

Information Sheet

Evidence in Cases of Misconduct

This information sheet is for:

1. Reporting Persons - students or members of the public who are seeking to make an allegation of misconduct against a registered student; and
2. Responding Students - students who have had an allegation of misconduct made against them.

Whether making or responding to an allegation of misconduct, it is important to remember that the Misconduct Procedures are evidence-based procedures.

Ultimately, a decision on whether a misconduct offence has been committed or not, will be made on the basis of the evidence presented. This means that it is vitally important that all evidence is produced as early as possible.

What does the Reporting Person need to consider?

Under the [Conduct Regulations](#), regulation 7.1, the onus is on the Reporting Person to present sufficient evidence to warrant investigation.

Therefore, it is important when preparing a Formal Statement of Allegations Form, to carefully consider all sources of evidence that support the allegation(s) you are making, and to submit all of the evidence to the University. You should, as far as possible, submit all evidence that you are seeking to rely on, when you submit the Formal Statement of Allegations Form.

The University will not seek to obtain information or evidence to support or challenge a Formal Statement of Allegations Form. Reporting Persons are expected to present the evidence to support the allegations they are making. Responding Students are expected to present the evidence to support their case.

The University does not have the power to compel anyone to give them access to e.g. emails, social media or other digital data, and does not have the power to compel organisations to give access to CCTV in private or commercial premises.

Where evidence that they are seeking to rely on is not held by the Reporting Person or the Responding Student, the responsibility rests with them to contact any individuals, third parties or other groups who do hold the evidence, to obtain it, and to provide it to the University.

What is the role of the University in gathering evidence?

What does the Responding Student need to consider?

The Responding Student needs to carefully consider the allegations made against them, and to identify any and all evidence that will support their case or version of events. The Responding Student will need to provide this evidence to the Investigating Officer.

Anything that you consider relevant to support the misconduct allegations you are making as a Reporting Person, or to support your case as a Responding Student, must be provided to the University. If it is not provided, it will not be considered when it comes time to make a decision on whether or not the allegation(s) of misconduct have been committed.

If you are in any doubt about whether something constitutes evidence, you may wish to contact [SU Advice](#) for guidance and support in this matter.

What types of evidence can be presented?

List of potential evidence

A list of potential evidence is provided below. This list is non-exhaustive.

- Witness Statements - the University has an [online Form](#) for witness to upload their statements;
- Social Media conversation screenshots;
- Text message screenshots;
- Physical evidence;
- Photographs;
- Video recordings;
- CCTV footage;
- Medical evidence;
- Evidence held by others e.g. police evidence, which the Reporting Person or Responding Student obtains.

Anyone engaging with the Conduct Regulations should read the Regulations and the Misconduct Procedures carefully. If you are a student of the University, you are strongly encouraged to make contact with [SU Advice](#). This service can provide guidance and advice in relation to your own particular case and circumstances.

You may also contact the Appeals, Conduct and Complaints Team (appeals@gub.ac.uk), if you have a query about the Procedures.

Where can I seek advice and guidance?

Useful Links

[Conduct Regulations](#)
[Serious Misconduct Procedure](#)
[Witness Statement Form](#)

[Standard Misconduct Procedure](#)
[Formal Statement of Allegations Form](#)
[Safe and Healthy Relationship FAQs](#)