

STUDENT DISCIPLINARY PROCEDURE

1. Glossary of key terms

1.1 In this procedure, the following terms shall have the meanings set out below:

Appeal Committee	This shall be a meeting of the College Council
Appeal Form	The form located on the Venn by which a Respondent can appeal a decision of the Tutor for Discipline or the Student Behaviour Panel
Completion of Procedures letter	A letter that confirms the completion of the College's internal procedures, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator
College Regulations	The rules established by the College concerning the conduct of Students
Concern	The description of the alleged behaviour causing concern, reported by the Reporting Person and submitted using a Concern Form
Concern Form	The form located on the Venn by which a Respondent can submit a concern to the College about one of its Students
Decision-maker	The individual or individuals making a decision at any particular point within this procedure, whether as to process or outcome
Director of Student Behaviour Panel	The individual appointed by the College Council who selects members of the Student Behaviour Panel and will usually act as Chair
Investigator	A person with responsibility for conducting an investigation into a potential breach of the College Regulations and presenting the investigation findings to the Tutor for Discipline. This role may be undertaken by the Tutor for Discipline who has decided that the Concern is able to be decided by the Tutor for Discipline. In that case, "Investigator" in this procedure is taken to include the Tutor for Discipline
Investigation Report	The report created by the Investigator following an investigation
Precautionary Action	Action taken by the College to manage, minimise or prevent interactions between the Respondent and the Reporting Person or Witnesses whilst a Concern is handled
Reporting Person	A person who is reporting a Concern about a Student

Respondent	A Student whose conduct is the subject of a Concern
Student	A junior member of the College, whether undergraduate, postgraduate or a visiting student; or a person who had such student status at the time of the circumstances about which the Concern is being raised
Student Behaviour Panel	<p>A panel of three trained persons, which determines whether the College Regulations have been breached and, if so, has the authority to impose sanctions or measures.</p> <p>The Student Behaviour Panel shall consist of:</p> <p>a) A Chair, experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures, who will be (i) the Director of the Student Behaviour Panel, or (ii) another person, who may be external to the College, selected by the Director</p> <p>b) Two other Fellows who are neither members of the College Council nor Unofficial Fellows, selected by the Director of the Student Behaviour Panel from the list appointed annually by the College Council</p> <p>No member of the Student Behaviour Panel shall have either a pastoral or a teaching relationship with the Respondent or the Reporting Person</p>
Tutor for Discipline	A person with responsibility for determining whether a Concern should be investigated and determining the action taken. The Tutor for Discipline receives the concern, may conduct the investigation themselves, may commission an investigator to do the investigation. Once an investigation is complete, the Tutor for Discipline may either impose a sanction or refer the Concern to the Student Behaviour Panel. Where a Concern is referred to the Student Behaviour Panel, the Tutor for Discipline will present the findings of the investigation to the Student Behaviour Panel
Witness	A person who has witnessed the Respondent's behaviour or has witnessed a matter connected to the Respondent's behaviour as alleged in the Concern, including a disclosure by any party relevant to the Concern. The Witness may be someone to whom the behaviour was directed, or a third party
Working days	The days the College expects an employee to work, normally Monday to Friday, except bank holidays and the week between Christmas Day (25 December) and New Years Day (1 January). 5 working days is usually the equivalent of 1 week

2 Scope and Principles

- 2.1 This procedure enables the College to consider whether a Student has breached the College Regulations and, if it is found that the College Regulations have been breached, to impose proportionate sanctions. The procedure enables the College to respond appropriately to breaches of the College Regulations, to protect the College community or to safeguard the College's property. It does not exist to resolve personal disputes. It is intended to operate in accordance with the principles of natural justice.

Legal representation

- 2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for either a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances. Where a Respondent wishes to use a legal representative, at their own cost, in relation to this procedure, permission should be sought from the Tutor for Discipline for legal representation relating to the investigation stage of the procedure, or from the Chair of the Student Behaviour Panel in relation to attendance or involvement with the Student Behaviour Panel.

Support

- 2.3 The procedure itself can be stressful for those involved. The Tutor for Discipline or other Investigator and Decision-makers will take into account the potential effects upon those engaging with the procedure and, where reasonable, assist in minimising these effects. All Reporting Persons, Respondents and Witnesses will receive information about how to access support during this process. The appropriate support will depend on the circumstances of the case, but may be delivered by the College, the University, the Student Advice Service or external support organisations. All Respondents, Reporting Persons and Witnesses can bring a supporter to any meeting. Persons who are witnesses to the Concern may not also act as supporters.
- 2.4 Before, during and following the procedure, those involved may wish to access personal support in order to help them process and understand their experiences. The College does not limit the sources of support for individuals. Sources of personal support can include the College welfare system, Student Support and the Student Advice Service. However, students may also feel more comfortable seeking support from friends or family. Where they do so, it is important that any information shared about the case is treated confidentially; the friend or family member should not share the information with others while the investigation is ongoing. To do so may negatively impact the investigation. Where a friend or family member receive an account from a Reporting Person or Respondent they may be approached as a witness. While support can be given by anyone to those involved, it is preferable for a Reporting Person or Respondent not to discuss their detailed account of what happened with someone who was present for some or all of that time.

Reasonable adjustments

- 2.5 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Respondents, Reporting Persons and Witnesses are requested to make the need for any reasonable adjustments known to the Investigator so that these can be put in place. The Tutor for Discipline and the

Investigator may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation. The Tutor for Discipline and the Investigator shall keep a record of any such adjustments.

Anonymous concerns

- 2.6 An anonymous Concern will only be accepted by the Tutor for Discipline for investigation where there is a compelling case supported by evidence. Where an anonymous Concern is accepted, the Concern must be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.

Timeliness

- 2.7 The College may investigate and take action even where a Student has since graduated or stopped pursuing a course of study. However, it will be necessary for the College to consider whether a matter can practicably be investigated and whether it is appropriate to do so, noting the limitations on the potential sanctions available.
- 2.8 Concerns should be submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that a Concern might only emerge over an extended timescale, for example where evidence only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of its impact have led to a delay in reporting. There is no deadline for the submission of a Concern and specifically a Student alleging a breach when they were an undergraduate, postgraduate or visiting student need not still be an undergraduate, postgraduate or visiting student when the Concern is submitted. The timeframe may however have an impact on the investigation, for example, the accuracy of witnesses' memories; or on decisions, and potential sanctions, for example where students have graduated.
- 2.9 The College will investigate and consider Concerns in a timely manner, providing reasonable deadlines at each stage of the process for Decision-makers to provide decisions and for Respondents, Reporting Persons and Witnesses to provide information. The College normally aims to complete the initial investigation and Student Behaviour Panel decision within 60 days of informing the Respondent of the Concern. However, where a Concern involves sexual misconduct, multiple witnesses or a complex set of allegations, or where for good reason Respondents, Reporting Persons or Witnesses are unavailable for a period of time, the investigation may take longer. Respondents and Reporting Persons will be provided with updates about the anticipated timeline as more information becomes available.

Engagement with the procedure

- 2.10 Reporting Persons and Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances. Respondents must engage fully with the procedure and are required to provide contact details during this time.
- 2.11 It may be necessary to pause the procedure as a result of ill health or other grave cause relating to those involved. Where a Respondent, Reporting Person or Witness is unable to engage in the procedure, information shall be provided to the Investigator or Chair of the Student Behaviour Panel confirming the nature of the reason for non-engagement, providing medical or independent evidence of the circumstances and confirming when they expect to be able to re-engage with the

Procedure. The Tutor for Discipline or Chair of the Student Behaviour Panel will then consider this information and determine whether it is reasonable in all the circumstances to pause the Procedure. The Decision-maker will consider the impact of the person not engaging with the procedure and the impact on all parties if the procedure is paused. The Decision-maker may determine that: the Procedure be paused; the Procedure continue without the engagement of the specified person; or that the circumstances provided by the person do not warrant pausing the procedure and the person should continue to engage in the Procedure.

- 2.12 Meetings may take place virtually or physically, taking into account the preference of the Respondent, Reporting Person or Witness, with the final decision being made by the Investigator or Chair of the Student Behaviour Panel.
- 2.13 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as Decision-makers and Investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive behaviour will not be tolerated and may be subject to separate disciplinary action. The person may be required by a Decision-maker to stop engaging with this procedure or engage in a limited manner, even if this affects the consideration of the Concern or a subsequent appeal.
- 2.14 Except as set out in paragraph 3.8, the Reporting Person or Witness cannot challenge a decision not to proceed with a disciplinary case under this procedure, or the outcome decision of the Tutor for Discipline or Student Behaviour Panel, following an investigation. However, if there are concerns about the application of this procedure, then a Reporting Person or Witness (who is a student) may make a complaint under the College's complaints procedure.

Role-holder training and deputies

- 2.15 All Decision-makers and Investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No Decision-maker or Investigator appointed may have had any previous involvement with the matter or personal knowledge of the people involved, such as a pastoral or teaching relationship with the Respondent or the Reporting Person.
- 2.16 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.

Conduct that may constitute a criminal offence

- 2.17 Some breaches of the College Regulations could also constitute criminal offences. The College will not normally investigate a matter where criminal proceedings are ongoing (including criminal investigations and appeal processes), pausing any action under this procedure until criminal proceedings are complete. Respondents have a responsibility to update the College of any proceedings. Following an investigation undertaken by the police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place, or where the behaviour being investigated by the College is different from the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.

- 2.18 The College will treat relevant police fines, cautions, reprimands, final warnings or criminal convictions received by the Respondent as evidence that the behaviour, on which the offence was based, took place. A 'not guilty' or 'no further action' outcome from the police or criminal proceedings will not prevent the College from undertaking its own investigation as to whether a breach of the College Regulations has occurred.

Alternative procedures

- 2.19 Sometimes a Concern will be more appropriately investigated under another procedure, for example, the Procedure to Support and Assess Capability to Study, if the behaviour has been wholly caused by an underlying medical condition, or the Fitness to Practise Procedure for students undertaking professional courses, where the requirements for student behaviour are stricter. It will be at the discretion of the Tutor for Discipline, in consultation with relevant College Officers, to decide under which procedure it 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 a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure, for example the Fitness to Practise Procedure, to consider the Respondent's ability to continue on a professional course of study where a breach of the College Regulations has been found. If a breach of the College Regulations has been found, this will be treated as evidence that the breach of the College Regulations has occurred, but there may be other elements of a Respondent's ability to study that cannot be considered under this procedure.
- 2.20 Some breaches of the College Regulations will also be in breach of the University's Statutes and Ordinances and may result in the University taking disciplinary action. The College shall take into consideration any action taken by the University to ensure that the Respondent is not punished twice for the same breach. However, even where the University chooses to take no action, it may still be appropriate for the College to take its own action.

Multiple Respondents or Reporting Persons

- 2.21 Where a Concern involves more than one Respondent or more than one Reporting Person, it will be at the discretion of the Investigator to decide whether the Concern should be separated into separate Concerns for the purposes of investigation. Where the investigation of a Concern includes more than one Respondent and/or Reporting Person and the Tutor for Discipline has chosen to refer the matter to the Student Behaviour Panel, the Chair of the Student Behaviour Panel shall have the discretion to decide whether there shall be a single meeting to deal with all of the Respondents and/or Reporting Persons, or a separate meeting for each Respondent and/or Reporting Persons. Where a meeting involving multiple Respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal the decision of the Student Behaviour Panel decision, appeals shall usually be considered separately but by the same Appeal Committee.

Precautionary and interim action

- 2.22 In cases where the Tutor for Discipline concludes that there is a need to put in place Precautionary Action whilst an investigation is ongoing, the Tutor for Discipline will liaise with the Senior Tutor regarding action in College and, where appropriate, with

the University and take such action as outlined in Special Ordinance D (v) concerning Precautionary Action of the University's Statutes and Ordinances.

- 2.23 While the procedure is ongoing, unless explicitly permitted by the Tutor for Discipline, a Respondent must not contact or attempt to contact the Reporting Person, if the Reporting Person is a Student, or any other Respondent(s) to the alleged breach of College Regulations either directly or via another person. This includes in person or via electronic means, including messaging or following or responding to social media. Where the Respondent comes across the Reporting Person(s), the Respondent should not acknowledge their presence either verbally or non-verbally or anyone who is with them and keep a distance from them. The same requirement applies for Witnesses, if they are students, who have been directly affected by the Respondent's behaviour or are specified by the Investigator. To facilitate this no-contact arrangement, it is necessary for the Reporting Person to have no contact with any Respondent(s).
- 2.24 When reaching a decision regarding the Concern, regardless of the decision made, the relevant Decision-maker shall consider whether it is appropriate to require or recommend that the Respondent and the Reporting Person, if they are a student, to have no direct contact or interaction. This would normally include: not initiating conversations with the other person; not sitting immediately closely or adjacent to one another in communal spaces, not initiating contact online, for example, sending direct messages; not sending letters or items to the other person, and not entering the other person's bedroom or set. This instruction would take into account the views of the Respondent and Reporting Person, and the College, where both individuals share the same College. A breach of the no-contact order would be a breach of the College Regulations, under Regulation no. 14.
- 2.25 Except where Precautionary Action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Tutor for Discipline.
- 2.26 The College will treat all members of the College community, including Reporting Persons, Witnesses and Respondents with equal fairness.

Standard and burden of proof

- 2.27 The standard of proof used when making determinations under this procedure is on the balance of probabilities. This means that it is necessary to prove that it is more likely than not that a breach of the College Regulations occurred before the Decision-maker can impose any sanctions on the Respondent. Decisions must be supported by evidence; it is not enough to simply believe that something is likely to have happened. This requirement means that there may be some cases in which the College decides that it is not appropriate to take or continue action under this procedure.
- 2.28 The burden of proof that a breach of the College Regulations has occurred rests with the College. This means that it is for the College to prove that there has been a breach of the College Regulations, it is not for a Respondent to prove that a breach of the College Regulations did not take place.

Information sharing

- 2.29 The College shall share the information and evidence related to an investigation and outcome with relevant members of staff, the Respondent, the Reporting Person and Witnesses where it is necessary in the interests of fairness to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the College Regulations, or to implement any sanctions 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.
- 2.30 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, 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 procedures laid out on the Venn. 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.
- 2.31 Where relevant and appropriate, the College may share the initiation of an investigation, the investigation findings and the reasoned determination of the Tutor for Discipline or Student Behaviour Panel, including any sanctions, with the Respondent's Head of Department. Where relevant, the College will also share this information with University bodies (for example a Fitness to Practise Committee), 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 Tutor for Discipline will inform the Respondent in writing that information about the case will be provided to the police if formally requested by the police or if the Tutor for Discipline considers that there is an immediate and significant risk to the College community.
- 2.32 The College shall share a copy of any Investigation Report, or relevant information from the investigation findings and the reasoned determination of (as appropriate) the Tutor for Discipline, Student Behaviour Panel, or Appeal Committee and sanctions with the Reporting Person where they have been the person directly affected by the Concern. The copy of the Investigation Report may be redacted to remove personal information including any mitigation, relating to the Respondent that is not directly relevant to the Concern. Witnesses may also receive relevant information about the procedure where they have been personally affected by the original incident or the disciplinary process. 'Relevant' information is that which it is reasonably necessary to

share in order to safeguard the interests of the Reporting Person or Witness in the interests of fairness.

- 2.33 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, individuals need to remain mindful of the information they share with others, including how it is shared. Information provided should not constitute or contribute to any abusive behaviour, as defined in the College Regulations, towards others involved. Otherwise, this may lead to the individual becoming the subject of disciplinary proceedings.

3 Submitting a Concern

- 3.1 The College will normally be informed of a potential breach of the College Regulations by a Reporting Person. 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. Where the Concern originates from someone who has not been directly impacted, the College will normally attempt to engage with the person(s) directly impacted to understand whether they will voluntarily engage with any investigation. This further information may impact the decision to investigate the Concern.
- 3.2 Concerns under this procedure may be raised by the following persons: i) any Student of the College; ii) someone who was a Student of the College at the time of the alleged breach of the Regulations; iii) the Master, any Fellow, Bye-Fellow or Postdoctoral Research Associate of the College; v) any member of College staff; vi) any member of the University who is teaching or supervising the Respondent if the alleged breach took place in an academic context. The Tutor for Discipline may also raise a Concern if there is evidence that a breach of the College Regulations may have occurred where no Concern has been raised by another person. Concerns may not be raised directly by persons not named above but can be brought to the College's attention through the Master, the Senior Tutor or the Tutor for Discipline, who may then raise a Concern.
- 3.3 To submit a Concern, the Reporting Person must complete and submit the Concern in writing on the Concern Form to the Tutor for Discipline.
- 3.4 Within 5 working days, the Tutor for Discipline shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information, and/or to provide further procedural information.
- 3.5 Within 5 working days of receiving all the relevant information, the Tutor for Discipline will consider whether the following criteria are met:
- a) The allegations are clear and that any clarification required of the precise nature of the allegation or allegations has been agreed with the Reporting Person such that it is in a form which can, as required, be provided to the Respondent
 - b) There is an allegation, or more than one, which, on the face of it, would appear to breach the College Regulations and, if so, which one(s)

- c) this procedure is the most appropriate procedure to use to investigate the matter; and
 - d) the Concern has not already been investigated using this procedure or any other relevant University or College procedure.
- 3.6 Where all the criteria have been met, the Tutor for Discipline shall either investigate the Concern themselves or shall, in more serious or complex cases, commission a separate investigation into the Concern. Where at least one of the criteria under paragraph 3.5 (b) or (c) has not been met, the Tutor for Discipline will not investigate the Concern.
- 3.7 Where part of the Concern has previously been investigated, it is at the discretion of the Tutor for Discipline whether it is in the College's interest to investigate the aspect that has not yet been investigated, taking into account why the matter was not previously fully investigated, the length of time that has elapsed since the investigation, the severity of the misconduct, the impact on the Respondent of undergoing a second discipline investigation, and whether there would be repercussions for the Respondent's fitness to practise were the decision taken not to investigate the matter.
- 3.8 The Tutor for Discipline shall, within 5 working days of receiving all the relevant information, write to the Reporting Person: (a) providing reasons for any decision not to investigate a Concern; and (b) stating, if the Concern is to be investigated, whether the Tutor for Discipline will investigate the Concern themselves or commission a separate investigation. Reporting Persons who are students may make a complaint in relation to the decisions under (a) or (b) under the complaints procedure on the Venn within 10 working days of being notified of the decision.
- 3.9 Where an investigation is not commissioned and where the Concern is not withdrawn by the Reporting Person, the Respondent shall normally be notified in writing of the Concern, the decision of the Tutor for Discipline, the reasons for the decision, and confirmation that no further action will be taken under this procedure. This notification shall normally be provided to the Respondent within 15 working days of the Tutor for Discipline's decision, to allow for a student Reporting Person to request a review, or within 5 working days for other types of Reporting Person, or following the completion of a review, where this process is commenced by a Student. However, where sharing this information with the Respondent may impact upon an investigation being undertaken under a different procedure or by an external body, a delay to informing the Respondent may be necessary.

4 Investigating a Concern

- 4.1 Where an investigation is commissioned, the Tutor for Discipline shall decide whether the alleged behaviour is likely to lead to the constituting of a Student Behaviour Panel. If so, then the Tutor for Discipline will appoint an Investigator other than the Tutor for Discipline to conduct the investigation. If the alleged behaviour is unlikely to lead to a Student Behaviour Panel, then the Tutor for Discipline may choose to conduct the investigation themselves as the Investigator or to appoint a separate Investigator. If the Tutor for Discipline begins an investigation and during the course of the investigation they decide that the alleged behaviour is likely to lead to a Student Behaviour Panel, then they should cease their own investigation and

appoint an Investigator to perform or complete the investigation as is required by the circumstances. The Investigator shall write to the Respondent to confirm that a Concern alleging that they have breached College Regulations has been received, including the nature of the alleged behaviour, the relevant College Regulations that have allegedly been breached and the decision of the Tutor for Discipline to proceed with an investigation. The Investigator will provide: (i) a copy of the written summary arising from paragraph 3.5(a), naming the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted); (ii) details the limitations (if any) on contact the Respondent may have with others; (iii) details of the likely investigation process; (iv) the possible outcomes, including referral to other procedures, for example fitness to practise, and who may need to be informed of these outcomes. The Investigator will inform the Respondent and the Reporting Person of the avenues of support available to them and the potential consequences if the Concern relates to alleged misconduct that may constitute a criminal offence.

- 4.2 The Reporting Person and Respondent should not attempt to investigate the matter themselves, instead providing all relevant information to the Investigator.
- 4.3 The Investigator shall conduct the investigation. The investigation may require written statements, meetings and evidence from any member of the College community relevant to the investigation. In addition, the Investigator may request written statements, meetings and evidence from anyone outside of the College.
- 4.4 A written record shall be kept of all investigative meetings. During an investigative meeting, a person can present oral and written information, evidence and the names of any Witnesses. The Investigator will provide a copy of the meeting's written record to the person interviewed, providing them with 5 working days to supply clarifications as an addendum.
- 4.5 The Investigator shall normally meet with the Reporting Person and separately with the Respondent in order to receive accounts of the circumstances leading to the Concern, to receive evidence relating to the Concern and the names of any Witnesses. The Investigator may meet Witnesses or otherwise collect information or evidence from them.
- 4.6 The investigation of the Concern shall include gathering information about: the seriousness of the Concern; any impact of the Concern on the Reporting Person(s) or others; any mitigation relevant to the Respondent's actions; and any relevant previous breaches of the College Regulations by the Respondent. The relevance of information will be determined by the Investigator.
- 4.7 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 Investigator may consider collecting, where relevant and available, includes information validating accounts and evidence 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 Investigator may request any information the Investigator considers will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation or investigation that relies on the significant involvement of

third parties and therefore, unless this type of information is provided by the party seeking to rely on it, the Investigator shall not normally seek it.

- 4.8 The Investigator may require a Respondent to engage in expert assessment(s) to determine the level of risk they present to themselves, members of the College Community, anyone within the Precincts of the University, and anyone with whom the Respondent comes into contact whilst engaged in study. Where a Respondent does not engage with the process, this may make any breach of the College Regulations more serious. In addition, not engaging with the process is likely to be a separate breach of the College Regulations (Regulation 14) and further disciplinary action may be taken. Where a Respondent does not engage with an expert assessment, commissioned to assess the level of risk associated with the Respondent, the Investigator may assume that there is a high level of risk associated with the Respondent. Any action taken must be proportionate to the circumstances; however, the level of risk may be relevant to any Precautionary Action taken, or to any sanction imposed by the Tutor for Discipline, Student Behaviour Panel or Appeal Committee.
- 4.9 The Investigator shall produce an Investigation Report, outlining the findings of the investigation. If the Investigator is not the Tutor for Discipline, the Investigator will share a copy of the Investigation Report and all evidence with the Tutor for Discipline.

5 Tutor for Discipline decision

Consideration of the evidence

- 5.1 The Tutor for Discipline shall consider the Investigation Report and evidence from the investigation. Where the Investigator is not the Tutor for Discipline, at the Tutor for Discipline's discretion, the Investigator may be asked to obtain further evidence or to clarify any aspect of the Investigation Report.

Options for action on the basis of the evidence

- 5.2 The Tutor for Discipline shall reach one of the following decisions:
- a) To dismiss the case if it is clear that all the allegations are unsubstantiated, unfounded, false or malicious¹
 - b) To impose a sanction listed in paragraph 5.4 where the Tutor for Discipline is satisfied that a breach of the College Regulations has occurred and that such a sanction is appropriate
 - c) To refer the case to the Student Behaviour Panel where the Tutor for Discipline considers (i) that the alleged breach(es) of the College Regulations mean that, if it is determined that the alleged breach has occurred, a sanction beyond those listed in paragraph 5.4 may be required; (ii) that the evidence for the alleged breach(es) of College Regulations is sufficiently complex and/or unclear that it should be considered by a panel of three people rather than a single individual; or (iii) in other instances where it is fair that the case should be considered by a panel of three people rather than a single individual

¹ These outcomes are definitions utilised in paragraph 400 of [KCSIE 2023](#) (namely, "substantiated", "malicious", "false", "unsubstantiated" or "unfounded")

- d) Where neither b) nor c) is appropriate to refer the matter for decision under another College or University procedure.

5.3 In considering whether to impose a sanction, or refer the case to the Student Behaviour Panel, the Tutor for Discipline shall give consideration to 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 College community, including the content of any impact statement(s)
- f) Whether the Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, in relation to the breach
- g) Whether the Respondent has abused a position of power or trust
- h) Whether the Respondent has admitted to the breach and when such an admission took place
- i) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach
- j) The evidenced personal circumstances of the Respondent.

Imposing a sanction without reference to a Student Behaviour Panel

5.4 Where the Tutor for Discipline decides to impose a sanction, one or more of the following sanctions are available:

- a) To require the Respondent to pay the cost of material damages up to the amount of £1,000
- b) To require the Respondent to pay a fine of up to £150
- c) To require the Respondent to provide a written apology
- d) To require the Respondent to engage with an educative or reflective session (including counselling)
- e) To require the Respondent to complete a written reflection
- f) To impose a 'no contact' order, specifying actions to prevent interaction between the Respondent and named person(s)
- g) To impose exclusion from prescribed College premises, facilities or activities for up to three terms, other than lectures, supervisions, classes, seminars and similar academic activities
- h) To impose community service of proportionate duration and to be determined by the Tutor for Discipline.

5.5 Within 5 working days of receiving the Investigation Report, the Tutor for Discipline shall provide to the Respondent in writing: the decision; the reasons for the decision; a copy of the Investigation Report; and the evidence. This may be provided to others in line with 2.29-2.33 of this procedure.

5.6 Where the Tutor for Discipline has imposed a sanction, the Respondent will have 10 working days from receiving the decision to appeal the decision to a Student Behaviour Panel.

Respondent's non-compliance with Tutor for Discipline's sanction

- 5.7 The Tutor for Discipline shall refer the case to the Student Behaviour Panel for consideration where the Respondent does not comply with the sanction(s) so that the Student Behaviour Panel can consider imposing more serious sanction(s).
- 5.8 The Tutor for Discipline may at any time withdraw a referral to the Student Behaviour Panel. Such a decision will be communicated in writing to the members of the Student Behaviour Panel, the Respondent and others in line with 2.29-2.33 of this procedure. If a referral to the Student Behaviour Panel is withdrawn then the Tutor for Discipline shall substitute an alternative decision in accordance with paragraph 5.2.

6 Student Behaviour Panel consideration

Support for the Panel

- 6.1 Where the Tutor for Discipline refers any case to the Student Behaviour Panel, the Education and Tutorial Office Manager shall act as Secretary to the Discipline Committee.

Conduct of the Panel

- 6.2 Except as set out in this procedure, the Chair of the Student Behaviour Panel has the power to determine its own procedure, including adjournment, other than as provided for in this procedure.
- 6.3 The meeting shall consist of phases including the Hearing Phase at which the evidence is heard and can be interrogated by the Panel including requesting additional evidence; the Deliberation Phase at which the members of the Panel determine whether a breach of College Regulations has been committed; and, if it is determined that there has been a breach, the Sanctions Phase.

Convening the Panel meeting

- 6.4 The Secretary of the Student Behaviour Panel shall organise a meeting of the Student Behaviour Panel and will communicate the membership of the Committee, date, time and location of the meeting to the Student Behaviour Panel members, the Investigator, the Tutor for Discipline (where not the Investigator), the Respondent (including Respondents, if more than one), and the Reporting Person (including Reporting Persons if more than one).

Information to be provided to the Panel

- 6.5 A copy of the Concern, the Investigation Report, the Student Disciplinary Procedure, the sanctions guidance, and a suggested running order of the meeting will be provided to all invitees at least 5 working days prior to the meeting of the Student Behaviour Panel.

Attendance of the Respondent at the Panel

- 6.6 The Respondent shall be expected to attend the Student Behaviour Panel meeting either in person or virtually.

Attendance of the Reporting Person at the Panel

- 6.7 Where the Respondent does not admit the alleged breach(es) of the College Regulations during the investigation or within 5 working days of receiving the

Investigation Report, the Reporting Person shall normally be invited to observe all or part of the Hearing Phase.

- 6.8 The Reporting Person may also be requested to attend the Hearing Phase to answer any questions from the Student Behaviour Panel, which may include questions received from the Respondent. The Reporting Person may choose to attend via video link, or if the meeting takes place in person, to attend in person. If the Reporting Person chooses to attend by video link, they can choose whether to be visible on camera or not.

6.9 *Non-attendance by Respondent or Reporting Person at the Panel*

The College has no power to compel a person to attend the Student Behaviour Panel. If the Respondent is unable to attend the Student Behaviour Panel meeting, it shall be at the Chair's discretion to decide whether the Respondent has provided a sufficient reason for absence, and is likely to attend at a future date, in which case the meeting date should be re-arranged as soon as reasonably convenient. The Student Behaviour Panel meeting may nevertheless proceed in the Respondent's absence. Where a person other than the Respondent declines to attend, the Student Behaviour Panel will take into account their reasons for doing so in determining what weight to attach to the information they have provided.

Admission of a breach by the Respondent

- 6.10 Where the Respondent admits the alleged breach(es) following 5 working days of the Investigation Report but before the Student Behaviour Panel determines whether a breach of the College Regulations has occurred, it will be for the Chair of the Student Behaviour Panel to determine whether to accept the admission or have the Student Behaviour Panel determine whether a breach of the College Regulations has occurred.

- 6.11 Where the Respondent admits the alleged breach(es) of the College Regulations, the Student Behaviour Panel will focus on what, if any, sanctions to impose. The Reporting Person will not be permitted to attend this part of the Student Behaviour Panel.

Denial of the breach or dispute of the evidence by the Respondent

- 6.12 Where the Respondent does not admit the alleged breach(es) and/or disputes evidence in the Student Behaviour Panel papers provided by a Reporting Person or Witness and has questions for that person, the Respondent can request, within 3 working days' of receiving the Investigation Report, that the Reporting Person or Witness attends part or all of the Hearing Phase of the Student Behaviour Panel to answer questions from the Student Behaviour Panel, which may include questions received from the Respondent that the Chair determines are relevant to be asked. The request shall include the questions that the Respondent wishes to be asked of the Reporting Person or Witness. A request to call a person will be considered by the Chair, who shall determine whether to request the Reporting Person or 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 Student Behaviour Panel to the Appeal Committee.

The Hearing Phase

- 6.13 The Tutor for Discipline will be present during the Student Behaviour Panel to outline the information gathered and presented in the Investigation Report and answer questions from those in attendance at the Committee.
- 6.14 During the Student Behaviour Panel meeting, there shall be the opportunity for the Panel members to ask questions of the Tutor for Discipline and the Investigator and, if in attendance, the Respondent, Reporting Student(s) and Witness(es). Where the Student Behaviour Panel meeting includes determining whether there has been a breach of the College Regulations, the Respondent and Reporting Person (and any representatives) shall have the opportunity to submit questions for the other to the Chair. If the Chair determines the questions are relevant, then the Chair shall ask these questions. The Tutor for Discipline shall also have the opportunity to ask questions. The Respondent shall have the opportunity to make a final statement before the Student Behaviour Panel proceeds to the Deliberation Phase.
- 6.15 Where the Respondent wishes to challenge the evidence of a Reporting Person or a Witness, the Chair of the Student Behaviour Panel will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Student Behaviour Panel virtually or physically to answer questions asked by the Chair. Alternatively, a further written response may be sought from the Reporting Person or Witness. The Student Behaviour Panel may pause the meeting to request further information where the Chair deems it appropriate to do so.
- 6.16 Once the Student Behaviour Panel is satisfied that it has received all of the relevant information, all persons except for the Panel members and the Secretary of the Student Behaviour Panel shall withdraw.

The Deliberation Phase

- 6.17 The Student Behaviour Panel shall consider all the information that has been provided and reach decisions as follows:
- a) To dismiss all or part of the case
 - b) To find that there has been a breach of the College Regulations.
- 6.18 Where the Student Behaviour Panel dismisses the case, the Chair shall immediately inform the Respondent.
- 6.19 Where the Student Behaviour Panel finds that the College Regulations have been breached, the Secretary shall inform the Student Behaviour Panel of any previous breaches of the College Regulations. The Respondent and the Tutor for Discipline shall be invited back into the meeting, informed of the outcome, and given the opportunity to make a statement and answer questions regarding the sanctions, if any, to be imposed. The Panel may ask questions of the Respondent and the Tutor for Discipline. The Respondent shall have the opportunity to make a final statement.

The Sanctions Phase

- 6.20 All persons except for the Panel members and the Secretary shall withdraw. The Student Behaviour Panel shall then consider the sanctions, if any, to be imposed. Consideration shall be given to the factors outlined in paragraph 5.3 of this procedure and the sanctions guidance. The Student Behaviour Panel can impose any sanctions listed at paragraph 5.4 or 6.21.

- 6.21 In addition to those sanctions set out in paragraph 5.4, further sanctions the Student Behaviour Panel can impose are as follows:
- a) Restrictions or conditions on the right to use or access College premises, facilities or services or, with the agreement of the University, relevant University premises, facilities or services
 - b) A fine of up to £500
 - c) Temporary suspension of membership of the College for a period of up to one term or the remainder of the Academic year, whichever shall be longer
 - d) Recommendation to the College Council of the removal of a scholarship or studentship
 - e) Recommendation to the College Council under College Statute 24 of permanent exclusion from membership of the College
 - f) Any penalty considered by the Student Behaviour Panel to be lighter than the above and which does not come under the sanctions laid out in College Statute 24.
- 6.22 In deciding upon the appropriate sanctions, the Student Behaviour Panel shall consider each sanction in turn and record in the report under 6.24 the reasons for the sanctions or measures imposed.
- 6.23 The Student Behaviour Panel shall consider whether to stipulate more serious sanctions that will be imposed in the circumstance that the Respondent does not comply fully with the sanctions initially imposed by the Student Behaviour Panel.

Informing the Respondent and Reporting Person

- 6.24 The Secretary of the Student Behaviour Panel, within 5 working days of the Student Behaviour Panel reaching a decision, shall provide to the Respondent and Reporting Person a report explaining the Student Behaviour Panel's decision, reasons for the decision and any sanctions applied. The Respondent shall be given information regarding the right of appeal and any Reporting Person who is a student will be given information about raising a student complaint. Any notes of the Student Behaviour Panel meeting taken by the Secretary, and agreed by the Chair, will be shared with the Respondent within 10 working days of the Student Behaviour Panel meeting. The notes of the Hearing Phase of the Student Behaviour Panel will be shared with the Reporting Person where they attended or requested the notes that be shared with them. The outcome will be shared with others in line with 2.29-2.33 of this procedure.

Non-compliance with sanctions

- 6.25 Where a Respondent subsequently fails to comply with any sanctions imposed by the Student Behaviour Panel, the Respondent will be subject to any sanction specified by the Student Behaviour Panel under paragraph 6.21.

7 The Appeal Committee

- 7.1 The Registry shall act as Secretary to the Appeal Committee. The President shall act as the Secretary if the Registry is unable to act as Secretary due to prior involvement in the case. The Secretary to the Appeal Committee has the authority to extend the appeal deadline, where there is a compelling reason to do so.
- 7.2 An appeal can be submitted on the following grounds, that:

- a) The procedures were not followed properly
 - b) The Student Behaviour Panel 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.
- 7.3 The Respondent will need to complete and submit an Appeal Form to the Registry, which includes all evidence the Respondent wishes to be considered as part of the appeal within 10 working days of receiving the written decision of the Student Behaviour Panel. The College will normally aim to reach a decision regarding an appeal within 30 days of the Respondent making the appeal.
- 7.4 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Secretary of the Appeal Committee, the Master shall convene a meeting of the College Council as under the procedures laid out in College Statute 4 (6).
- 7.5 The Appeal Committee shall consist of the College Council, chaired by the Master. Those who have prior involvement in the case will recuse themselves from the meeting. Those who have had a pastoral or teaching relationship with the Respondent or the Reporting Person shall declare this. The Master shall ask them to recuse themselves from the meeting unless their absence shall render the meeting inquorate, in which case they can remain at the discretion of the Master and President.
- 7.6 Except as set out in this procedure and the College Statutes for meetings of the College Council, the Master has the power to determine the Appeal Committee's own procedure, including adjournment.
- 7.7 The Registry shall communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the membership of the Appeal Committee attending the meeting.
- 7.8 The Appeal Committee shall receive the Respondent's Appeal Form and evidence, the Student Behaviour Panel report, the notes of the Student Behaviour Panel and the material considered by the Student Behaviour Panel at least 7 days before the Appeal Committee meeting.
- 7.9 The Appeal Committee shall normally consider an appeal in reserved business 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.
- 7.10 The Appeal Committee 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 in part or in whole.

- 7.11 Where the Appeal Committee has upheld an appeal on the grounds of new material evidence relating to a breach of the College Regulations, it will normally send the matter back for re-consideration by a new Student Behaviour Panel. Where the Appeal Committee has upheld an appeal on any other ground(s), it can choose to send the matter back for re-consideration by a Student Behaviour Panel, or alternatively it has the power to impose its own decision, including sanctions. Where the Appeal Committee considers a breach of the College Regulations has taken place, it can impose any sanction outlined in paragraphs 5.4 and 6.21 of this procedure, including more or less significant sanctions than were imposed by the Student Behaviour Panel for the same breach.
- 7.12 The Secretary of the Appeal Committee, within 5 working days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's 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.
- 7.13 Where the Appeal Committee has upheld an appeal, any affected Reporting Person or Witness will be given a copy of the Appeal Committee's decision and, reasons for the decision and any substituted decision, along with information about the Student Complaint Procedure where applicable.
- 7.14 Where the Student Behaviour Panel has imposed a sanction and the Respondent has appealed, the sanctions will not normally be implemented while the appeal is being considered. Paragraphs 2.22-2.26 of the procedure will remain in place during this time. Following the Appeal Committee's decision, any sanctions shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 7.15 Where a Respondent subsequently fails to comply with any sanctions imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken.

8 Reporting and Monitoring

- 8.1 The College shall monitor all Concerns reported using this procedure and shall produce an annual report summarising the anonymised decisions made by the Tutor for Discipline and the Appeal Committee. The annual report shall be submitted to the College Council.
- 8.2 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.

9 Excluded Offences

- 9.1 Some criminal offences are so serious that they are beyond the scope of the College to deal with them. These crimes are termed "excluded offences" and are removed

from the Procedure other than for the purposes of section 2.22-24 (Interim precautionary action), where the student admits responsibility, and taking consequential action in the event of a conviction in the criminal courts.

9.2 An excluded offence for the purposes of this Procedure is any offence of misconduct under Section 12 of the College Regulations which falls within one of the following categories:

- (a) That it amounts to an offence which is triable only on indictment
- (b) That it amounts to a criminal offence which is designed to facilitate or lead to an offence against the person (including a sexual offence) which is triable only on indictment
- (c) That it amounts to a criminal offence contrary to section 3 of the Sexual Offences Act 2003, unless the Tutor for Discipline is satisfied of the following:
 - (i) That there are no aggravating features
 - (ii) That the case if prosecuted in the criminal courts would be regarded as suitable for summary trial in the magistrates' court and on conviction would be unlikely to result in a custodial sentence; and
 - (iii) That the complaint is in all the circumstances appropriate to be handled under this Procedure and would not exceed the resources, powers or capacity of the College
- (d) That it amounts to any other criminal offence punishable by imprisonment where the Tutor for Discipline, having regard to all the circumstances and in particular to the seriousness, difficulty or complexity of the matter, at any stage reasonably considers that the investigation or hearing of the alleged offence would exceed the resources, powers or capacity of the College such that justice could not be done; or
- (e) That it constitutes any misconduct which by agreement or otherwise the College has yielded to the exclusive or primary jurisdiction of the University.

9.3. Subject to paragraph 9.6 below, it shall be for the Tutor for Discipline, having taken such legal advice as is deemed appropriate, to determine whether any alleged misconduct constitutes an excluded offence; and alleged misconduct which appears to the Tutor for Discipline to amount to a criminal offence triable only on indictment shall be so treated, and any lesser offence or offences included within that offence shall not be pursued under this Procedure as an alternative to the excluded offence.

9.4. In all circumstances under paragraph 9.2 above, where the Reporting Person wishes to raise a Concern, the Tutor for Discipline, having taken into account paragraph 9.3, will advise the student to access the University's Disciplinary Procedure or other appropriate options for pursuing the matter.

9.5. A complaint of misconduct within the terms of paragraph 9.2 above shall not be pursued under this Procedure unless there has first been a conviction for that offence in a criminal court or University proceedings, as the case may be, or the student against whom the complaint has been made accepts full responsibility and does not substantially dispute the facts alleged. If a student at first admits responsibility and subsequently, at any stage during the procedure, denies full responsibility then this process shall be halted and the Tutor for Discipline or the Chair of the Student Behaviour shall act under paragraph 9.4 above.

9.6. A Reporting Person may appeal to the Student Behaviour Panel against the Tutor for Discipline's determination that the Concern involves an excluded offence by giving notice of appeal to the Tutor for Discipline within 5 working days, and the Student Behaviour Panel shall determine whether the complaint falls within paragraph 9.2 above and proceed accordingly.

Owner: College Council

Last Reviewed: 29 September 2023

Date of Next Review: Easter Term 2025