

RULES OF BEHAVIOUR FOR STUDENTS

All students are responsible for following the Rules of Behaviour set out below. Not knowing or forgetting about the rules or their consequences is not a justification for not following them.

1. A student must:

- (a) behave considerately towards other members of the College, College staff or visitors;
- (b) comply with instructions issued by any person or body authorised to act on behalf of the College, in the proper discharge of their duties;
- (c) comply with all health and safety regulations and instructions issued by the College or other associated institution;
- (d) 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 [<https://www.legislation.gov.uk/ukpga/1986/61>];
- (e) comply with the Statutes and Ordinances and any rules and procedures established under the Statutes and Ordinances [<https://www.homerton.cam.ac.uk/PublicDocuments>]
- (f) comply with all regulations detailed in the Homerton College Student Handbook and College Policy documents, including the 'Policy on Dignity at Work and Study', the 'Student Sexual Assault and Harassment Policy', the 'Fitness to Study Policy' and – if applicable – the 'Fitness to Practice Policy';
[<https://www.homerton.cam.ac.uk/StudentDocuments>]
- (g) comply with the Laws of England and Wales.

2. A student must not:

- (a) interfere or attempt to interfere in the activities of the College, or any member of the College in the pursuit of their studies or in the performance of their duties;
- (b) damage, misappropriate or occupy without appropriate permission any College property or premises, or any property or premises accessed as a result of a College activity;
- (c) interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College;
- (d) damage or misappropriate property belonging to a member of the College; or belonging to anyone within College grounds or during the course of a College activity;
- (e) endanger the health and safety of anyone within College grounds or in the course of a University or College activity;
- (f) forge, falsify or improperly use information to gain or attempt to gain a personal advantage;
- (g) engage in behaviour that is disruptive, disorderly or deleterious to the work, wellbeing or reputation of Homerton College and its members.

3. The following definitions are applied under the Rules of Behaviour:

- (a) 'Activities of a College' include but are not limited to 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 College' 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>

4. 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 characteristics¹ 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;
- (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.

¹ 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

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	A panel of three fellows and one student of the College, which determines whether an appeal against a decision of the Board of Discipline is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures.
Board of Discipline	A panel of up to five senior members of the College, which determines whether the Rules of Behaviour have been breached in a serious case (i.e. a case potentially requiring disciplinary action above and beyond community service, a welfare charge, an alcohol ban, a curfew, or other minor sanction) and, if so, has the authority to impose sanctions or measures.
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.
Concern	The description of the behaviour causing concern, reported by the Reporting Person and submitted using a Concern Form or a Porters' Lodge Incident report.
Dean	A person with responsibility for determining whether a Concern should be investigated, conducting any investigation where necessary and determining the action taken following the investigation. Where a Concern is referred to the Board of Discipline, the Dean will present the investigative findings to that Board.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Rules of Behaviour.
Investigation Report	The report created by the Investigating Officer following an investigation, where necessary.
Reporting Person	A person who is reporting a Concern about a Student.
Respondent	A student whose conduct is the subject of a Concern.
Rules of Behaviour	The rules established by the College concerning the conduct of Students.
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. The Witness may be someone to whom the behaviour was directed, or a third party.

2. Scope and Principles

- 2.1 This procedure enables the College to consider whether a student has breached the Rules of Behaviour 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. It does not exist to resolve personal disputes.
- 2.2 Most minor disciplinary breaches will be dealt with directly by the Dean in an informal and timely manner and will not necessitate recourse to the full scope of the Disciplinary Procedure.
- 2.3 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 a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.
- 2.4 The procedure itself can be stressful for those involved. The Dean and decision-makers will take into account the potential effects upon those engaging with the procedure and, where possible, minimise 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 Students' Unions' Advice Service or external support organisations.
- 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 any reasonable adjustments known to the Investigating Officer so that these can be put in place. The Dean may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.
- 2.6 In order to ensure that a Respondent's views are accurately represented during the process it is preferable for the College to correspond directly with the Respondent. However, it is accepted that sometimes this will not be in the best interests of the Respondent, for example, where a Respondent is reluctant to make or receive decisions about a Concern without support, as a result of an underlying medical condition or disability. Where a Respondent would prefer correspondence to be directed through an authorized representative, permission needs to be provided by the Respondent in writing or via the Respondent's University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.
- 2.7 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in exceptional circumstances where there is a compelling case as decided by the Dean, supported by evidence, for the matter to be investigated. Where an anonymous Concern is accepted, the Concern will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.
- 2.8 Concerns are ideally submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary deadline for the submission of a Concern, although Respondents will need to be students at the time the Concern is raised to enable meaningful sanctions and measures to be imposed

- 2.9 The College shall 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 Board of Discipline decision within 60 days of informing the Respondent of the Concern. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reason. Respondents and Reporting Persons will be provided with updates where there is a delay.
- 2.10 Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances.
- 2.11 Where reasonable, physical meetings can be replaced by virtual meetings, where a Respondent, Reporting Person or Witness may attend a meeting by video or telephone call at the discretion of the Dean or Chair of the Committee/Panel.
- 2.12 All decision-makers and investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal knowledge of the Respondent or Reporting Person.
- 2.13 Any reference in this procedure to a named role includes a deputy that may be appointed by the Principal to exercise the functions assigned to that role-holder under this procedure.
- 2.14 Some breaches of the Rules of Behaviour 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. 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 to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.
- 2.15 The College will treat relevant police fines, cautions, reprimands, final warnings² 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 Rules of Behaviour has occurred.
- 2.16 Sometimes a Concern 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 Dean, in consultation with the Senior Tutor and/or 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 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.

² Reprimands and final warnings are no longer issued by the police but are noted here to provide a complete list of the types of warnings that are covered by this paragraph.

- 2.17 Some breaches of the Rules of Behaviour 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.
- 2.18 Where a Concern involves more than one Respondent, it will be at the discretion of the Dean to decide whether the Concern should be separated into separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and the Dean has chosen to refer the matter to the Board of Discipline, the Chair of the Board shall have the discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing 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 Board of Discipline, decision appeals shall usually be considered separately but by the same Appeal Committee.
- 2.19 In cases where the Dean (in consultation with the Senior Tutor) assesses that there is a need to put in place precautionary action whilst an investigation is ongoing, the Dean will liaise with the University to initiate the process outlined in the University's Statutes & Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I).
- 2.20 While the procedure is ongoing, a Respondent must not contact or attempt to contact the Reporting Person or any other Respondent(s) or Witness(es) to the alleged misconduct either directly or via another person. Except where precautionary action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Dean.
- 2.21 The College owes a duty of care to all members, including Reporting Persons, Witnesses and Respondents, to safeguard the interests and safety of the College.
- 2.22 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. If, following a warning, someone continues to behave in an unacceptable manner, that person 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 impacts upon the consideration of the Concern or a subsequent appeal.
- 2.23 The standard of proof used when making determinations under this procedure is *on the balance of probabilities*. This means that the Dean will have to prove that it is more likely than not that a breach of the Rules of Behaviour occurred before any sanctions or measures can be imposed on the Respondent. Decisions must be supported by evidence.

Information sharing

- 2.24 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.
- 2.25 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 Student Complaint Procedure (see Ordinance 26). 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.

- 2.26 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean 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.
- 2.27 The College shall share investigation findings, the reasoned determination of the Dean 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 any investigation or hearing. 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 Student Complaint Procedure (see Ordinance 26).
- 2.28 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.

3. Submitting a Concern

- 3.1 The College will normally be informed of a potential breach of the Rules of Behaviour by a Duty Porter or a Reporting Person. A Reporting Person should alert the Duty Porter of any potential breach as soon as possible following the event. 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.
- 3.2 To submit a Concern, the Reporting Person must complete and submit the Concern Form, together with any evidence the Reporting Person wishes to provide, to the Dean's office.
- 3.3 The Dean's office shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information where the Concern Form is incomplete, and to offer the Reporting Person a meeting to discuss the Procedure if

necessary, though this can take place before a Concern is submitted.

3.4 The Dean will determine whether the following criteria are met:

- a) there is an allegation that, on the face of it, would appear to breach the Rules of Behaviour;
- b) this procedure is the most appropriate procedure to use to investigate the matter; and
- c) the Concern has not already been investigated using this procedure.

3.5 Where all the criteria have been met, the Dean shall investigate the Concern. Where at least one of the criteria has not been met, the Dean shall not investigate the Concern.

3.6 Where part of the Concern has previously been investigated, it is at the discretion of the Dean to decide whether 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.

3.7 The Dean shall give written reasons for the decision about whether to commission an investigation and communicate the decision and the reasons to the Reporting Person in writing, within 7 days of making decision. Reporting Persons who are students and dissatisfied with the outcome may be able to make a complaint under the Student Complaints Procedure within 28 days of being notified of the decision.

3.8 Where an investigation is not commissioned and any complaint relating to this decision has been completed, the Respondent shall normally be notified in writing of the Concern, the decision of the Dean, the reasons for the decision, and confirmation that no further action will be taken under this procedure, unless the complaint is withdrawn by the Reporting Person. This notification shall normally be provided to the Respondent within 7 days of the Student Discipline Officer's decision, or where the Reporting Person is a student, within 7 days of the deadline for raising a complaint or, if a complaint is submitted, following the completion of the complaint. 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 In the case of most minor infractions, an initial meeting between the Dean and the Respondent will form the basis of any investigation of a concern. In some cases, the original concern will be sufficient to determine, on the balance of probabilities, that a breach of behaviour has occurred.

4.2 For more substantial breaches of behaviour where a full investigation is to be undertaken, the Dean shall write to the Respondent to confirm that a Concern 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 will provide a brief summary of the Concern, name the Reporting Person (unless, exceptionally, an anonymous or anonymised Concern has been accepted), 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 will inform the Respondent 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.

4.3 The Dean 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's written notes of any meeting that they have attended.

- 4.4 The Dean may meet with the Reporting Person and with the Respondent to receive an oral account. The Dean may meet with any Witnesses or instead collect information through written statements. The Dean shall give anyone impacted by the alleged behaviour being investigated the opportunity to provide an Impact Statement.
- 4.5 In addition to investigating the Concern itself, the investigation shall include gathering information about and investigating the seriousness of the Concern, 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 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 may request any other material that he or she 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 shall not normally seek it.

5. Dean's Decision

- 5.1 In the case of most minor infractions, the dean will communicate the outcome of the investigation to the Respondent in writing. For more serious cases, the Dean shall produce an Investigation Report, outlining the findings of the investigation.
- 5.2 Following the investigation, the Dean 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 (minor sanctions may ordinarily include a written warning; community service; a welfare charge; an alcohol ban; a curfew; or a lesser sanction);
 - 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 (more serious sanctions could include suspension or deprivation of membership of the College; temporary or permanent removal from College accommodation; or deprivation or any award and its emoluments);
 - c) Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure.
- 5.3 In considering whether to impose a minor sanction or measure, or refer the case to the Board of Discipline, the Dean 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 Collegiate University Community, including the content of any Impact Statement;
 - f) The frequency with which other Concerns about the Respondent have been raised

- and especially proved;
- g) Whether the Respondent has admitted to the breach and when such an admission took place;
 - h) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
 - i) The evidenced personal circumstances of the Respondent.
- 5.4 Where the Dean 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 or cleaning costs up to the amount of £250;
 - c) To require the Respondent to pay a welfare charge up to the amount of £100 and in accordance with published welfare charges for specified breaches;
 - d) To require the Respondent to engage in community service in a form appropriate to the College community (such as housekeeping);
 - e) To require the Respondent to provide a written apology;
 - f) To require the Respondent to engage in an educative or reflective session;
 - g) To require the Respondent to complete a written reflection;
 - h) To require the Respondent not to contact a Reporting Person or Witness.
 - i) To ban the Respondent from College functions and / or other social events not directly relevant to the Respondent's studies (including at other Colleges within the University, as appropriate);
 - j) To institute a curfew upon the Respondent, for a period determined by the Dean;
 - k) Any other reasonable measure which seems appropriate to the Dean in relation to the breach of conduct.
- 5.5 The Dean shall provide the decision and the reasons for the decision in writing within 7 working days of reaching a decision alongside a copy of the Investigation Report (where applicable) and evidence in line with 2.24-2.27 of this procedure. The Respondent will have 7 working days from receiving the decision to appeal in writing against the decision. Appeals should be directed to the Principal, who may in turn ask the Senior Tutor to convene the Board of Discipline or an Appeal Panel. (See Schedule 4 of Ordinance 25)
- 5.6 The Dean may refer the case to the Board of Discipline for consideration where the Respondent does not comply with the minor sanction or measure; or where the Dean considers that a minor sanction or measure is not appropriate.
- 6. Board of Discipline consideration**
- 6.1 Where the Dean refers any case to the Board of Discipline, the Principal or Senior Tutor shall assign a Chair and up to four further members to the Board of Discipline from among the senior members of the College who are available and have not had prior involvement in the case, normally taken from Panel A and B appointed annually by College Council (Ordinances Schedule 3).
- 6.2 The Board of Discipline shall consist of:
- a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) Up to three other Senior Members of College;
 - c) A Secretary (normally the Secretary to the Council / Governing Body)

- 6.3 The Secretary of the Board of Discipline shall organise a meeting of the Board of Discipline and will communicate the membership of the Committee, date, time and location of the meeting to the Board of Discipline members, the Investigating Officer, the Respondent and the Respondent's Senior Tutor.
- 6.4 The Respondent shall be provided with a copy of the Investigation Report and evidence, 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 as outlined in paragraph 7.8. 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 Appeal Committee. 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.
- 6.5 Respondents should attend the Board of Discipline 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.
- 6.6 The Board of Discipline, the Respondent and the Investigator shall receive a copy of the Board of Discipline papers; the Investigation Report and evidence, and any response provided by the Respondent, at least 7 days before the Board of Discipline hearing.
- 6.7 During the Board of Discipline meeting, there shall be the opportunity for the Committee members to ask questions of the Dean and, if in attendance, the Respondent. The Respondent (or the Respondent's representative) and the Dean will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 6.8 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.
- 6.9 Once the Board of Discipline is satisfied that it has received all of the information, all persons except for the members, Secretary and note taker of the Board of Discipline shall withdraw.

- 6.10 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.
- 6.11 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 Dean 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 Dean may provide further information including in relation to any Impact Statement and the Committee may ask questions. The Respondent (or the Respondent's representative) shall have the opportunity to make a final statement.
- 6.12 The Board of Discipline will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in Regulation 4 of the Rules of Behaviour and paragraph 5.3 of this procedure. The Board of Discipline can consider whether a minor sanction or measure, as outlined in paragraph 5.4, 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 of Discipline to be lighter.
- 6.13 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.
- 6.14 The Secretary of the Board of Discipline, within 7 days of the Board of Discipline reaching a decision, 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 with 2.25-2.27 of this procedure.
- 6.15 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 Regulation 1(a) of the Rules of Behaviour.

7. The Appeal Committee

- 7.1 The actions and procedures of the Student Appeals committee are specified in Ordinance 25.
- 7.2 An appeal can be submitted on the following grounds:
- a) That there has been a material breach of the College's procedures;
 - b) That the finding of fault by the Dean or Board of Discipline was unreasonable;

- c) That the penalty imposed was disproportionate, or not permitted under the procedures;
- d) That the Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;

7.3 In order to appeal the decision of the Dean or Board of Discipline, the Respondent will need to do so in writing to the Principal within three working days of receiving the decision. The appeal should include all evidence the Respondent wishes to be considered as part of the appeal.

7.4 The Principal may choose to take action on the appeal or may ask the Senior Tutor to convene the Appeal Committee (as specified in Ordinance 25).

7.5 The decision of the Principal or the Appeal Committee is final. The Respondent will be issued with a Completion of Procedures letter within 3 working days of the decision being made.

8 Reporting and Monitoring

8.1 The College shall monitor all Concerns reported made using this procedure and shall produce an annual report summarizing the anonymised decisions made by the Dean, the Board of Discipline and the Appeal Committee. The annual report shall be submitted to College Council.

9.2 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.

Appendix A

Flow chart of the template College Student Discipline Procedure

