

Notification of Misconduct to the Police and Internal Action: A Code of Practice

Introduction

(1) Any member of the University who has reasonable suspicion that a student may be involved in criminal conduct should bring the matter to the attention of the Academic Registrar or another Nominated Officer. This Code is designed to give guidance as to when misconduct should be reported to the Police and how the matter should be handled internally. Where reference to the Police is a matter of judgement, the Academic Registrar¹ should be consulted.

It should be noted straightaway however, that:

(a) Double jeopardy does not arise if an alleged criminal offence is also considered as a possible breach of University Discipline regulations (because the Courts have determined that there is no parity between criminal law and a University disciplinary hearing).

(b) Allegations of serious criminal offences should be referred to the Police, because University discipline regulations cannot be used as an alternative to Police action.

(c) It may be necessary for a member of the University to notify the Police immediately where a potentially serious crime is in progress or the nature of an allegation of criminal misconduct (e.g. terrorism, threat to vital interests of a member of the University or wider community, repeated or risk of further criminal activities) requires immediate Police intervention.

(d) The University would not normally report an allegation of a crime against the wishes of a victim. However in exceptional circumstances, the University reserves the right to refer serious criminal allegations to the Police against the wishes of the victim, where it believes that the health, safety or security of the victim, members of the University community or the wider community are at risk.

(e) The code covers behaviour or actions which may constitute misconduct in relation to hate crimes against members of the University community.

Process

(2) Where the alleged offence is *not* a serious criminal offence and the Police would be unlikely to act (eg slight damage to University property or resources, minor assault or a scuffle) the matter should be dealt with internally by an Authorised University Officer under disciplinary procedures. If, however, someone, eg an aggrieved student, has already reported the matter to the Police, **University discipline procedures would normally wait until the Police had concluded their investigation.**

(3) Where the alleged offence *is* a serious criminal offence and the Police would be likely to act (eg supplying controlled drugs, allegations of rape or sexual assault², other serious offence against the person, theft of significant sums) the following process should take place:

(a) Offence on University property: to be reported by the Authorised University Officer to the Academic Registrar for guidance on appropriate steps to take.

(b) Offence taking place during a University activity off-campus, e.g. fieldwork: The member of staff leading the fieldwork reports to their Head of Department for guidance on the appropriate steps to take. The Academic Registrar¹ to be notified as soon as possible.

(c) Offence taking place away from the University and/or not involving a University student or member of staff: person notifying the University of the offence should be advised to report the matter to the Police and the Academic Registrar¹ should be notified.

(4) The Academic Registrar¹ will then consult the Chair or Deputy Chair of Senate Discipline Committee and decide:

(a) whether the offence potentially falls within the University Discipline Regulations and hence whether internal discipline procedures should be started. If started they would normally be adjourned pending the outcome of the Police investigation. However, the fact that criminal proceedings have not concluded does not always preclude the University from taking its own disciplinary action, particularly in relation to allegations of minor criminal offences. Similarly, if the Police are unable or unwilling to proceed with the alleged offence, this also does not always preclude the University from taking disciplinary action.

(b) whether suspension should be considered pending completion of the Police investigation. It should be remembered that suspension is not a sanction. It is a temporary measure to facilitate an investigation to proceed or to protect students and other members of the University whilst the criminal proceedings continue. Alternatives to suspension should therefore be considered where appropriate.

(c) whether measures identified are reasonable and proportionate to the incident under investigation.

¹or other Nominated Officer.

² Please also refer to the University's Sexual Violence and Misconduct Policy in Volume 1 of the University Calendar.