

## **Student Casework Investigation Protocol**

### **Introduction**

- 1 This protocol will be used when investigating cases that fall under Imperial College London's [Student Disciplinary Procedure](#).
- 2 It sets out the way in which cases should be investigated when students have been reported for a possible breach of the [Student Code of Conduct](#).
- 3 Imperial College Union (ICU) has its own disciplinary procedure and cases within the remit of that procedure will be handled by ICU unless it decides to refer the case to the College's Student Disciplinary Procedure.

### **Principles**

- 4 Under the terms of this protocol, an investigation is defined as a fact-finding process to establish the relevant evidence and circumstances of the case. The investigation must focus only on the circumstances of the allegation and should be approached in a non-judgemental manner. The role of the investigator is not to build a case against the responding party or parties but to assemble evidence impartially. The process of the investigation may include requesting and reviewing supporting records or documentation as well as interviewing the reporting party who raised the allegation, the responding party/ies who is/are under investigation and any witness(es), as appropriate.
- 5 A full record will be kept of all investigations conducted under the Student Disciplinary Procedure as set out in Part J of the procedure. The investigation report will be released to the party being interviewed, explaining the agreed next steps. The written report must be clear, accurate and appropriate and avoid the disclosure of special category data. The reports will form part of the evidence basis and as such will be shared with the responding party.
- 6 Where the Investigator is considering a report of alleged student misconduct which may also constitute a criminal offence, they should be aware that any notes that are made or documents which are created could be requested by the Police as part of a criminal investigation.
- 7 Investigators will be appropriately trained so that they have the skills and expertise to carry out investigations. Training will be provided at regular intervals to ensure that the College always has a sufficient number of trained investigators to support the Student Disciplinary Procedure.
- 8 Where appropriate the College may appoint an external investigator with expertise in the allegations to be considered where it is evident that the process would benefit from a further level of expertise. These will be appointed by the Academic Registrar.

### **Investigation for Minor Offences**

- 9 Investigations of alleged breaches of the Code of Conduct which are classed as a minor offence under the Student Disciplinary Procedure will be undertaken by the named College Officer as set out in Part E of the procedure. They will be provided with the original report of

the alleged misconduct and any supporting evidence and may follow the process set out in the procedure. The College Officer is also responsible for setting out the penalty and so must provide a clear record of the investigation process and the decisions taken.

### **Investigation for Major Offences**

- 10 An investigation into a breach of the Code of Conduct that might be classified as a major offence under the Student Disciplinary Procedure should be conducted by a member of staff who has no previous involvement in the case.
- 11 The Investigator will be nominated by the Academic Registrar and be provided with the allegation and the available evidence submitted in support of the allegation.
- 12 The Investigator should meet with the reporting party and the responding party at the earliest opportunity. The parties must be given sufficient notice of the meeting. The responding party/ies must be provided with a clear statement of the allegations against them and with a copy of the Student Disciplinary Procedure. All parties (reporting and responding parties and any witnesses) should also be directed towards support services, for example the Students' Union Advice Centre or their Departmental/Faculty Tutor and advised that a supporter can accompany them to the meeting.
- 13 The meeting can be conducted face-to-face or online depending on the availability of the parties involved.
- 14 At the start of the meeting, the investigator should set out exactly what is being investigated to ensure that the scope and purpose of the investigation are understood by all parties.
- 15 A note of the meeting will be provided to the relevant party which will not be a full transcript, but which will set out the main discussion points of the meeting. The student will be provided with an opportunity to make any corrections to factual accuracy and the notes will then be confirmed as an accurate record.
- 16 The investigator should produce a report based on their investigations which outlines the process they have followed, the information they have gathered, and the key facts. The student, or their representative should receive copies of information received during the investigation, a copy of the investigation report and information about the next steps in the procedure. The student should also be made aware of who they can contact with queries about the progress of the case.
- 17 The Investigator may be invited to present the outcomes of their investigation to support the work of a Student Disciplinary Panel.

### **Consideration of Mitigating Factors in an investigation**

- 18 The Investigator should consider the responding student's response to the report that has been made against them and consider any mitigating factors that they cite in their response. These should be reflected in the Investigator's final report so that they can be considered at the point a decision of the outcome is determined. These may include, whether the student admitted the offence at the earliest opportunity, that the student has expressed remorse or that the student has compelling personal circumstances that affected their judgement.

## **New Evidence**

- 19 Where substantial new evidence comes to light that for good reason could not have been considered at the time of an allegation being considered under the Student Disciplinary Procedure, the College reserves the right to re-open the case under limited circumstances, dependent on the seriousness of the allegation, the impact on those involved with the case, the relative reliability of the new evidence and any compelling reason why it could not be presented at the time and on an assessment of its likely material impact on the case.
- 20 Where a case is re-opened, the College will normally, and where possible, appoint the same investigator to consider the new evidence and conduct further interviews as appropriate.

## **Investigation while Police investigation ongoing**

- 21 The College reserves the right to conduct its investigation whilst the case may be considered by the police or going through the judicial process. The College will endeavour, wherever possible, to liaise with the police and/or those processing the legal case to inform them of its intentions. Unless there is good reason given for not investigating, the College will normally continue with processing the case through its procedures.