CODE OF DISCIPLINE FOR STUDENTS

RULES OF BEHAVIOUR FOR STUDENTS

All Trinity Hall students are responsible for following the College’s Rules of Behaviour. Not knowing or forgetting about the rules is not a justification for not following them.

1. Students 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 another 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;
   (e) comply with the Statutes, Ordinances and Regulations of the College, and any rules, procedures or policies established by the College under its Statutes and Ordinances.

2. Students must not:
   (a) engage in violent or anti-social behaviour in the College;
   (b) behave abusively towards any other member of the College, member of the College staff or visitor;
   (c) engage in behaviour prejudicial to the good order of the College or liable to cause a disturbance in the College;
   (d) engage in behaviour liable to bring the College’s name and reputation into disrepute;
   (e) interfere or attempt to interfere in the activities of the College, or with any member of the College in the pursuit of their studies or in the performance of their duties;
   (f) 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;
   (g) interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College;
   (h) 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;
   (i) endanger the health and safety of anyone within College grounds or in the course of a University or College activity;
   (j) forge, falsify or improperly use College information to gain or attempt to gain a personal advantage.

3. The following definitions are applied under the Rules of Behaviour:
   (a) ‘Activities of the College’ include activities 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 and to provide identification upon request.
(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 illicit substances;
   (b) it was motivated by the protected characteristics\(^1\) or perceived protected characteristics of another;
   (c) the Respondent has previously been found to have breached the same rule of behaviour, or other rules of behaviour on more than one occasion;
   (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, knowingly misrepresent events 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.

Student disciplinary procedure

1. Glossary of key terms

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

- **Appellate Committee** A panel of five or more senior and junior members, which determines whether an appeal against a decision of the Junior Members Committee is upheld or dismissed, with the authority to amend, quash or 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.
- **Domus Tutor** The College Officer with a principal remit for the welfare of the Trinity Hall community as a whole. The Domus Tutor has delegated

\(^1\) 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.
responsibility for minor incidents of day-to-day community discipline, that are handled under a Tutorial remit. Should an instance arise that potentially represents a more serious breach of College discipline, the Domus Tutor will refer the matter to the Senior Tutor who will ask the Master to appoint an Investigating Officer.

Investigating Officer  The individual, appointed by the Master, responsible for assessing a matter that potentially represents a significant breach of College discipline. If the Investigating Officer is satisfied that a Concern should be investigated, the Investigating Officer will conduct the relevant investigation and, in consultation with the Domus Tutor and Senior Tutor, determine the action taken following the investigation. Where a Concern is referred to the Junior Members Committee, the Investigating Officer will present their investigative findings to the Junior Members Committee

Junior Members Committee  A panel of five or more senior and junior members, 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 measures such as a charitable donation, a fine, an alcohol ban or a curfew) and, if so, has authority to impose sanctions or measures

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

Student  Junior member of the College

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

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breaches of the Rules of Behaviour, and to protect the College and its community. It does not exist to resolve personal disputes.

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 a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.

2.3 The procedure itself can be stressful for those involved. The Investigating Officer and Junior Members Committee will take into account the potential effects upon those engaging with the procedure and, where appropriate and possible, minimise these effects. All members of the College who are 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 a College, the University, the Students’ Unions’ Advice Service or external support organisations. For students, the primary point of pastoral contact remains their individual Tutors, with further advice and consultation available, if required, from the Domus Tutor and Senior Tutor.

2.4 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, with sufficient notice to ensure that these can be put in place. The Investigating Officer may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.

2.5 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 authorised representative, permission needs to be requested by the Respondent in writing or via the Respondent’s University email account. Where this is appropriate, permission will be given and Respondent accorded reasonable time to arrange this support.

2.6 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in highly exceptional circumstances where there is a compelling case as decided by the Investigating Officer, 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.

2.7 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. In certain instances, if a significant amount of time
has elapsed before a Concern is raised, the delay may affect the extent to which matters can be effectively investigated.

2.8 If a matter is referred to an Investigating Officer, 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 Junior Members Committee 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 unavailable to attend meetings, or where the procedure has been suspended for good reason, such as coinciding with the University’s examination period. The Investigating Officer will ensure that Respondents and Reporting Persons are provided with updates if delays occur.

2.9 Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances.

2.10 Where reasonable, and at the discretion of the Investigating Officer or Chair of the Junior Members Committee, physical meetings can be replaced by virtual meetings, where a Respondent, Reporting at the discretion of the Person or Witness may attend a meeting by video or telephone call.

2.11 For cases referred to an Investigating Officer, all decision-makers and investigators will receive appropriate advice, guidance and support. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal (as opposed to professional) knowledge of the Respondent or Reporting Person.

2.12 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.

2.13 Some breaches of the Rules of Behaviour could also constitute criminal offences. The College is only empowered to investigate breaches of student rules of behaviour, with corresponding disciplinary sanctions. In certain circumstances, especially potentially very serious matters, the College’s limited powers of investigation and limited powers to compel or require evidence, mean that the College remains empowered to refer an investigation to another procedure that has been specifically resourced for such purposes, as outlined under Section 2.15 below. 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 continue, 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.

2.14 The College will treat relevant police fines, cautions 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 in and of itself prevent the College from undertaking its own investigation as to whether a breach of the Rules of Behaviour has occurred.
2.15 Sometimes a Concern may be more appropriately investigated under another procedure, for example, the University’s Procedure for Student Harassment and Sexual Misconduct, handled by the University’s Office for Student Conduct, Complaints and Appeals (OSCCA). Depending on the stage of the procedure reached it will be at the discretion of the Domus Tutor, in consultation with the Senior Tutor, or the Investigating Officer, 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, including once its own internal disciplinary procedure has started. 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.

2.16 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.

2.17 Where a Concern involves more than one Respondent, it will be at the discretion of the Investigating Officer 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 Investigating Officer has chosen to refer the matter to a Junior Members Committee, the Chair of the Junior Members Committee 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 Junior Members Committee, decision appeals shall usually be considered separately but by the same Appellate Committee.

2.18 In cases where the Domus Tutor, in consultation with the Senior Tutor, or the Investigating Officer, assesses that there is a need to put in place precautionary action whilst an investigation is ongoing, liaison will be undertaken with the Senior Tutor to take such action, and/or 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 l).

2.19 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 Master, after consultation with the Investigating Officer and Senior Tutor.

2.20 The College owes a duty of care to all members, including Reporting Persons, Witnesses, Respondents and Investigating Officers, to safeguard the interests and safety of the College.

2.21 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 in relation to the procedure, that person may be
subject to separate disciplinary action. The person may be required by a decision-maker to desist from engaging with this procedure or to engage in a limited manner, even if this impacts upon the consideration of the Concern or a subsequent appeal.

2.22 The standard of proof used when making determinations under this procedure is on the balance of probabilities. The burden of proof rests with the College; it is for the Investigating Officer prove that a breach of the Rules of Behaviour has occurred. This means that the Investigating Officer will have to demonstrate 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

2.23 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.

2.24 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 College Complaints Procedure. 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.

2.25 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Investigating Officer or Junior Members Committee, including any sanctions or measures with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the student may be connected, where it is appropriate to do so (for example, where the student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the College considers that someone may be at significant and immediate risk of harm, the College may disclose information received through this procedure to the police. When initiating an investigation, the Investigating Officer will inform the Respondent in writing of the circumstances by which the information about the case will be shared.

2.26 The College shall share investigative findings, the reasoned determination of the Investigating Officer or the Junior Members Committee, 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 College Complaints Procedure as outlined in Section 7 of the Student Handbook.

2.27 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 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.

3.2 To submit a Concern, the Reporting Person must submit relevant information or evidence to the Domus Tutor or Senior Tutor.

3.3 The Domus Tutor shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information where necessary, and to offer the Reporting Person a meeting to discuss the Procedure, though this can take place before a Concern is formally submitted.

3.4 The Domus Tutor 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 Domus Tutor shall refer the matter to the Senior Tutor who will ask the Master to appoint an Investigating Officer to investigate the Concern. Where at least one of the criteria has not been met, the Domus Tutor shall not investigate further, but refer the matter to the Senior Tutor to establish whether alternative forms of resolution are available within the College.

3.6 Where part of the Concern has previously been investigated, it is at the discretion of the Investigating Officer 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 disciplinary investigation, and whether there would be repercussions for the Respondent’s fitness to study were the decision taken not to investigate the matter.
3.7 The Investigating Officer 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, normally within 7 days of making the decision. Reporting Persons who are students of the College and dissatisfied with the outcome may be able to make a complaint under the College 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 Senior Tutor, 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 Senior Tutor’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 Where an investigation is undertaken, the Investigating Officer shall write to the Respondent to confirm that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been breached and that an investigation shall be conducted. The Investigating Officer will provide a brief summary of the Concern, name the Reporting Person (unless, very exceptionally, an anonymous 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 Investigating Officer will inform the Respondent of the avenues of Tutorial and other forms 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 Investigating Officer 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 Investigating Officer’s written notes of any meeting that they have attended.

4.3 The Investigating Officer shall normally meet with the Reporting Person and with the Respondent to receive an oral account. The Investigating Officer may meet with any Witnesses or instead collect information through written statements. The Investigating Officer shall give anyone impacted by the alleged behaviour being investigated the opportunity to make an impact statement.

4.4 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 Investigating Officer may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, door-locking evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Investigating Officer may request any other material that the Investigating Officer 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 Investigating Officer shall not normally seek it.

5. **The Investigating Officer’s Decision**

5.1 The Investigating Officer shall produce an investigative report, outlining the findings of the investigation.

5.2 Following the investigation, the Investigating Officer 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 ordinarily include a written warning; community service, a fine, an alcohol ban; a curfew; or a lesser sanction;
   
   b) To refer the case to the Junior Members Committee 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 imposed by the Junior Members Committee could include suspension or deprivation of membership of the College, temporary or permanent removal from College accommodation, or deprivation of any award of 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 Junior Members Committee, the Investigating Officer 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 The Investigating Officer shall normally provide the decision and the reasons for the decision in writing within 7 days of reaching a decision alongside a copy of the Investigation Report.
Where a minor sanction or measure is imposed, the Respondent will have 7 days from receiving the decision to appeal the decision to the Appellate Committee. Appeals should be submitted to the Senior Tutor.

5.5 The Investigating Officer may refer the case to the Junior Members Committee for consideration where the Respondent does not comply with the minor sanction or measure; or where the Investigating Officer considers that a minor sanction or measure is not appropriate.

6. Junior Members Committee consideration

6.1 The actions and procedures of the Junior Members Committee are specified in Ordinance 12 relating to Statute 12.

7. The Appellate Committee

7.1 The actions and procedures of the Appellate Committee are specified in Ordinance 12 relating to Statute 12.

7.2 Grounds for appeal are:
   a) That there has been a material breach of the College’s procedures;
   b) That the finding of fault was not reasonable;
   c) That the penalty imposed can be shown to have been unreasonable under the circumstances;
   d) That there is fresh evidence, which was not reasonably available for presentation to the Investigating Officer or Junior Members Committee at the time when their decisions were being made.

7.2 Appeals, which must be submitted to the Senior Tutor in writing, whether in hard copy or electronically, must specify which of the above grounds for appeal are being raised, and clearly explain why there are grounds for appeal.