



TRINITY HALL  
CAMBRIDGE

***Approved by the Statutes & Ordinances Committee, September 2020***

## **CODE OF DISCIPLINE FOR STUDENTS AND PDRAS**

The Code of Discipline is a formal code operating under Statute 12.

### **RULES OF BEHAVIOUR FOR STUDENTS AND PDRAS**

All Trinity Hall students and PDRAs 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 and PDRAs 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 the terms of any code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986 regarding meetings and public gatherings;
- (d) 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 and PDRAs 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 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, to enter a College room, 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.

**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 characteristics<sup>1</sup> or perceived protected characteristics of another;
- (c) the Respondent has previously been found to have breached the same rule of behaviour, or other rules of behaviour on more than one occasion;
- (d) the Respondent has not complied with any sanction or measure under the disciplinary procedure;
- (e) the Respondent has breached precautionary action measures whilst the 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.

## **DISCIPLINARY PROCEDURE FOR STUDENTS AND PDRAS**

### **1. Glossary of key terms**

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

<b>Appellate Committee</b>	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
<b>Completion of Procedures letter</b>	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
<b>Compliance Officer</b>	The Compliance Officer provides professional administrative services to the Bursar and College Officers and ensures that College administration complies with the prevailing regulatory environment

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

<b>Concern</b>	The description of the behaviour causing concern, reported (or referred) by the Reporting Person
<b>Dean of Discipline</b>	The College Officer with a principal remit for student and PDRA disciplinary matters, who has delegated responsibility from the Master for the handling of all disciplinary matters, including Investigations, under this Code. The term “Dean of Discipline” also includes a Fellow appointed by the Master to act as substitute for the Dean of Discipline in relation to a particular Concern.
<b>Disciplinary Committee</b>	A Committee convened by the Master, upon referral from the Dean of Discipline, to consider serious breaches of discipline by PDRAs. A Disciplinary Committee replaces a Junior Members Committee for PDRAs.
<b>Evaluation</b>	A preliminary and informal assessment of a Concern by the Dean of Discipline.
<b>Impact Statement</b>	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Rules of Behaviour
<b>Informal Procedures</b>	Disciplinary procedures for a Concern in which the Dean of Discipline determines, following an Evaluation, that the Code of Discipline has been broken but an Investigation is not required.
<b>Investigation</b>	A formal investigation by the Dean of Discipline into a Concern.
<b>Investigation Report</b>	The report created by the Dean of Discipline following an Investigation, which has resulted in the formation of Junior Members Committee
<b>Junior Members Committee</b>	A panel of five or more senior and junior members, which, after receiving a presentation of the investigative findings of the Dean of Discipline, 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
<b>PDRA</b>	Member of the College’s Post-Doctoral Research Associate scheme
<b>Reporting Person</b>	A person who is reporting a Concern about a Student or PDRA
<b>Respondent</b>	A student or PDRA whose conduct is the subject of a Concern

<b>Rules of Behaviour</b>	The rules established by the College concerning the conduct of Students and PDRAs
<b>Student</b>	Junior member of the College
<b>Witness</b>	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 or PDRA 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, and to protect the College and its community. It does not exist to resolve personal disputes, which may, where appropriate, be handled under the College Complaints Procedure.
- 2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. As such, formal rules of evidence do not apply. 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 and with the consent of the Dean of Discipline. Any request for legal representation at a meeting must be submitted in writing and in a timely manner to the Dean of Discipline.
- 2.3 All College officers involved in the handling and/or Investigation of a Concern shall declare any conflict of interest to the Master, who will assess it. If a conflict of interest is found to obtain, the relevant officer will resile from any involvement in the Concern and the Master will appoint an unconflicted substitute to act in their stead. In the case of the Compliance Officer, this will be from the College Staff. In the case of the Dean of Discipline or Senior Tutor, this will be from the Fellowship.
- 2.4 The procedure itself can be stressful for those involved. The Dean of Discipline 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 and provide sources of support. 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 Senior Tutor and the College's Welfare Team.
- 2.5 Reasonable adjustments shall be made to the procedure to allow fair access for students or PDRAs with a disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Dean of Discipline, with sufficient notice to ensure that these can be put in place. The Dean of Discipline may seek expert opinion

regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.

- 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 Dean of Discipline, 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 should be 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 deadline for the submission of a Concern but, if the Dean is of the view that there is no sufficient reason for delay in reporting the Concern and that it would be inappropriate to proceed, then no further action will be taken on it.
- 2.8 If a Concern is not disqualified by the Dean of Discipline according to the provisions of this Code, it shall be dealt with in a timely manner, with 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 Dean of Discipline 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 Dean of Discipline or Chair of the Junior Members Committee, physical meetings may be replaced by virtual meetings, where a Respondent, Reporting Person or Witness may attend a meeting by video or telephone call.
- 2.11 For Concerns referred to the Dean of Discipline, such specialist advice, guidance and support may be sought as the Dean of Discipline considers appropriate.
- 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 the College's 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 a Concern to

another procedure that has been specifically resourced for such purposes, as outlined under Section 2.15 below. The College will not normally proceed with a Concern while criminal proceedings in relation to it 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 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. However, the results of a Police investigation or criminal proceedings may, where appropriate and at the discretion of the Dean of Discipline, be taken into consideration when dealing with a Concern.
- 2.15 Sometimes a Concern may be more appropriately investigated by another authority, for example, under 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 Dean of Discipline, where appropriate in consultation with the Senior Tutor, to decide which procedure is most appropriate to investigate student or PDRA behaviour. The College reserves the right to refer a Concern to another authority at any time, whether or not its own internal disciplinary procedure has started or concluded. Sometimes a Concern will be appropriately investigated under this Code but nonetheless, following the outcome, it will be necessary to refer the matter to another authority.
- 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. Where it considers it appropriate, the College will take into consideration the outcome of any action taken by the University prior to the conclusion of the College's procedure.
- 2.17 Where a Concern involves more than one Respondent, it will be at the discretion of the Dean of Discipline 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 of Discipline 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 The Dean of Discipline, after consultation with the Senior Tutor, may put in place precautionary action whilst an investigation is ongoing and, should it appear necessary to protect any person while the Concern is dealt with by the College, may further request the University to impose precautionary action.
- 2.19 The Dean of Discipline may impose such restrictions on communication between a Reporting Person, Respondent(s) and Witness(es) as they consider to be required until the completion of disciplinary procedures under this Code.
- 2.20 The College owes a duty of care to all members, including Reporting Persons, Witnesses, Respondents and the Dean of Discipline, 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 Dean of Discipline to prove that a breach of the Rules of Behaviour has occurred. This means that the Dean of Discipline 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.
- 2.23 If, at any stage of a procedure, the Dean of Discipline determines that a Concern has knowingly been falsely reported or made with malicious or vexatious intent by a Reporting Person, then the Concern will be dismissed. Falsely reporting a Concern or making one with malicious or vexatious intent shall constitute an interference, or attempted interference, in the activities of the College, contrary to the Rules of Behaviour, and disciplinary action may be initiated against the Reporting Person in that regard.

### *Information sharing*

- 2.24 The sharing of information in relation of a Concern shall comply with the College's policy on the use of personal information under the Code of Discipline for Students (see Appendix).
- 2.25 The College will 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 held by the College in relation to a Concern, and in particular information received from a Reporting Person, Respondent, Witness or staff

member, shall be handled sensitively and in accordance with the College's policy on the use of personal information under the Code of Discipline for Students.

- 2.26 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, taking into account the College's requirements to comply with Data Protection Law. 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.
- 2.27 To the extent that it is permitted by Data Protection Law to do so and the College considers it necessary to do so, the College may share the initiation of an Investigation, the Investigation findings and the reasoned determination of the Dean of Discipline 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 or PDRA may be connected, (for example, where the student or PDRA holds a position of responsibility for children or vulnerable adults). Where 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.
- 2.28 The College shall share investigative findings, the reasoned determination of the Dean of Discipline or the Junior Members Committee, and sanctions or measures with the Reporting Person and Witnesses to the extent that such information has a direct and material impact on the Reporting Person or Witness. The sharing of this information shall be at the discretion of the Dean of Discipline and with regard to Data Protection Law. The Reporting Person or Witness cannot appeal the decision not to investigate a Concern nor can they 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.
- 2.29 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. The College reserves the right to initiate disciplinary proceedings against any party who identifies any individual involved in the evaluation and investigation of a Concern.

### **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 Any member of the College may submit a Concern. For the purposes of this procedure, “member of the College” includes junior members *in statu pupillari*, PDRAs, staff, Fellows and College Officers.
- 3.3 Non-members of the College may not submit a Concern.
- 3.4 To submit a Concern, the Reporting Person must provide relevant information to the College’s Compliance Officer by submitting a Concern Form, available at: <https://inthnet.trinhall.cam.ac.uk/forms/>
- 3.5 The Compliance Officer shall communicate with the Reporting Person to acknowledge the Concern that has been received.
- 3.6 The Compliance Officer shall forward the Concern Form to the Senior Tutor, who will evaluate whether the Concern should be forwarded to the Dean of Discipline for consideration under the Code of Discipline or handled through other College procedures.
- 3.7 In assessing whether a Concern merits consideration under the Code of Discipline, the Senior 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.
- 3.8 Where all the criteria have been met, the Senior Tutor will refer the Concern to the Dean of Discipline. Where at least one of the criteria has not been met, the Senior Tutor will consider alternative forms of resolution within the College.
- 3.9 The Compliance Officer shall communicate the decision on whether a Concern is to be forwarded to the Dean of Discipline and the reasons for the decision to the Reporting Person in writing, normally within 7 days of the decision having been made. Reporting Persons who are students or PDRAs 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.
- 3.10 If a Complaint is not received within the timeframe specified in 3.9, the Senior Tutor’s decision shall be final, and the College will consider the Concern closed.

#### **4. Evaluation of a Concern**

- 4.1 On receiving a Concern, the Dean of Discipline shall conduct a preliminary evaluation of it and may interview the Reporting Person or gather whatever evidence may be required to make an Evaluation. For the purposes of these procedures, an Evaluation is not an Investigation.
- 4.2 The Dean of Discipline shall decide whether to initiate disciplinary procedures by considering whether:

- (a) the Concern is frivolous, manifestly ill-founded or vexatious;
- (b) the Concern would be more appropriately disposed of with a warning or advice to the Reporting Person and/or the Respondent;
- (c) the Concern has been reported to the Police or referred to the University's disciplinary procedures;
- (d) the Concern would be more appropriately dealt with under another College or University procedure; and
- (e) the College has the resources, powers or capacity to investigate.

4.3 It will be at the discretion of the Dean of Discipline to disallow a Concern, or any part of a Concern, where they consider that it would be just to do so in consequence of the outcome of previous disciplinary proceedings.

4.4 The Reporting Person shall be informed by the Dean of Discipline, normally within 7 days of the Senior Tutor's referral of the Concern, of the decision regarding the initiation of disciplinary proceedings, with the reasons for it and with reference to this document. If no further action is to be taken, the Dean of Discipline may discuss with the Reporting Person other means of reporting the Concern, including to the Police, the University, or another body.

4.5 If the Dean of Discipline determines that a Concern has knowingly been falsely reported or made with malicious or vexatious intent a report shall be made to the Senior Tutor, who will decide whether disciplinary action should be initiated against the Reporting Person in that regard.

4.6 Reporting Persons who are Students or PDRAs of the College and dissatisfied with a decision of the Dean of Discipline not to initiate disciplinary proceedings in relation to their Concern may make a complaint under the College Complaints Procedure.

4.7 If a Complaint is not received within 28 days of being notified of the decision, the Dean of Discipline's decision shall be final, and the College will consider the Concern closed.

4.8 If the Concern merits consideration under the Code of Discipline, the Dean of Discipline will either:

- (a) determine that the matter is sufficiently minor and straightforward to be handled under Informal Procedures; or
- (b) determine that the matter is sufficiently serious and/or complex to commence an Investigation into the Concern.

## **5. Informal Procedures**

5.1 Informal Procedures shall be used for disciplinary matters deemed by the Dean of Discipline, following an Evaluation, to be minor infractions of the Code of Discipline that do not require an Investigation.

- 5.2 In determining whether a Concern should be handled using Informal Procedures, the Dean of Discipline shall take into account evidence gathered in the Evaluation and shall employ the same standard of proof as for all Concerns, i.e. on the balance of probabilities.
- 5.3 Normally within 7 days of reaching a decision, the Dean of Discipline shall inform the Respondent in writing of it, explaining the reason for it, and indicating what minor sanction/s (if any) are to be imposed. Minor sanctions include, but are not limited to:
- (i) a written warning;
  - (ii) community service;
  - (iii) a fine;
  - (iv) an alcohol ban; a curfew;
  - (v) a formal written apology to the Reporting Person or any other person(s) affected by the breach of the College Rules, which shall be subject to the approval of the Dean of Discipline;
  - (vi) a formal written reflection on the behaviour and its consequences as prescribed by the Dean of Discipline;
  - (vii) a restriction on use of College facilities, including but not limited to common rooms, the bar;
  - (viii) a lesser sanction.
- 5.4 A Respondent who is dissatisfied with the Dean of Discipline's decision may, within 7 days of receipt of the Dean of Discipline's written communication, seek its variation by making a complaint using the College's Complaints Procedure. If a complaint is not received within the timeframe specified in 5.4, the Dean of Discipline's decision shall be final, and the College will consider the Concern closed.
- 5.5 The Dean of Discipline shall inform the Reporting Person in writing of the decision, normally within 7 days of reaching it.

## **6. Investigation of a Concern**

- 6.1 The Dean of Discipline shall conduct an Investigation of the Concern in a timely manner, keeping a record of every interview and statement, and reach one of the following decisions:
- (a) that there has been a breach of the College Rules and to impose one or more appropriate sanctions or measures;
  - (b) that a serious breach of the College Rules has occurred, which requires the formation of a Junior Members Committee (for Students) or Disciplinary Committee (for PDRAs)
  - (c) that a breach of the College Rules cannot be proven and to dismiss the Concern;
  - (d) that it is not appropriate to consider the matter further under these Procedures and either to close the proceedings or refer the Concern to another College or University procedure or to the Police.
- 6.2 Where an Investigation is undertaken, the Dean of Discipline 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 Dean of Discipline will provide a brief summary of the Concern, name the Reporting Person (unless, very exceptionally, an anonymous Concern has been accepted), and draw to the Respondent's attention the investigation process, the possible outcomes, including referral to other procedures, and who may need to be informed of these outcomes, as outlined in the Code of Discipline. The Dean of Discipline 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.

- 6.3 The Dean of Discipline's Investigation may require written statements, meetings and evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. The Respondent may be accompanied or represented at any investigatory meetings by a person of his or her choice who falls within an approved category determined by the Governing Body, provided that that person is willing to act and is approved by the Master. Other persons required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting (excepting legal representation, per 2.2 of this procedure) and will be directed to appropriate sources of support. At the meeting they may present written information, evidence and the names of any Witnesses and shall have the opportunity to comment on the Dean of Discipline's written notes of any meeting that they have attended under this procedure.
- 6.4 The Dean of Discipline shall, where appropriate, meet with the Reporting Person and with the Respondent to receive an oral account. The Dean of Discipline may meet with any Witnesses or instead collect information through written statements. The Dean of Discipline may decide to give anyone significantly impacted by the alleged behaviour being investigated the opportunity to make an Impact Statement.
- 6.5 In addition to investigating the Concern itself, the Investigation shall include gathering information about and considering 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 of Discipline may collect, 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 Dean of Discipline may request any other material considered to provide value to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Dean of Discipline will not normally seek it.

## **7 The Dean of Discipline's Decision**

- 7.1 Following the Investigation, the Dean of Discipline shall reach one of the following decisions:
- a) To impose a sanction or appropriate measure where a breach of the Rules of Behaviour has occurred. Such sanctions may include, but are not limited to:
    - (i) a written warning;

- (ii) community service;
  - (iii) a fine;
  - (iv) an alcohol ban; a curfew;
  - (v) a formal written apology to the Reporting Person or any other person(s) affected by the breach of the College Rules, which shall be subject to the approval of the Dean of Discipline;
  - (vi) a formal written reflection on the behaviour and its consequences as prescribed by the Dean of Discipline;
  - (vii) a restriction on use of College facilities, including but not limited to common rooms, the bar;
  - (viii) a lesser sanction.
- b) If the Respondent is a Student, 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) If the Respondent is a PDRA, to refer the matter to a Disciplinary 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 could include suspension or deprivation of participation in the PDRA scheme.
  - d) Where neither a) nor b) nor c) is appropriate:
    - (i) to take no further action;
    - (ii) to refer the matter for decision under another procedure.

7.2 Where deemed necessary for safeguarding reasons, including those related to public health, temporary removal from College accommodation and limiting access to the College and its facilities may be imposed during or as a result of the investigation, per 2.18 of this procedure.

7.3 In considering whether to impose a sanction or appropriate measure, or refer the case to the Junior Members Committee or Disciplinary Committee, the Dean of 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 Collegiate University Community, including the content of any Impact Statement;
- f) Any previous breaches of the Rules of Behaviour by the Respondent;
- 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.

- 7.4 For serious breaches of discipline requiring the formation of a Junior Members Committee or Disciplinary Committee, the Dean of Discipline shall produce an Investigation Report. For minor/less serious breaches of discipline, the Dean of Discipline shall not be required to produce an Investigation Report.
- 7.5 The Dean of Discipline shall normally provide the decision and the reasons for the decision in writing to the Respondent, normally within 7 days of reaching a decision, alongside a copy of the Investigation Report (in cases of serious breaches of discipline). Where a minor sanction or measure is imposed, the Respondent will have 7 days from receiving the decision to make a complaint using the College Complaints Procedure (per 5.4 of this procedure).
- 7.6 If a complaint is not received within the timeframe specified in 7.5, the Dean of Discipline's decision shall be final, and the College will consider the Concern closed.
- 7.7 The Dean of Discipline may refer the case to the Junior Members Committee or Disciplinary Committee for consideration where the Respondent does not comply with the minor sanction or measure; or where the Dean of Discipline considers that a minor sanction or measure is not appropriate.
- 7.8 The Dean of Discipline shall provide the decision and the reasons for the decision in writing to the Reporting Person, normally within 7 days of reaching a decision.

## **8. Junior Members Committee Consideration**

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

## **9. The Appellate Committee**

- 9.1 The actions and procedures of the Appellate Committee are specified in Ordinance 12 relating to Statute 12.
- 9.2 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 Dean of Discipline or Junior Members Committee at the time when their decisions were being made;
  - e) That there was bias or a reasonable perception of bias during the procedures.
- 9.3 Appeals, which must be submitted to the Master 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.

## **10. Disciplinary Committee**

- 10.1 A Disciplinary Committee replaces a Junior Members Committee for PDRA's.
- 10.2 Upon referral from the Dean of Discipline, the Master shall convene a Disciplinary Committee to consider alleged serious breaches of the Rules of Behaviour by a PDRA.
- 10.3 Membership of a Disciplinary Committee shall be: The Master (Chair); a Graduate Tutor; two Fellows; a member of the MCR committee. The Master shall select members from the Fellowship. The MCR shall nominate a member of the MCR Committee. All members shall have an equal vote, with the Master holding the casting vote.
- 10.4 The Disciplinary Committee shall receive from the Dean of Discipline the Investigation Report of the Concern. The Committee shall be empowered to make any further investigations it requires and shall maintain a written record of all meetings, interviews and evidence. The Respondent may be accompanied by a non-legal person of their choice at meetings.
- 10.5 The Respondent shall be invited to make written representation to the Committee.
- 10.6 The Committee shall consider all the evidence at its disposal and shall reach one of the following decisions:
  - a) To determine that a serious breach of the Rules of Behaviour has occurred and to suspend or terminate the Respondent's participation in the PDRA scheme.
  - b) To impose a minor sanction or appropriate measure where a breach of the Rules of Behaviour has occurred. Minor sanctions may include:
    - (i) a written warning;
    - (ii) community service;
    - (iii) a fine;
    - (iv) an alcohol ban; a curfew;
    - (v) a formal written apology to the Reporting Person or any other person(s) affected by the breach of the College Rules, which shall be subject to the approval of the Dean of Discipline;
    - (vi) a formal written reflection on the behaviour and its consequences as prescribed by the Dean of Discipline;
    - (vii) a restriction on use of College facilities, including but not limited to common rooms, the bar;
    - (viii) a lesser sanction.
  - c) Where neither a) nor b) is appropriate:
    - (i) to take no further action;
    - (ii) to refer the matter for decision under another procedure.
- 10.7 The Committee shall communicate its decision, accompanied by the reasons for its decision and a report of its proceedings, to the Respondent, normally within 7 days of reaching a decision.

10.8 A Respondent who is dissatisfied with the Committee's decision may, within 7 days of receipt of the Committee's written communication, seek its variation by making a complaint using the College Complaints Procedure. If a complaint is not received within the timeframe specified in 10.8, the Committee's decision shall be final, and the College will consider the Concern closed.

## **11. Completion of Procedures**

- 11.1 Disciplinary procedures are considered complete when:
- (a) decisions have been taken, communicated, and not appealed, under the terms specified in this procedure; or
  - (b) when any and all appeals have been completed.
- 11.2 Issuance of a Completion of Procedures letter is confirmation that the College's internal procedures have been exhausted.
- 11.3 A Respondent who is dissatisfied with the outcome of an appeal to the Appellate Committee may make a complaint to the Office of the Independent Adjudicator for Higher Education (OIA) within 12 months of the College's Disciplinary Procedure having concluded. The OIA will not usually consider a complaint which has not been through all stages of the College's Disciplinary Procedure and for which the student cannot provide a Completion of Procedures letter. The College will issue a Completion of Procedures letter at the conclusion of its internal processes whenever there is no further internal avenue for appeal.

Further details of the OIA's remit, together with a link to the OIA complaint form, can be found at [http://www.oiahe.org.uk/media/42715/oia\\_intro\\_leaflet\\_16pp.pdf](http://www.oiahe.org.uk/media/42715/oia_intro_leaflet_16pp.pdf) and additional information about the OIA is also available from the College's Compliance Officer.

## **Appendix: Policy on the use of personal information under the Code of Discipline for Students**

*A copy is to be provided to the Reporting Person/Respondent at the earliest contact and published on the College's website.*

1. In order to deal with a Concern raised under the Code of Discipline for Students it will be necessary for the College to process the personal data of the Reporting Person(s) and the Respondent(s) in accordance with this policy. The overall purpose of processing personal data in the context of the investigation and resolution of a Concern is to decide what steps can appropriately be taken in response to such Concerns. Personal data will be disclosed only to those persons who need to see such data for the purposes of conducting an investigation, responding as part of an investigation, determining or recommending a resolution, or deciding what other steps can appropriately be taken. No person will be told any more about the investigation than is strictly necessary in order to obtain the information required from them. Such persons may include:
  - staff within the College, including the Senior Tutor, Dean of Discipline and Compliance Officer;
  - individuals named or involved in the Concern, such as Students, Fellows, staff, or external bodies;
  - authorised representatives of other external bodies involved in the Concern;
  - a representative(s) from the department(s) which is the subject matter of the Concern;
  - the College's external legal advisors;
  - the Master (or other relevant officer); and
  - a Reporting Person's/Respondent's authorised representative.

Documentation generated in the course of an investigation under the procedure will normally be disclosed in full to the Reporting Person and the Respondent except where information relates to an individual who has not consented to the disclosure of personal data, or where the decision-maker determines there is a compelling reason not to do so. The full outcome of any disciplinary hearing will only be shared with the Respondent in the proceedings.

2. The College will seek the Reporting Person's/Respondent's written consent before notifying the Reporting Person's/Respondent's Tutor or Postgraduate Tutor that a Concern has been submitted so that they are aware of the Concern and are able to assist in providing support.
3. The College will seek the Reporting Person's/Respondent's written consent before liaising with appropriate staff members, including staff of the Disability Resource Centre, regarding support and any reasonable adjustments for disabled students.
4. Following completion of the procedure, the Concern, the documentation generated in the course of an Investigation, and the decisions made under the procedure, will be retained securely by the Compliance Officer for seven years following the completion of the Concern. This information will be used for the purposes of responding to any complaints regarding the application of this procedure as well as for compiling anonymous statistics regarding its use. Further, where any Concern is subsequently submitted under this procedure by the same Reporting Person, or a Concern is subsequently raised against the same Respondent, this

information may be taken into account in reaching a decision under paragraph 4.1 or 4.3 of the procedure. The information may also be provided to other relevant officer(s), if relevant, for referral for consideration under another procedure under paragraph 4.2 or 4.4 of this procedure.

5. Nothing in this policy is intended to prejudice any rights of access to personal data which any person may have under data protection legislation as applicable at the time or otherwise.
6. Any questions or concerns about this policy should be directed to the Compliance Officer in the first instance.