

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

## Part One: Reporting Options

### A. Options for receiving support

If you want to receive support or discuss how another student's behaviour has affected you, you may want to speak with the [University Student Wellbeing Services](#) or your Wellbeing Officer. The details of your School or College Wellbeing Officer can be found in your Student Handbook or at the link below: <https://intranet.birmingham.ac.uk/student/Your-Wellbeing/wellbeing-officers.aspx>

If you have been subject to sexual violence or assaulted, you can seek specialist support from the University. This support is available from the University regardless of whether you choose to report the matter formally to the Police or University. You can complete an [online disclosure form](#) to request support from a trained Responder, or you can choose to share what has happened anonymously. If you would like to speak to a Responder, further information is available on the following webpage:

<https://intranet.birmingham.ac.uk/student/your-wellbeing/sexual-misconduct-and-violence/talk-to-someone.aspx>

Submitting an online disclosure form will not initiate University disciplinary procedures against any student(s), as this is a separate process, as outlined below.

If you wish to speak to someone outside of the University for support, you can contact a Sexual Assault Referral Centre (SARC). Further information can be found on the following webpage: <https://intranet.birmingham.ac.uk/student/your-wellbeing/sexual-misconduct-and-violence/sources-of-support.aspx>

### B. Options for reporting for action to be taken against the other person

The support options are outlined above, and if you are ready, you may want to report the matter to the Police or the University so that action can be taken. Depending on the matter you are considering reporting, there are a range of options available. Some of these options are outlined below and may or may not be appropriate depending on the circumstances.

Your options could include:

- I. Action under the Harassment and Bullying Policy
- II. Reporting the matter to the Police (and informing the University you have done this)
- III. Reporting the matter to the University
- IV. Reporting the matter to the Guild of Students

## I. Action under the Harassment and Bullying Policy

If you feel you are being bullied or harassed, you may want to use the informal procedures under the Harassment and Bullying Policy. You can ask an appropriate person who is not directly involved, such as a Personal Tutor or Wellbeing Officer to speak with, or arrange for someone to speak with, the other student to help them understand how their behaviour is affecting you, which will hopefully resolve the situation. Further information about the Harassment and Bullying Policy can be found on the following link:

<https://intranet.birmingham.ac.uk/collaboration/equality/documents/policies/policy-harassment-and-bullying.pdf>

## II. Reporting the matter to the Police

We understand that reporting certain incidents might be a difficult thing to do and whether you decide to speak to the police is your decision. However, it is important to highlight that the Police have the powers to investigate behaviour that may be a criminal offence. In summary:

- The police have powers to investigate matters and have a wider jurisdiction than the University
- The police have legal rights to access third-party CCTV footage and can use this for their investigation and any related proceedings
- The police can access phone records and other forensic evidence, if relevant
- The police may be able to compel people to attend interviews
- The police may be able to put in place bail conditions to protect you off campus or to attend any concerns that arise off-campus
- The criminal justice process can make a determination of criminal guilt with regard to those who were involved in the incident.

If you decide to report the matter to the police, we ask you to email Student Conduct, Complaints and Appeals ([conduct@contacts.bham.ac.uk](mailto:conduct@contacts.bham.ac.uk)) with the following details:

- The Crime Reference Number(s)
- Details of the student you have reported to the Police (Name/Course)
- Details of when the alleged offence(s) occurred
- Details of where the alleged offence(s) occurred
- A brief indication of the offence(s) under investigation (e.g., harassment, assault).

We ask for this information because if a student is being investigated by the police, the University will consider whether any precautionary measures need to be put in place for the protection of all parties involved.

Precautionary measures can include restricting a student's access to certain parts of campus or University accommodation, suspending them from attending placement or in some cases, suspending them from the University while the case is being investigated. However, such precautionary measures only apply to the University campus and the University cannot prevent the other student from accessing private accommodation or other facilities and events off-campus, as only the police can put these types of restrictions in place through bail conditions. If any University precautionary measures were put in place during a police investigation, you would be advised about the impact of these, and they would be reviewed on a regular basis.

Further information about reporting certain non-emergency matters to the local constabulary, West Midlands Police, can be found on this webpage: <https://www.west-midlands.police.uk/incident-report>

If the police are investigating your concerns, the University would not normally investigate the same matter whilst there is an ongoing police investigation. If the police investigation results in a formal police outcome (such as a caution) or a conviction by a court, the University can continue or start disciplinary action against the student concerned.

If a police investigation has concluded, you may want to consider whether you wish to submit a complaint to the University about the other student's behaviour.

### III. Reporting the matter to the University

You may want to make a formal report to the University in the following instances:

- where the matter is serious and you decide not to report the matter to the Police, or
- where you have already used the informal procedures under the Harassment and Bullying Policy and the matter persists,

If you wish to make a formal report/complaint for the purpose of initiating an internal disciplinary process, we advise that you read this and the [accompanying guidance](#) carefully as complaints about the behaviour of another student may be dealt with under the University's student disciplinary procedures. The guidance will help you understand what the process would involve before you make a formal complaint to the Student Conduct, Complaints and Appeals Team. If you have any further queries after reading the guidance, you can email [conduct@contacts.bham.ac.uk](mailto:conduct@contacts.bham.ac.uk) with your queries.

If you wish to make a formal report/complaint for the purpose of initiating an internal disciplinary process, you should complete a 'Complaints about other students' Concern

Review Form, which is available on the University webpage below:

<https://intranet.birmingham.ac.uk/as/registry/policy/complaint-appeal/complaints/index.aspx>

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

We ask that you also include the names of people who we may need to contact as potential witnesses in relation to the concerns/complaint you have reported. To be a witness the person would need to have some evidence about the behaviour towards you or the impact of the behaviour towards you. This means they should have either directly observed the behaviour towards you, observed you or the other student, or spoken with you or the other student soon after the incident occurred. A witness is different to someone who may have their own complaint.

If someone has had a similar experience with the person who is the subject of your complaint it does not make them a witness to your complaint. They may however wish to submit their own complaint form about this student's behaviour. Where two or more students submit a complaint about the same student, they would be considered as separate complaints as the evidence is individual to each reporting student and decisions will be based on the relevant evidence for each complaint.

It is understood that you may want to discuss issues with another student with a friend or peer for support but remember just because you feel that you are ready and want to submit a complaint, that does not mean that someone else with a similar experience wants to do so. Each student needs to make their own decision about whether they wish to make a complaint and engage with a disciplinary investigation. The best option would be to tell them about this guidance document and the support resources so that they can come to their own decision with all the correct advice.

There needs to be some care when discussing the matter with others as seeking further complainants could escalate matters as someone could submit a complaint about these discussions which could undermine the case under investigation.

You should be aware that when an incident has occurred off-campus, the University will have no access to third-party CCTV footage, or other evidence (such as forensic evidence or related mobile phone data) and the University cannot compel anybody to talk to them as part of an investigation.

Once you have completed this form it should be submitted to: [student-complaints@contacts.bham.ac.uk](mailto:student-complaints@contacts.bham.ac.uk)

The University's student disciplinary procedures are intended to address misconduct by students rather than resolve disputes between individuals. Incidents which are not a potential disciplinary offence will not be investigated under this process. However, the University does have a conciliation process to help students resolve individual disputes which you may be able to use. Where there are more appropriate University procedures available, these may be utilised rather than commencing action under this Regulation.

If you have already, or later report, the same or related matter to the police, the University may be asked to disclose information about you or the incident to the police for its investigation. When this happens, the University would decide if it is lawful and appropriate to disclose this information and you might be contacted by the University about the police request.

If you submit a formal 'Complaints about other students' Concern Review Form to the University, we understand that you may want to know what action has been taken. However, to comply with our confidentiality obligations to all students and data protection law, we cannot usually inform you of any specific precautionary or disciplinary action that may have been taken against the student you have complained about, although we can inform you of the impact of any these decisions for you (for instance, whether you can expect to see the other student on campus). If the matter is referred to a College Misconduct and Fitness to Practise Committee, we will be able to tell you whether the alleged offences were proven or not. We will provide you with as much information as is lawful and appropriate.

Further information about the investigation process is available in:

- ['Guidance for Students Making a Complaint about another Student\(s\): The formal complaint and investigation process'](#) and
- ['Guidance for Students Making a Complaint about another Student\(s\): Attending a College Misconduct and Fitness to Practise Committee'](#) documents

#### IV. Reporting the matter to the Guild of Students

If the incident occurred at the Guild of Students or as part of a Guild-related activity, you could report it to the University. However, you may want to report the matter to the Guild as it may be more appropriate for the Guild to deal with the matter under their policies and processes. If you have submitted a complaint to the University and the Guild of Students about the same behaviour, a decision will be made as to which process is most appropriate.

Complaints to the Guild of Students will be dealt with according to the Guild Complaints process. Complaints should be addressed to [complaints@guild.bham.ac.uk](mailto:complaints@guild.bham.ac.uk)

### C. Support available

Whatever route you decide to take, we recognise that the matter could impact on all aspects of your University life including your academic studies, mental health and relationships. If you are having any difficulties with your assessments due to personal circumstances, you can contact your School or College Wellbeing Officer to discuss the appropriate support and procedures: <https://intranet.birmingham.ac.uk/student/your-wellbeing/wellbeing-officers.aspx>

Further information about Wellbeing Support, including that related to your mental health and safety can be found on the following webpage:

<https://intranet.birmingham.ac.uk/student/your-wellbeing/index.aspx>

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 on the following webpage:

<https://intranet.birmingham.ac.uk/student/your-wellbeing/sexual-misconduct-and-violence/sources-of-support.aspx>

Guild Advice provides free, impartial, and confidential advice service for students on the following areas: Academic, Housing, Wellbeing and International. Further information can be found on the following webpage:

<https://www.guildofstudents.com/support/guildadvice/>

### D. Related Policies

- [Policy on Harassment and Bullying](#)