

## **St George's, University of London**

### **Protocol for Investigating Officers (approved by Senate November 2023)**

#### **Introduction and Background**

1. St George's, University of London operates a number of procedures that require the appointment of an independent Investigating Officer (IO).
2. The IO has an overarching role in making recommendations to the Vice-Chancellor, Dean or the Academic Registrar. In some cases, where permitted by the relevant procedures, this may include advising as to the validity of the entry of the student into the formal/secondary section of the procedure or the student complaint, and he/she is required to make a recommendation regarding any further action.
3. The IO will be provided with clerking and support services by a senior, disinterested member of the administration, nominated by the Vice-Chancellor or Deputy Vice-Chancellor, usually a member of the Student Conduct and Compliance Team.

#### **Guidelines for choosing an Investigating Officer**

4. The IO shall not have been directly involved in any pastoral support, informal investigation, or any prior investigations for the student(s) under consideration.
5. All IOs must undertake training for role. This can either be in-person or via the online training resources. IOs should undertake refresher training every 18 months.
6. All IO appointments must be approved by the Vice-Chancellor or the Academic Registrar, as determined by the relevant procedure.
7. The University reserves the right to appoint external investigators with suitable training and professional experience. The appointment of external investigators is approved by the Director of GLAS. Any externally appointed IO would be directed by a member of the SC&C Team who would provide any necessary documentation.

#### **General guidelines for the Investigating Officer**

8. The IO should satisfy him/herself that they are suitably independent before accepting the appointment. If at any stage during the investigation, an IO becomes aware of a conflict of interest, this should be immediately declared to the Vice-Chancellor or the Academic Registrar, and documented within the IO report.
9. The IO should record within the Investigating Officer Report that they have undertaken the relevant training (either online or in-person) within the last 18 months

10. The IO should satisfy him/herself that they will be able to complete the investigation and report within the timeframes dictated by the relevant procedure.
11. The Protocol for Investigating Officers should be read in conjunction with the appropriate St George's Procedure.
12. The IO shall ensure that he/she is familiar with the scope of the investigation, for example, whether the investigation is concerned with a single incident or recurring themes or behaviour. Furthermore, the IO shall satisfy him/herself of the task that has been assigned. Guidance may be sought from the relevant procedure or relevant senior St George's named officer in the procedure, usually the Vice-Chancellor or the Academic Registrar.
13. Correspondence with relevant parties (including the student(s) under consideration) may be conducted by email, in person and/or via Teams. All correspondence shall be made available to the Clerk for filing,. These notes of any meeting with the IO shall be made available to the interviewee.
14. All correspondence with students from the IO or his/her clerk shall clearly state which procedure is in operation and under which stage the student is being considered. All correspondence with relevant parties (including the student under consideration) shall be neutral in tone, and should clearly reflect that no decision, judgement or action is predetermined.
15. In conducting the investigation, the IO may request written statements, request additional documentation, and shall interview relevant parties, including the student. In cases where the student's health is in question, the IO may request a report from the Occupational Health Department and this may be provided, with the permission of the student.
16. An IO should take reasonable steps to verify the evidence provided. The standard of proof is the balance of probabilities.
17. Copies of all written statements and documentation should be forwarded to the clerk for compilation and filing.
18. When conducting interviews, the IO should provide the interviewee with sufficient time to prepare, including the opportunity to seek advice arrange accompaniment if necessary. The IO may be accompanied during all interviews by his/her clerk, who may arrange for the meetings to be audio/audio-video recorded. In the event that the Clerk takes notes, these shall be filed with other material pertaining to the investigation and shall be made available to the student or other interviewee.
19. The IO is obliged to ensure that all parties and their supporters are treated fairly and with respect at all times during the investigation and should expect the same in kind. Compliance with relevant equality and diversity policies is mandatory during the conduct of interviews.

20. Any person being interviewed may be accompanied by a supporter of his or her choice. The IO's clerk should be informed in advance of the identity of the interviewee's supporter and their intended contribution to the interview. Students should be encouraged to speak for themselves wherever possible.
21. The IO and his/her clerk will be responsible for arranging the meeting time of the interview and will communicate this to the interviewee. It is the interviewee's responsibility to communicate meeting times to his/her representative.
22. IOs should be mindful of the confidentiality of all parties when interviewing. However, confidentiality must not be promised as it cannot be guaranteed, for example when certain disclosures must be escalated to other processes.

### **Conducting an interview**

23. The IO should introduce him/herself and his/her clerk. The IO should then ascertain the identity of any other attendees and this shall be recorded by the clerk in the meeting notes.
24. The IO shall remind the interviewee of his/her role, and should make clear reference to the relevant procedure and the time frames that are outlined therein.
25. The IO may outline the chronology and facts of the case, as relevant to the interviewee, and shall allow the interviewee to respond. The IO is permitted to ask questions of the interviewee in order to clarify facts and so that the IO is able to make a recommendation for any further action.
26. In concluding the interview, the IO should provide the interviewee with an opportunity to make any further, relevant comment.

### **Producing an Investigating Officer's Report**

27. The IO shall produce a detailed report that outlines his/her advice, including a summary of the investigation, and any recommendation for further action and the basis for that recommendation, specifically addressing any concerns or issues that have been previously raised.
28. Based on his/her investigation, an IO may determine (a) that there is no case to answer (b) that the matter is more appropriately dealt by informal means, through support mechanisms or under other St George's procedures or, where permitted under the relevant procedure, (c) that there are sufficient grounds for convening a formal hearing.
29. A copy of the IO report shall always be made available to the student, and the IO should be mindful of this. It is therefore important for the IO to be clear in his/her report where he/she has established the facts of a case, where he/she is stating an opinion, and where he/she is making a recommendation.

30. The IO's report should be finalised within the time limits dictated by the relevant procedure. When this is not possible, the reasons for this should be clearly communicated to the student and any other relevant parties in a timely manner.

*\*These procedures will not be invalidated if the role title named in the procedure has changed or a nominee acts in the place of another named in the procedure.*