

## **Disciplinary Code for Junior Members**

1. This Disciplinary Code has been made by the Senior Tutor and agreed by the Governing Body pursuant to Ordinance 30(2). It is to be read alongside the College Statutes, Ordinances and Notes to Members.
2. The Senior Tutor, assisted by the Tutors and Dean of Discipline, is responsible for the maintenance of discipline within the College.
3. The role of the Senior Tutor and Dean of Discipline in this regard is to ensure all students, Fellows and wider community members live in a safe, friendly and supportive environment, enabling students to make the most of their time at Cambridge.
4. Students are expected to take responsibility for their own conduct: the fact that a student against whom an allegation has been made was under the influence of alcohol or drugs at the time will not be viewed as mitigating the case. Confidential advice about alcohol and drug dependence is available from the College Nurse.

### **PART 1: RULES OF BEHAVIOUR FOR JUNIOR MEMBERS**

All Junior Members are responsible for following the Rules of Behaviour. Not knowing or forgetting about the rules or their consequences is not a justification for not following them.

1. A Junior Member must:

- (a) comply with instructions issued by any person or body authorised to act on behalf of the College, in the proper discharge of their duties;
- (b) comply with all health and safety regulations and instructions issued by the College or other associated institution;
- (c) comply with the terms of the code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986 regarding meetings and public gatherings on College grounds;
- (d) comply with the Statutes and Ordinances and any rules and procedures established under the Statutes and Ordinances;
- (e) comply with the Rules for Use of College Buildings (set out in Notes for Members);
- (f) comply with the Dress Code and Customs for Meals (set out in Notes for Members).

2. A Junior Member must not:

- (a) do anything intended to disrupt or impede the activities and functions of the College, or to hinder the discharge of their duties by the Officers and employees of the College;
- (b) assault or intentionally or recklessly cause any personal injury to any other member or any employee of the College or the University;
- (c) intentionally or recklessly damage or deface or knowingly misappropriate any property of the Governing Body or any member or employee of the College.

3. A non-exhaustive list of examples of unacceptable behaviour which may constitute a breach of the Rules of Behaviour includes:
- (a) abusive behaviour (threats to hurt another person; abusive comments relating to an individual's sex; sexual orientation; religion or belief; race; pregnancy; marriage/civil partnership; gender reassignment; disability or age);
  - (b) physical misconduct;
  - (c) behaviour which has caused serious damage or could have caused serious damage to the reputation of the College or University;
  - (d) act/omission that did cause or could have caused serious harm on College premises or during College activities;
  - (e) not observing the College smoking policy;
  - (f) damage to property;
  - (g) verbally abusive behaviour towards Members of College or staff;
  - (h) excessive noise;
  - (i) excessive drunkenness; damage to property;
  - (j) removal of food or catering equipment from communal kitchens.
4. The following definitions are applied under the Rules of Behaviour:
- (a) 'Activities of a College' include activities in which a student is participating that involve other organisations working in partnership with the College.
  - (b) 'Instructions issued by any person or body authorised to act on behalf of the University' include requests to attend meetings, to provide identification upon request, and to share primary datasets or data analysis with a supervisor.
  - (c) A 'College activity' is an academic, sporting, social or cultural activity either on College grounds or elsewhere in the context of a person's membership of the College.
  - (d) 'The code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986' relates to meetings and public gatherings on University premises. The Code of Practice is available at: <https://www.cambridgestudents.cam.ac.uk/new-students/rules-and-legal-compliance/freedom-speech>.
  - (e) 'Rules and procedures established under the Statutes and Ordinances' include: procedures that govern student conduct; rules, codes and standards of behaviour set out in the Notes for Members and the policies listed at paragraph 1 above.
5. Any breach of the Rules of Behaviour may be considered more serious if:
- (a) it took place under the influence of alcohol or illicit substances;
  - (b) it was motivated by the protected characteristics<sup>1</sup> or perceived protected characteristics of another;
  - (c) the Respondent has previously been found to have breached the same Rule of Behaviour;
  - (d) the Respondent has not complied with any sanction or measure under the Student Disciplinary Procedure;
  - (e) the Respondent has breached precautionary action measures whilst the Student Disciplinary Procedure has been ongoing;

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<sup>1</sup> These are listed in the Equality Act 2010 and are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

- (f) the Respondent has not provided the College with reasonable information upon request so that it can assess the risk the respondent may pose to the College community;
- (g) the Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, in relation to that breach;
- (h) the Respondent has abused a position of power or trust.

## **PART 2: STUDENT DISCIPLINARY PROCEDURE**

### **1. Scope**

- 1.1 The procedures set out in this Part enable the College to consider whether a Student has breached the Rules of Behaviour set out in Part 1, and - if it is found that the Rules have been breached - to impose proportionate sanctions or measures. The procedure enables the College to respond appropriately to breaches of the Rules of Behaviour, to protect the College and its community. These procedures do not exist to resolve personal disputes.
- 1.2 For the purposes of this Part:
  - (1) A Junior Member who has been alleged to have breached the Rules of Behaviour laid out in Part 1 will be referred to as ‘the Respondent’.
  - (2) A person who is reporting an alleged breach of the Rules of Behaviour will be referred to as ‘the Reporting Person’.
  - (3) A Junior Member of the College will be referred to as a ‘student’.
- 1.3 Any reference in this procedure to a named role includes a deputy appointed by that role-holder to exercise the functions assigned to that role-holder under this procedure.
- 1.4 These procedures will not apply in cases where:
  - (1) the Respondent is no longer a student member of the College, and as a result is not capable of being disciplined by the College for a breach of the Rules of Behaviour that they committed while a member of the College;
  - (2) the Respondent has failed to pay a College bill.
- 1.5 These procedures will not initially apply in cases where the Respondent is alleged to have breached the College’s Code of Conduct for Harassment and Sexual Misconduct. In such a case, the [College Guidance on, and procedures for handling cases of harassment or sexual misconduct raised by one student \(or students\) about another student \(or students\)](#) will apply. Complaints of sexual misconduct will, subject to the views of the complainant, normally be directed to the [University procedure](#) for responding to harassment and sexual misconduct. Where application of the [College Guidance on, and procedures for handling cases of harassment or sexual misconduct raised by one student \(or students\) about another student \(or students\)](#) results in a decision being made to subject the Respondent to a disciplinary

process by the College, then the procedures laid out in this Part will apply to determine the process that will apply to the Respondent.

- 1.6 Sometimes an alleged breach of the Rules of Behaviour will be more appropriately investigated under another procedure, for example, the Fitness to Study Procedure, if the behaviour has been wholly caused by an underlying medical condition, or a University procedure. It will be at the discretion of the Senior Tutor, in consultation with relevant College Officers, to decide which procedure is most appropriate to investigate student behaviour. The College reserves the right to refer a matter to another procedure at any time during this procedure. Sometimes an alleged breach of the Rules of Behaviour will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure.

## **2. Treatment of minor and major cases**

- 2.1 In general, it is intended that alleged minor infringements of the Rules of Behaviour will be dealt with by the Senior Tutor and the Dean of Discipline, while alleged major infringements of the Rules of Behaviour will be dealt with by the Board of Discipline (with a right of appeal to the Council).
- 2.2 In determining whether an alleged infringement of the Rules of Behaviour counts as minor or major, account will be taken of the factors set out at paragraph 5 of Part I above.

## **3. Principles**

- 3.1 The disciplinary processes carried out under this Code are internal processes and do not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.
- 3.2 The standard of proof used when making determinations under these procedures is on the balance of probabilities. The Senior Tutor, Dean of Discipline and Board of Discipline will conclude that the Respondent breached the Rules of Behaviour if they are convinced that it is more likely than not that such a breach occurred.

## **4. Administration of process**

- 4.1 The College acknowledges that disciplinary processes can be stressful for those involved. The College undertakes to take reasonable steps to:
  - (1) identify, as appropriate, sources of pastoral support for all those involved in a disciplinary process (including the Respondent, the Reporting Person, and any witnesses to the Respondent's behaviour);
  - (2) make reasonable adjustments for any person who has a certified disability;

- (3) keep the Respondent regularly updated regarding the progress of the disciplinary process that has been started in their case;
  - (4) conduct the disciplinary process in a timely and expeditious manner;
  - (5) inform all those involved in the disciplinary process of the outcome of the process, where required under the provisions on Confidentiality and Information Sharing set out in section 2.5 below.
- 4.2 The College acknowledges the need for its disciplinary processes to be free from bias, or the appearance of bias, and undertakes to make any necessary adjustments to the disciplinary processes set out below (particularly in the appointment of individuals charged with carrying out a disciplinary process) where such bias, or the appearance of bias, might exist.

## **5. Criminal offences**

- 5.1 In the case where an alleged breach of the Rules of Behaviour may also amount to a criminal offence:
- (1) The College will not launch, or carry on, disciplinary proceedings in respect of that breach where criminal proceedings are ongoing (including criminal investigations and appeal processes) or are likely to be impending.
  - (2) The College will treat relevant prison sentences, fines, court-ordered community sanctions, and cautions received by the Respondent as evidence that the Respondent breached the Rules of Behaviour in the way alleged. Where the Respondent has received a sanction of this kind for their behaviour, the College will not normally impose a further sanction on the Respondent for breaching the Rules of Behaviour, but it will still be able to take appropriate measures in relation to the Respondent for the purpose of protecting the interests of other members of the College.
  - (3) The College will not treat the discontinuance of criminal proceedings in relation to the Respondent as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.
  - (4) The College will treat the Respondent's being acquitted of a relevant criminal charge in a court of law as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.
  - (5) Where a victim of the Respondent's alleged breach of the Rules of Behaviour is a member of the College, the College will provide the victim with all necessary support, including taking reasonable steps to separate the victim and Respondent, and supporting the victim in relation to their decision about talking to the police.

## **6. University processes**

6.1 Where an alleged breach of the Rules of Behaviour may also amount to a breach of the [University's Statutes and Ordinances dealing with discipline](#):

- (1) If appropriate, the College will refer the allegations as to the Respondent's behaviour to be investigated and dealt with by the University;
- (2) Whether or not the College has referred the allegations as to the Respondent's behaviour to the University, the College will defer to any investigations and disciplinary processes launched by the University in respect of the Respondent's behaviour and allow the University to determine the truth of the allegations made in respect of the Respondent and what, if any, measure should be taken in respect of the Respondent's behaviour. At the conclusion of the University disciplinary process the respondent may still be subject to a College disciplinary procedure. However, in cases where the respondent is found to be in breach of University discipline, the College will not impose a sanction for the same breach but may take appropriate measures in relation to the Respondent for the purpose of protecting the interests of other members of the College.

## **7. Reports of a potential breach**

7.1 The College will normally be informed of a potential breach of the Rules of Behaviour through a Reporting Person informing the Senior Tutor. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or became aware of the reported behaviour through other means.

7.2 Normally, the report of a potential breach will be made in writing, but where it is not, the Senior Tutor will produce a written account of the report and share it with the Reporting Person to check its accuracy.

7.3 The Senior Tutor will then form a preliminary view as to whether the alleged breach of the Rules of Behaviour counts as a minor or major breach. If the Senior Tutor's preliminary view is that the alleged breach counts as a minor breach, then the Senior Tutor will deal with the case according to the procedures laid out in section 8 below. If the Senior Tutor's preliminary view is that the alleged breach counts as a major breach, then the procedure laid out in section 9 below will be followed.

7.4 If the Senior Tutor initially forms the view that the alleged breach counts as a minor breach and refers it to the Dean of Discipline on that basis, but the course of inquiries leads the Dean of Discipline to change their mind and conclude that the alleged breach counts as a major breach, the Dean of Discipline will inform the Senior Tutor accordingly and the procedure laid out in section 9 below will be followed.

## **8. Minor Breaches**

### ***Senior Tutor***

- 8.1 In the case of an alleged breach of the Rules of Behaviour that, in the opinion of the Senior Tutor amounts to a minor breach, the Senior Tutor will summon the Respondent for an interview, ideally within a week of receiving the report of the alleged breach. The Senior Tutor will also advise the Respondent of the availability of sources of pastoral support.
- 8.2 At the interview, the Senior Tutor will inform the Respondent of the report received regarding the Respondent's behaviour, identify the Rules of Behaviour that have allegedly been broken, and ask the Respondent to respond to the report.
- 8.3 The Senior Tutor may disclose the identity of the Reporting Person to the Respondent unless, in the opinion of the Senior Tutor, the Reporting Person has made it clear for good reason that they do not give permission for the Senior Tutor to do this. Where a report of an alleged breach of the Rules of Behaviour has been accepted on the basis that the identity of the Reporting Person will remain anonymous, the report will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.
- 8.4 Ideally, the Senior Tutor and the Respondent will be able to agree on what happened in the Respondent's case. Should they be unable to do so:
  - (a) the Senior Tutor will suspend the interview for the purpose of making further inquiries into the Respondent's case or refer the matter to the Dean of Discipline
  - (b) in making such further inquiries, the Senior Tutor will keep a written note of the outcome of those inquiries;
  - (c) after making those further inquiries, the Senior Tutor may resume the interview with the Respondent, and explain what view the Senior Tutor is taking of the Respondent's case in light of those inquiries and invite the Respondent to respond to that view or refer the matter to the Dean of Discipline. The Senior Tutor will listen to any further representations made by the Respondent before reaching a final view on what happened in the Respondent's case (though in exceptional cases, the Senior Tutor will be able to re-suspend the interview in light of the Respondent's representations in order to make still further inquiries into the Respondent's case).

### ***Referral to the Dean of Discipline***

- 8.5 Where the Senior Tutor refers the matter to the Dean of Discipline, the Dean of Discipline shall write to the Respondent to confirm that a report of an alleged breach of the Rules of Behaviour naming the Respondent has been received, the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been

breached and that an investigation shall be conducted. The Dean of Discipline will provide a brief summary of the allegation and describe the investigation process, the possible outcomes, including referral to other procedures, for example fitness to practise, and who may need to be informed of these outcomes. The Dean of Discipline will inform the Respondent of the avenues of support available to them and the potential consequences if the alleged breach of the Rules of Behaviour relates to alleged misconduct that may constitute a criminal offence.

- 8.6 The Dean of Discipline shall conduct an investigation which may require written statements, meetings and evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of any Witnesses and shall have the opportunity to comment on the Dean of Discipline's written notes of any meeting that they have attended.
- 8.7 The Dean of Discipline shall normally meet with the Reporting Person and with the Respondent to receive an oral account. The Dean of Discipline may meet with any witnesses or instead collect information through written statements. The Dean of Discipline shall give anyone impacted by the alleged behaviour being investigated the opportunity to provide a statement describing the personal impact of an alleged breach of the Rules of Behaviour.
- 8.8 In addition to investigating the alleged breach of the Rules of Behaviour, the investigation shall include gathering information about and investigating the seriousness of the alleged breach, any mitigation provided by the Respondent and any relevant previous breaches of the Rules of Behaviour by the Respondent. During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Dean of Discipline may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Dean of Discipline may request any other material that the Dean considers will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Dean of Discipline shall not normally seek it.
- 8.9 Following the investigation, the Dean of Discipline shall reach one of the following decisions:
  - (a) To impose a minor sanction or measure where a breach of the Rules of Behaviour has occurred and where it is considered that a minor sanction or measure is appropriate;



- (b) To refer the case to the Board of Discipline where it appears that a breach of the Rules of Behaviour may have taken place and a minor sanction or measure may not be an appropriate action;
  - (c) Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure.
- 8.10 If the Dean of Discipline concludes that the Respondent breached the Rules of Behaviour, the Dean of Discipline will proceed to determine, and inform the Respondent of, what measures will be taken in the Respondent's case. The Dean of Discipline may do this orally in interviewing the Respondent, but in all cases the Dean of Discipline should, and in a timely fashion (normally within 7 days of reaching the decision), provide the Respondent with a brief written statement of (i) the Dean of Discipline's findings; and (ii) the Dean of Discipline's decision as to what measure(s) to take in the Respondent's case.
- 8.11 In considering whether to impose a minor sanction or measure, or refer the case to the Board of Discipline, the Dean of Discipline shall give consideration to paragraph 5 of Part 1 above in relation to sanctions and measures, as well as the following factors:
- (a) The seriousness of the breach;
  - (b) The harm or damage caused;
  - (c) The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
  - (d) The intent and planning involved in the breach;
  - (e) The impact on the Collegiate University Community, including the content of any Impact Statement;
  - (f) Whether the Respondent has admitted to the breach and when such an admission took place;
  - (g) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
  - (h) The evidenced personal circumstances of the Respondent.
- 8.12 Where the Dean of Discipline decides to impose a minor sanction or measure, one or more of the following sanctions or measures are available:
- (a) A written warning, which will be placed on the Respondent's record and will make any subsequent breaches of the Rule of Behaviour more serious;
  - (b) To require the Respondent to pay the cost of material damages up to the amount of £250;
  - (c) Impose a suspended fine on the Respondent which would be imposed if the Respondent subsequently breached the Rules of Behaviour in a similar way;
  - (d) To require the Respondent to provide a written apology;
  - (e) To require the Respondent to engage with an educative, counselling or reflective session;
  - (f) To require the Respondent to complete a written reflection;

- (g) To require the Respondent not to contact a Reporting Person or Witness.
- 8.13 The Dean of Discipline shall provide the decision and the reasons for the decision in writing within 7 days of reaching a decision alongside a copy of the report of the investigation and evidence. Where a minor sanction or measure is imposed, the Respondent will have 7 days from receiving the decision to confirm whether to accept this outcome or have the case referred to the Board of Discipline.
- 8.14 The Dean of Discipline shall refer the case to the Board of Discipline for consideration where the Respondent does not agree with the decision to impose a minor sanction or measure; or where the Respondent does not comply with the minor sanction or measure; or where the Dean of Discipline considers that a minor sanction or measure is not appropriate.

## **9. Major Breaches**

### *Senior Tutor*

- 9.1 In the case of an alleged breach of the Rules of Behaviour that, in the opinion of the Senior Tutor, amounts to a major breach, the Senior Tutor will normally take the lead in handling the Respondent's case. The Senior Tutor will:
- (a) determine whether the alleged breach also amounted to a breach of the [University's Statutes and Ordinances dealing with discipline](#), and if so, whether the Respondent's case should be referred to the University to be dealt with there;
  - (b) determine what steps need to be taken to investigate the report of the alleged breach of the Rules of Behaviour, and who should take those steps if that investigation supports the initial report of the alleged breach, convene a meeting of the Board of Discipline to consider the Respondent's case;
  - (c) determine what procedure should be adopted in the case where multiple Junior Members of the College, including the Respondent, are alleged to have committed a breach of the Rules of Behaviour, determining whether the case of all the Junior Members, including the Respondent, should be considered at one hearing, or whether the case of each of the Junior Members, including the Respondent, should be considered in separate hearings;
  - (d) communicate with the Respondent to:
    - (i) inform the Respondent that the College is looking into an allegation that the Respondent committed a major breach of the Rules of Behaviour, outline the nature of the allegation, warn the Respondent that any attempt to influence potential witnesses to the Respondent's behaviour may in itself amount to a major breach of the Rules of Behaviour and may trigger

the taking of precautionary measures and indicate the next steps that will be taken in the Respondent's case; and

- (ii) to inform the Respondent of the outcome of any investigation into the Respondent's case, and of what further steps, if any, will be taken in the Respondent's case in light of that outcome.
- (e) determine whether to advise the Master to impose any precautionary measures to protect any person involved in the disciplinary process, and advise the University of any such precautionary measures that have been imposed by the Master;
- (f) generally ensure that the Respondent's case is dealt with relatively promptly, with the aim of completing any investigation and the Board of Discipline reaching a conclusion in the Respondent's case within 60 days of the first communication with the Respondent regarding the alleged breach of the Rules of Behaviour;
- (g) provide the Respondent with a written statement of the outcome of the Respondent's case and the reasons for that outcome.

### ***Investigation***

- 9.2 The Senior Tutor will either investigate the alleged breach of the Rules of Behaviour or appoint someone else to do so.
- 9.3 Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of witnesses, and shall have the opportunity to comment on any written notes of any meeting they have attended.
- 9.4 The investigator shall normally meet with the Reporting Person and with the Respondent to hear what they have to say about the alleged breach of the Rules of Behaviour.
- 9.5 Anyone impacted by the alleged behaviour being investigated will be given the opportunity to provide a statement describing the personal impact of the alleged breach of the Rules of Behaviour.
- 9.6 On completion of the investigation, the investigator will produce a report, outlining the findings of the investigation.
- 9.7 If the findings of the investigation support the convening of a meeting of the Board of Discipline Panel to consider the allegations against the Respondent, the Respondent will be provided with the report of the investigation in good time before

the Board of Discipline hearing. The Senior Tutor is allowed to redact the report of the investigation but only where the interests of justice, legal requirements, or the health and safety of other members of the College demand that such a redaction be made. There should be a strong presumption in favour of providing the report of the investigation in full to the Respondent, with redactions only being made where strictly necessary.

***Precautionary measures***

- 9.8 The Master, acting on the advice of the Senior Tutor, shall have the power to impose any precautionary measures set out below for a period of up to 21 days, in the first instance, where the Master considers that any such measures are necessary:
- (a) to ensure that a full and proper investigation of the Respondent's behaviour can be carried out
  - (b) to protect any person while the Respondent is subject to a disciplinary process (whether carried out by the College or University) or a criminal process.
- 9.9 The Master shall have the power to extend any such precautionary measures for additional periods of no more than 21 days in duration.
- 9.10 The precautionary measures that the Master may impose are any one or more of the following:
- (a) excluding the Respondent from some or all of the College facilities and/or premises;
  - (b) imposing conditions on the Respondent in connection with the Respondent's use of the College facilities and/or premises, or in connection with the Respondent's contact with other persons, or in connection with any other matter relating to the Respondent as may be considered necessary;
  - (c) suspending the Respondent either in full or in part from their studies.
- 9.11 Where a precautionary measure has been taken in relation to the Respondent, the Senior Tutor will inform the University, through the Head of the Office of Student Conduct, Complaints and Appeals, of precautionary action taken in respect of individual students.
- 9.12 Where it is proposed to impose a precautionary measure in respect of the Respondent, the Respondent is entitled, and will be invited, to make representations with regard to that measure either when the decision regarding whether to impose that measure is to be made, or – where a decision is required to be made immediately given the level of risk of harm involved – as soon as possible after the decision was made. If the Respondent is made subject to a precautionary measure, the Respondent will have the right to appeal the decision to impose that measure, or ask for a review

of the decision if there is a material change in the circumstances of the case. Any such appeal or review will be considered by the Council, convened in line with section 10 below.

***Board of Discipline consideration***

- 9.13 The procedure for the meeting of the Board of Discipline in consequence of a referral by the Dean of Discipline is set out in Ordinance 30.
- 9.14 In the event of a referral by the Dean of Discipline in accordance with paragraph 8.9 above, the Respondent shall be provided with a copy of all written notes produced and evidence gathered by the Dean of Discipline in the course of the investigation. In the event of a referral by the Senior Tutor following an investigation under paragraphs 9.2-9.7 above, The Respondent shall be provided with a copy of the investigator's report and evidence. The Respondent shall have an opportunity to provide a written response and be invited to attend the Board of Discipline meeting with a supporter and/or representative of their choice. Any response or request to call witnesses from the Respondent must be provided at least 10 days before the date of the Board of Discipline meeting. A request to call a witness will be considered by the Chair, who shall determine whether to permit the witness to attend or provide evidence in an alternative format. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision following the Board of Discipline's decision on the Concern to the Council. A Respondent who wishes to admit the alleged misconduct in advance of the Board of Discipline meeting may do so as part of the written response, in which case the meeting may focus only on what, if any, sanction or measure to apply.
- 9.15 Respondents should attend the Board of Discipline meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Board of Discipline meeting and wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date should be re-arranged. The Board of Discipline meeting may proceed in the Respondent's absence.
- 9.16 The Board of Discipline, the Respondent and the Senior Tutor shall receive a copy of the Board of Discipline papers; the report of the investigator or the Dean of Discipline and evidence, and any response provided by the Respondent, at least 7 days before the Board of Discipline hearing.
- 9.17 During the Board of Discipline meeting, there shall be the opportunity for the Board members to ask questions of the investigator (or the Dean of Discipline in the event of a referral from the Dean of Discipline) and, if in attendance, the Respondent. The Respondent (or the Respondent's representative) and the investigator (or Dean of Discipline in the event of a referral from the Dean of Discipline) will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.

- 9.18 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) to attend the meeting as their evidence will be provided in the Board of Discipline papers. Where the Respondent wishes to challenge the evidence of a Reporting Person or a witness, the Chair of the Board of Discipline will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or witness attending the Board of Discipline meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges and, where the Chair of the Board of Discipline considers those challenges material to the Board of Discipline's decision, a further written response will be sought from the Reporting Person or witness. The Board of Discipline may pause the meeting to request further information where the Chair deems it appropriate to do so.
- 9.19 Once the Board of Discipline is satisfied that it has received all of the information, all persons except for the members and note taker of the Board of Discipline shall withdraw.
- 9.20 The Board of Discipline shall consider all the information that has been provided and reach one of the following decisions:
- (a) To dismiss the case;
  - (b) To find that there has been a breach of the Rules of Behaviour.
- 9.21 Where the Board of Discipline has found that the Rules of Behaviour have been breached, the Secretary shall inform the Board of Discipline of any previous breaches of the same Rule. The Respondent (and any supporter or representative) and the investigator or Dean of Discipline will be invited back into the meeting and the Respondent (or the Respondent's representative) will have an opportunity to make a further statement in relation to mitigation regarding the breach of the Rules of Behaviour and any previous breaches of Rules of Behaviour. The investigator or Dean of Discipline may provide further information including in relation to any Impact Statement and the Board may ask questions. The Respondent (or the Respondent's representative) shall have the opportunity to make a final statement.
- 9.22 The Board of Discipline will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in paragraph 5 of Part I of this Code. The Board of Discipline can consider whether a minor sanction or measure should be imposed. Where a minor sanction or measure is not considered to be appropriate, the Board of Discipline can choose from the following further sanctions and measures:
- (a) Restrictions or conditions on the right to use College premises, facilities or services;
  - (b) Temporary or permanent exclusion from membership of the College;
  - (c) Any penalty considered by the Board to be lighter.

- 9.23 In deciding upon the appropriate sanction(s) or measure(s), the Board of Discipline shall consider each sanction or measure in turn and record the reasons for the sanctions or measures imposed.
- 9.24 Within 7 days of the Board of Discipline reaching a decision, it shall provide to the Respondent a written document explaining the Board of Discipline's decision, reasons for the decision, any sanction or measure applied and the right of appeal. The notes of the Board of Discipline meeting will be shared with the Respondent within 14 days of the Board of Discipline meeting. The outcome will be shared with others in line section 12 of this procedure.
- 9.25 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Board of Discipline, the Respondent will be subject to any action specified by the Board of Discipline to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under paragraph 1(a) of Part I of Disciplinary Code.

## **10. Appeal to the Council**

- 10.1 The Respondent shall have the right to appeal the decision of the Board of Discipline to the Council within 14 days of receiving the written decision.
- 10.2 An appeal can be submitted on the following grounds, that:
- (a) The procedures were not followed properly;
  - (b) The Board of Discipline reached an unreasonable decision;
  - (c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
  - (d) There is bias or reasonable perception of bias during the procedure;
  - (e) The penalty imposed was disproportionate, or not permitted under the procedures.
- 10.3 In order to appeal the Board of Discipline's decision, the Respondent will need to provide details of the appeal to the Council, which includes all evidence the Respondent wishes to be considered as part of the appeal. The Council will normally aim to make a decision regarding an appeal within 30 days of the Respondent making the appeal.
- 10.4 A meeting of the Council either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Appeal Committee.
- 10.5 The Council shall receive the Respondent's Appeal Form and evidence, the Board of Discipline's decision, the notes of the Board of Discipline and the material considered by the Board of Discipline at least 7 days before the Council meeting.
- 10.6 The Council shall normally consider an appeal in private based on the written materials, but has the discretion to request further information; where this happens

the Respondent shall be sent a copy of any further information and be given an opportunity to provide a written response.

- 10.7 The Council shall consider all the information that has been provided and reach one of the following decisions:
- (a) To dismiss the appeal;
  - (b) To uphold the appeal.
- 10.8 Where the Council has upheld an appeal, it can choose to send the matter back for re-consideration by Board of Discipline, or alternatively it has the power to impose its own decision, including sanctions or measures. Where the Council considers a breach of the Rules of Behaviour has taken place, it can impose any sanction or measure outlined in paragraphs 8.12 and 9.22 of this procedure, including more or less significant sanctions or measures than were imposed by the Board of Discipline for the same breach.
- 10.9 Within 7 days of reaching a decision, the Council shall provide to the Respondent a written copy of its decision, reasons for the decision, and any substituted decision. This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter.
- 10.10 Where the Board of Discipline has imposed a sanction or measure and the Respondent has appealed, the sanction or measure will not normally be implemented while the appeal is being considered. Following the Council's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 10.11 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Council, the Respondent will be subject to any action specified by the Council to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under Regulation 1(a) of the Rules of Behaviour.

## **11. Reporting and Monitoring**

- 11.1 The College shall monitor all Concerns reported made using this procedure and shall produce an annual report summarising the anonymised decisions made by the Senior Tutor, the Dean of Discipline, the Board of Discipline and the Council. The annual report shall be submitted to the Council.
- 11.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students and staff involved in the procedure.



## **12. Confidentiality and information sharing**

- 12.1 The College shall share the information and evidence related to an investigation and outcome with members of staff, the Respondent, the Reporting Person and witnesses where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules of Behaviour, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the College's [Data Protection Policy](#).
- 12.2 The College shall share all evidence considered in reaching a decision (except where the decision-maker determines that there is a compelling reason not to do so), the decision itself, the reasons for the decision and any sanctions or measures, with the Respondent. The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any student affected by such a decision who is dissatisfied can raise a complaint under the Formal complaints procedure (set out in Notes for Members). Where information is unable to be shared with the Respondent, this may affect the decision-maker's ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.
- 12.3 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Senior Tutor, the Dean of Discipline or Board of Discipline, including any sanctions or measures with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the student may be connected, where it is appropriate to do so (for example, where the student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the College considers that someone may be at significant and immediate risk of harm, the College may disclose information received through this procedure to the police. When initiating an investigation, the Senior Tutor or the Dean of Discipline will inform the Respondent in writing of the circumstances by which the information about the case will be shared.
- 12.4 The College shall share investigation findings, the reasoned determination of the Senior Tutor, the Dean of Discipline or the Board of Discipline, and sanctions or measures with the Reporting Person and Witnesses, where such information is relevant. 'Relevant' information is that which has a direct impact on the Reporting Person or Witness. The Reporting Person or Witness cannot appeal the outcome of the Senior Tutor, the Dean of Discipline or the Board of Discipline. However, if

there are concerns about how the matter was handled or the process used in reaching an outcome then the Reporting Person or Witness may be able to make a complaint under the Formal complaints procedure (set out in Notes for Members).

- 12.5 It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, those involved may discuss their personal experience of the procedure with others. However, regardless of the outcome, parties should not identify or provide details that might identify any individual involved in the investigation or subsequent decision-making process.

**Appendix A: Flow chart of the College Student Discipline Procedure**

