determined that an offence is a major offence. A major offence shall be regarded as any offence which would, in the opinion of the Associate Head of College (Education & Students), or nominee, warrants a penalty within the range g) to m) as stated in paragraph 11 of the Student Disciplinary Regulations, or where the alleged offence is the student's third or subsequent minor offence.

If the alleged misconduct is found proven, a further range of penalties could be applied by a Panel which include the penalties available under Stage 1 and additional penalties.

The outcome of each case is decided on its own merits, taking into consideration all of the evidence including any aggravating factors or mitigating circumstances.

Will I have to attend a Stage 1 Formal Disciplinary Meeting or Stage 2 Formal Disciplinary Panel Hearing?

It will not normally be necessary for you to attend a meeting or hearing as your evidence will be provided in the Disciplinary Panel papers. However, you may be asked to attend if further information is required.

If you attend the meeting or hearing (including attending by video-conferencing), your attendance will be as a witness. It is possible that you may see the student subject to the allegations. If you are invited to attend a Committee, you may be accompanied by a "Friend".

A 'friend' is defined as a currently registered student of the University, a sabbatical officer or staff member of the University of Westminster Students' Union, or member of University staff. Your "Friend" can offer support and act as a reassuring presence but cannot comment or answer questions. The "Friend" should not also be a potential witness to the incident(s).

If I attend a Stage 1 Formal Disciplinary Meeting or Stage 2 Formal Disciplinary Panel Hearing, will I be questioned?

Yes. You may be asked questions by the Head of School (Stage 1) or the Panel. We appreciate that you may be concerned about being questioned, but the Chair will decide whether any particular question can be asked or whether it should be rephrased before you are requested to answer.

What happens to my data?

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A record of your complaint will be kept by the Univeristy and will be retained in accordance with the departmental record retention policy. Any documentation will normally be held for a period of seven years before it is confidentially disposed of. Link to records management policy:
<https://www.westminster.ac.uk/about-us/our-university/corporate-information/information-compliance-records-management-and-information-security>

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