
Student Discipline Policy

The Newnham College Student Discipline Policy applies to all registered students of the College, both Undergraduate and Postgraduate. Students at Newnham contribute to a College culture which is welcoming and inclusive. Accordingly, students are expected always to behave considerately, courteously, kindly and in an orderly manner. This policy sets out what this means in practice.

It consists of two parts:

1. The Rules of Behaviour for Students
2. The Student Disciplinary Procedure

The Student Discipline Policy is regularly reviewed by the College Council and is updated on the College's website. This review takes into account changes which the University of Cambridge makes to its Student Disciplinary Framework, which is binding on all students of the University.

RULES OF BEHAVIOUR FOR STUDENTS

All Newnham College students are responsible for following the Rules of Behaviour. Not knowing or forgetting about the rules or their consequences is not a justification for not following them. Newnham College students are also responsible for following the University's Rules of Behaviour: <https://www.studentcomplaints.admin.cam.ac.uk/student-discipline>

All members of the College are responsible for their own safety, must not endanger the health and safety of anyone within College grounds or in the course of a University or College activity, and must be mindful of how their actions may impact the safety of others.

- I. Students must:
 - a.) comply with instructions issued by any person or body authorized to act on behalf of the College, in the proper discharge of their duties;
 - b.) comply with all health and safety regulations and instructions issued by the College or other associated institution;
 - c.) inform the College and the University of any relevant unspent criminal conviction;
 - d.) comply with the terms of the code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986 and by the Higher Education (Freedom of Speech) Act 2023 regarding meetings and public gatherings on College grounds;
 - e.) comply with the Conditions of Membership set out in that document, and with the terms of their Room Licence if resident in College;
 - f.) comply with the Statutes and Ordinances of the College and any rules and procedures or policies established under the Statutes and Ordinances, including those in the Student Handbook and on the College website.



2. Students 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.) engage or attempt to engage in physical misconduct, sexual misconduct or abusive behaviour: towards a member of the collegiate University community; or towards anyone within the precincts of the University as defined in its Ordinances or during the course of a University or College activity; (Note that any disciplinary procedures under this rule of behaviour will be subject to the University student disciplinary procedure in https://www.studentcomplaints.admin.cam.ac.uk/files/2023-10_01_revised_sdf_and_sdp.pdf rather than the College student disciplinary procedure below);
 - e.) 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;
 - f.) endanger the health and safety of anyone within College grounds or in the course of a University or College activity;
 - g.) forge, falsify or improperly use information to gain or attempt to gain an academic or personal advantage;
 - h.) engage in any form of academic misconduct.
3. A formerly registered student must not forge, falsify or improperly use examination results, academic achievements, data, documents or awards whether received from the College or the University.
4. The following definitions are applied under the Rules of Behaviour:
 - a.) A 'formerly registered student' is a person who has previously had the status of a registered student. Where a formerly registered student is also an employee of the University and the alleged misconduct concerns conduct in that capacity as employee, the matter shall not be dealt with under the student disciplinary procedure and shall be referred for consideration under the relevant staff disciplinary procedure.
 - b.) 'Activities of a College' include activities in which a student is participating that involve other organisations working in partnership with the College. A non-exhaustive list of examples of such organization are other higher educational institutions, research organisations, research funders, collaborators, work placement settings and educational charities.
 - c.) 'Physical misconduct' is any unwanted and unreasonable contact. Physical misconduct includes pinching, punching, kicking, slapping, pulling hair, biting, pushing, shoving, using weapons and using items as weapons.
 - d.) 'Sexual misconduct' is any unwanted and unpermitted sexual activity. Sexual activity includes sexual acts, kissing, sharing private sexual materials of another, touching through clothes, showing sexual organs and remarks of a sexual nature. Sexual misconduct can take place in physical or virtual environments.



- e.) 'Abusive behaviour' is any unwanted behaviour which is reasonably likely to cause harm; or have the effect of violating another's dignity; or create an intimidating, hostile, degrading, humiliating or offensive environment for that other. It includes threats, abusive comments, the use of or supply of illicit substances, making malicious accusations, repeatedly contacting someone, and abuse that takes place within an intimate relationship. Abusive behaviour can take place in physical or virtual environments.
- f.) The word 'unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for a person to object to the behaviour for it to be unwanted.
- g.) The word 'unpermitted' means 'not permitted' or 'unauthorised'. A number of behaviours can indicate where permission has been given, for example, verbal comments or physical actions. Permission for an activity can only be given at the time it is taking place and where the person has the choice to give or not give permission. Where there is disagreement as to whether an activity was unpermitted, the applicable test shall be, taking all circumstances into account, whether a reasonable person would consider the activity was unpermitted.
- h.) 'Instructions issued by any person or body authorised to act on behalf of the University' include requests to attend meetings and to provide identification upon request.
- i.) 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.
- j.) '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.governanceandcompliance.admin.cam.ac.uk/files/code_of_practice_on_meetings_and_public_gatherings_on_university_premises.pdf.
- k.) 'Rules and procedures established under the Statutes and Ordinances' include policies and procedures that govern student conduct (including those contained in the Student Handbook and on the College website).
- l.) 'Academic misconduct' is gaining or attempting to gain, or helping others to gain or attempt to gain, an unfair academic advantage in formal University assessment, or any activity likely to undermine the integrity essential to scholarship and research. It includes being in possession of unauthorised materials or electronic devices during an examination, including recording or communication devices or devices that can store data, even where Registered Students are unaware that such materials or devices are unauthorised, have no intention of using them, or are unaware that they have them in their possession. Academic misconduct also includes:
 - i. Plagiarism: using someone else's ideas, words, data, or other material produced by them without acknowledgement;
 - ii. Self-plagiarism: using the Registered Student's own ideas, words, data or other material produced by them and submitted for formal assessment at this University or another institution, or for publication elsewhere, without acknowledgement, unless expressly permitted by the assessment;
 - iii. Contract cheating: contracting a third party to provide work, which is then used or submitted as part of a formal assessment as though it is the Registered Student's own work;



- iv. Collusion: working with others and using the ideas or words of this joint work without acknowledgment, as though it is the Registered Student's own work, or allowing others to use the ideas or words of joint work without acknowledgment;
 - v. Impersonating someone or being impersonated in an examination or arranging for someone to impersonate someone else by sitting their examination;
 - vi. Fabrication, falsification or misrepresentation of data, results or other outputs or aspects of research, including documentation and participant consent, or presenting or recording such data, etc, as if they were real; or
 - vii. Failure to meet legal, ethical and professional obligations in carrying out research. This includes failure to follow agreed protocol if this failure results in unreasonable risk or harm to humans, other sentient beings or the environment, and facilitating of misconduct in research by collusion in, or concealment of, such actions by others. It includes any plan or conspiracy to attempt to do any of these things.
- m.) A 'relevant' unspent criminal conviction includes a conviction for the following:
- i. Any kind of violence including (but not limited to) threatening behaviour, offences concerning the intention to harm or offences which resulted in at least actual bodily harm.
 - ii. Sexual offences, including those listed in the Sexual Offences Act 2003.
 - iii. The unlawful supply of controlled drugs or substances where the conviction concerns commercial drug dealing or trafficking (drug offences only involving possession are not relevant offences).
 - iv. Offences involving firearms.
 - v. Offences involving arson.
 - vi. Offences involving terrorism.
- If a student was convicted outside the United Kingdom for the type of offence listed above, this is also considered a relevant conviction.
- For the purposes of this definition, out of court disposals are considered to be convictions. Penalty notices for disorder (PNDs), anti-social behaviour orders (ASBOs) or other orders are not considered to be convictions, unless contesting a PND or breaching the terms of an ASBO or other order has resulted in a criminal conviction. Whether or not an offence is considered 'spent' is defined by the Rehabilitation of Offenders Act 1974 and subsequent revisions to the Act.
5. Any breach of the Rules of Behaviour may be considered more serious if:
- a.) it took place under the influence of alcohol or illicit substances;
 - b.) it was motivated by the protected 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;

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.



- 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.
6. Any breach of the Rules of Behaviour may be mitigated if:
- a.) The behaviour was accidental or not intended to cause harm, damage or upset;
 - b.) The student has demonstrated remorse for the breach of the Rules of Behaviour;
 - c.) The student has admitted and/or accepted responsibility for the breach of the Rules of Behaviour;
 - d.) The student has taken immediate steps to remedy the effects of the breach of the Rules of Behaviour or provided redress.

APPROVED BY COUNCIL 26 June 2020

STUDENT DISCIPLINARY PROCEDURE

The Student Disciplinary Procedure sets out how breaches of the Rules of Behaviour are dealt with by the College.

Some breaches of the Rules are either relatively minor, or their importance for the safety of the community is such that no mitigation can be accepted and an automatic fine at a fixed level is imposed. These include, but are not limited to:

- a.) interference with fire safety equipment;
- b.) trespass into clearly-labelled closed areas of College;
- c.) allowing the use of a University card to a person other than the person it has been issued to.

When a minor breach of this sort is identified by a member of the College, it is notified to the Student Disciplinary Officer who may have a short interview with the student concerned and issue the fine. The Student Disciplinary Officer may invoke the full Disciplinary Procedure where the student has previously breached the Rules or where a more serious Concern has also been raised.

I. Glossary of key terms

I.1 In this procedure, the following terms shall have the meanings set out below:

Appeal Committee	A panel of three trained persons, appointed by College Council, which determines whether an appeal against a decision of the
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Discipline Committee is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures.

Collegiate University
Community

All Registered or Formerly Registered Students, other matriculated persons, all members of the Regent House, and all University and College employees, workers, staff or secondees, visiting scholars and visiting students

Completion of Procedures

Letter

A letter that confirms the completion of Newnham's internal letter 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.

Discipline Committee

A panel of three trained persons, which determines whether the Rules of Behaviour have been breached and, if so, has the authority to impose sanctions or measures.

Formerly Registered
Student

A person who previously had the status of a registered student. Where a Formerly Registered Student is also an employee of the University and the alleged misconduct concerns conduct in that capacity as employee, the matter shall not be dealt with under the student disciplinary procedure and shall be referred for consideration under the relevant staff disciplinary procedure

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.

Investigating Officer

A person, appointed by Council, charged with responsibility for determining whether a Concern should be investigated, conducting any investigation and recommending the action to be taken following the investigation. In complex investigations, there will be an option of delegating some work. Where a Concern is referred to the Discipline Committee, the Investigating Officer will present the investigation findings to the Discipline Committee. Concerns requiring investigation will involve a disciplinary offence of a serious nature.

Investigation Report

The report created by the appointed Investigating Officer following an investigation.



Student Disciplinary Panel	Members of the Discipline Committee will be appointed from the members of the Student Disciplinary Panel, whose membership is outlined below.
Student	A Registered Student, or a person who had such student status at the time of the circumstances about which the Concern is being raised. Students who have intermitted their studies are also subject to this Procedure.
Reporting Person	A person who is reporting a Concern about a Student or Formerly Registered Student.
Respondent	A Student or Formerly Registered Student whose conduct is the subject of a Concern.
Rules of Behaviour	The rules established by the College concerning the conduct of Students.
Student Discipline Officer	A trained Senior Member of the College who investigates minor breaches of the Rules of Behaviour, and who decides the College's course of action following an investigation, with the power to impose sanctions.
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 Registered Student or Formerly Registered Student has breached the Rules of Behaviour and, if it is found that the Rules have been breached, to impose proportionate sanctions or measures. Concerns requiring investigation will involve a disciplinary offence of a serious nature. 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.

Legal Representation

2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure apart



from in exceptional circumstances. Where a Respondent wishes to use a legal representative, at their own cost, in relation to this procedure, permission should be sought from the Student Discipline Officer.

Support

- 2.3 The procedure itself can be stressful for those involved. The Investigating Officer 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. All Respondents, Reporting Persons and Witnesses may bring a supporter to any meeting. Supporters must not be witnesses to the Concern.
- 2.4 Before, during and following the procedure, those involved may wish to access personal support in order to help them process and understand their experiences. The University does not limit the sources of support for individuals. Sources of personal support can include the College welfare system, Student Support and the Student Advice Service. However, students may also feel more comfortable seeking support from friends or family. Where they do so, it is important that any information shared about the case is treated confidentially; the friend or family member should not share the information with others while the investigation is ongoing. To do so may negatively impact the investigation. Where a friend or family member receive an account from a Reporting Person or Respondent they may be approached as a witness. While support can be given by anyone to those involved, it is preferable for a reporting person or respondent not to discuss their detailed account of what happened with someone who was present for some or all of that time.

Reasonable adjustments

- 2.5 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Investigating Officer so 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.
- 2.6 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.



Anonymous Concerns

- 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 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.

Timeliness

- 2.8 The University can investigate and take action even where a Registered Student has since graduated or stopped pursuing a course of study. However, it will be necessary for the University to consider whether a matter can practicably be investigated and whether it is appropriate to do so, noting the limitations on the potential sanctions available.
- 2.9 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 academic 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, or a time limit based on whether someone who was a Registered Student at the time of the alleged breach of the rules remains a Registered Student when the Concern is submitted. The timeframe may however have an impact on the investigation, for example, the accuracy of witnesses' memories; or on decisions, and potential sanctions, for example, where students have graduated.
- 2.10 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 Discipline Committee decision within 60 days of informing the Respondent of the Concern. However, where a Concern involves sexual misconduct, multiple witnesses or a complex set of allegations, or where for good reason Respondents, Reporting Persons or Witnesses are unavailable for a period of time, the investigation is likely to take longer. Respondents and Reporting Persons will be provided with updates about the anticipated timeline as more information becomes available.

Engagement with the procedure

- 2.11 Reporting Persons and Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances. Respondents shall engage fully with the procedure and are required to provide contact details during this time.
- 2.12 It may be necessary to pause the procedure as a result of ill health or other grave cause relating to those involved. Where a Respondent, Reporting Person or Witness is unable to engage in the procedure, information shall be provided to the Investigating Officer or Secretary of the relevant Committee confirming the nature of the reason for non-engagement, providing



medical or independent evidence of the circumstances and confirming when they expect to be able to re-engage with the Procedure. The SDO or Chair of the Committee will then consider this information and determine whether it is reasonable in all the circumstances to pause the Procedure. The decision-maker will consider the impact of the person not engaging with the procedure and the impact on all parties if the procedure is paused. The decision-maker may determine that: the Procedure be paused; the Procedure continue without the engagement of the specified person, or that the circumstances provided by the person do not warrant pausing the procedure and the person should continue to engage in the Procedure.

- 2.13 Meetings can take place virtually or physically, taking into account the preference of the Respondent, Reporting Person or Witness, with the final decision being made by the Investigating Officer or Chair of the Discipline Committee. 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 Investigating Officer or Chair of the Committee.

Role-holder training and deputies

- 2.14 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.

- 2.15 Any reference in this procedure to a named role includes a deputy appointed by that role-holder to exercise the functions assigned to that role-holder under this procedure.

Conduct that may constitute a criminal offence

- 2.16 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. Respondents have a responsibility to update the University of any proceedings. Following an investigation undertaken by the police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place, or where the behaviour being investigated by the College is different to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.

- 2.17 The College will treat relevant police fines, cautions, warnings of all kinds 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.

Alternative procedures

- 2.18 Sometimes a Concern will be more appropriately investigated under another



procedure, for example, the College's Support to Study Procedure, if the behaviour has been wholly caused by an underlying medical condition, or under a University procedure. For students undertaking professional courses the Fitness to Practise Procedure, where the requirements for student behaviour are stricter, will be relevant. It will be at the discretion of the Student Discipline Officer in consultation with the Investigating Officer and 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, for example the Fitness to Practise Procedure, to consider the Respondent's ability to continue on a professional course of study where a breach of the Rules of Behaviour has been found. If a breach of the Rules of Behaviour has been found, this will be treated as evidence that the breach of the Rules of Behaviour has occurred, but there may be other elements of a Respondent's ability to study that cannot be considered under this procedure.

- 2.19 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. However, even where the University chooses to take no action, it may still be appropriate for the College to take its own action, after receiving information from the University.

Multiple Respondents or Reporting Persons

- 2.20 Where a Concern involves more than one Respondent or more than one Reporting Person, 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 or Reporting Persons. Where an investigation includes more than one Respondent and/or Reporting Person and the Investigating Officer has chosen to refer the matter to the Discipline Committee, the Chair of the Discipline Committee shall have the discretion to decide whether there shall be a single hearing for all of the Respondents and/or Reporting Persons, or a separate hearing for each Respondent and/or Reporting Person. 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 Discipline Committee decision appeals shall usually be considered separately but by the same Appeal Committee.

Precautionary and interim action

- 2.21 In cases where College Officers (in consultation with the Student Discipline Officer and the Senior Tutor) assess that there is a need to put in place precautionary measures whilst an investigation is ongoing, College Officers will liaise 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 I). It is the responsibility of OSCCA, where appropriate, to ensure updates relating to this procedure are provided to the decision-makers to ensure that the ongoing risk can be monitored

2.22 While the procedure is ongoing, unless explicitly permitted by the Student Discipline Officer, 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. This includes in person or via electronic means, including messaging or following or responding to social media. Where the Respondent comes across the Reporting Person(s), the Respondent should not acknowledge their presence either verbally or non-verbally or anyone who is with them and keep a distance from them. The same requirement applies for witnesses who have been directly impacted by Respondent's behaviour or are specified by the Investigating Officer. To facilitate this no-contact arrangement, it is necessary for the Reporting Person to have no contact with any Respondent(s).

2.23 When reaching a decision regarding the Concern, regardless of the decision made, the relevant decision-maker shall consider whether it is appropriate to require or request the Respondent and the Reporting Person, if they are a student, to have no direct contact or interaction. This would normally include: not initiating conversations with the other person; not sitting immediately adjacent to one another in communal spaces, not initiating contact online, for example, sending direct messages; not sending letters or items to the other person, and not entering the other person's bedroom. This instruction would take into account the views of the Respondent and Reporting Person, and the College, where both individuals share the same College. A breach of the no-contact order would be a breach of the Rules of Behaviour, under Rule I(a).

2.24 Except where precautionary action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Investigating Officer.

2.25 The College will treat all members of the College community, including Reporting Persons, Witnesses and Respondents, with equal fairness.

Standard and burden of proof

2.26 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 to prove that a breach of the Rules of Behaviour has occurred. This means that the Investigating Officer 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; it is not enough to simply believe that something is likely to have happened. This requirement means that there may be some cases in which the College decides that it is not appropriate to take or continue action under this procedure.



Information sharing

- 2.27 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 necessary to do so in the interests of fairness 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.
- 2.28 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 with reference to the College's Data Protection Statement—Students. 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.
- 2.29 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Student Discipline Officer, Investigating Officer or Discipline 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 that information about the case will be provided to the police if formally requested by the police or if the SDO considers that there is an immediate and significant risk to the Collegiate University Community
- 2.30 The College shall share investigation findings, the reasoned determination of the Investigating Officer or the Discipline Committee, and sanctions or measures, with the Reporting Person Reporting Person where they have been the person directly affected by the Concern. The copy of the Investigation Report may be redacted to remove personal information including any mitigation, relating to the Respondent that is not directly relevant to the Concern. Witnesses may also receive relevant information about the procedure where they have been



personally affected by the original incident or the disciplinary process. 'Relevant' information is that which it is reasonably necessary to share in order to safeguard the interests of the Reporting Person or Witness in the interests of fairness. 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's Procedure for Solving Problems (Complaints from Students).

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

Investigating Academic Misconduct

- 2.32 Guidance and training provided to Supervisors supports them in instructing students on how to avoid academic misconduct in their College work. Any person who suspects that a Registered Student has engaged in academic misconduct in formative and examined work, should report this using a Concern Form to the Senior Examiner or Chair of Examiners for undergraduate students, or the Chair of the Degree Committee for postgraduate students. The Concern can be reported directly to the appropriate person, or to OSCCA, who will refer the Concern Form onto the appropriate person. Academic Misconduct will normally be dealt with under the University's processes.

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. Where the Concern originates from someone who has not been directly impacted, the College will normally attempt to engage with the person(s) directly impacted to understand whether they will voluntarily engage with any investigation. This further information may impact the decision to investigate the Concern.
- 3.2 To submit a Concern, the Reporting Person must submit relevant information to the Student Discipline Officer, the Senior Tutor, or the Investigating Officer, using the concern form, except in the case of potential breaches of Rule of Behaviour 2 (d) where the reporting procedures in the University Student Disciplinary Procedure should be followed.
- 3.3 Within five working days, the Student Discipline Officer or Investigating Officer shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information, and/or to provide further procedural information.



- 3.4 Within 5 working days of receiving all the relevant information, the Student Discipline Officer in consultation with the Investigating Officer 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 or any other relevant College or University procedure.
- 3.5 Within five working days a decision will be made as to whether the criteria have been met, and, where that is the case, the Investigating Officer shall investigate the Concern. Where at least one of the criteria has not been met, the Investigating Officer shall not investigate the Concern, although they may refer the matter for investigation under another University procedure in line with paragraph 2.18. Where the Concern has already been investigated under another College or University procedure, the Investigating Officer will consider whether, taking into account all the circumstances of the case, any further action under this procedure is appropriate or possible.
- 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 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 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, within five working days of making a 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 Subject to the outcome of any process under the Student Complaints Procedure, where an investigation is not commissioned and where the Concern is not withdrawn by the Reporting Person, the Respondent shall normally be notified in writing of the Concern, the decision of the Investigating Officer, 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 15 working days of the Investigating Officer's decision, or where the Reporting Person is a student, within five working 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, including 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, exceptionally, an anonymous Concern has been accepted), and outline any limitations on contact with others, 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 and the Reporting Person of the avenues of support available to them and the potential consequences if the Concern relates to alleged misconduct that may constitute a criminal offence.
- 4.2 The Reporting Person and Respondent should not attempt to investigate the matter themselves, instead providing all potential relevant information to the Investigating Officer.
- 4.3 The Investigating Officer shall conduct the investigation. The investigation may require written statements, meetings and evidence from any member of the Collegiate University Community relevant to the investigation. In addition, the Investigating Officer may request written statements, meetings and evidence from anyone outside of the Collegiate University Community.
- 4.4 A written record shall be kept of all investigative meetings. During an investigative meeting, a person can present oral and written information, evidence and the names of any Witnesses. The Investigating Officer will provide a copy of the meeting's written record to the person interviewed, providing them with five working days to provide clarifications as an addendum.
- 4.5 The Investigating Officer shall normally meet with the Reporting Person and with the Respondent to receive an oral account of the circumstances leading to the Concern, to receive relevant evidence relating to the Concern and the names of any Witnesses. The Investigating Officer may meet with any Witnesses or instead collect information through written statements and other types of evidence.
- 4.6 In addition to investigating the Concern itself, the investigation shall include gathering information about: the seriousness of the Concern; any impact of the Concern on the Reporting Person(s) or witness(es); any mitigation relevant to the Respondent's actions; and any relevant previous breaches of the Rules of Behaviour by the Respondent. The relevant information will be determined by the Investigating Officer.
- 4.7 During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Investigating Officer may consider collecting, where relevant and available, includes information validating accounts



and evidence that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Investigating Officer may request any information the Investigating Officer considers will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation or investigation that relies on the significant involvement of third parties and therefore, unless this type of information is provided by the party seeking to rely on it, the Investigating Officer shall not normally seek it.

4.8 The Investigating Officer may require a Respondent to engage in an expert assessment(s) to assess the level of risk they present to themselves, members of the College and the Collegiate University Community, anyone within the Precincts of the University, and anyone with whom the Respondent comes into contact whilst engaged in study. Where a Respondent does not engage with the process, this may make any breach of the Rules of Behaviour more serious, as outlined in Regulation 5 of the Rules of Behaviour. In addition, not engaging with the process is likely to be a separate breach of Regulation 1(a) of the Rules of Behaviour and further disciplinary action may be taken. Where a Respondent does not engage with an expert assessment, commissioned to assess the level of risk associated with the Respondent, the Investigating Officer may assume that there is a high level of risk associated with the Respondent. Any action taken must be proportionate to the circumstances; however, the level of risk may be relevant to any precautionary action taken, or to any sanction imposed.

4.9 The Investigating Officer shall produce an Investigation Report, outlining the findings of the investigation. The Investigating Officer will share a copy of the Investigation Report and all evidence with the Student Discipline Officer.

5. Decision, following investigation

5.1 The Student Discipline Officer shall consider the Investigation Report and evidence from the investigation. The Investigating Officer may be asked to clarify any aspect of the Report.

5.2 Following the investigation, the Student Disciplinary Officer and the Investigating Officer shall reach one of the following decisions:

- a.) To recommend to the Senior Tutor a minor sanction or measure where a breach of the Rules of Behaviour has occurred and where it is considered that a minor sanction or measure is appropriate;
- b.) To refer the case to the Discipline 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;
- 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 recommend a minor sanction or measure, or refer the case to the Discipline Committee, the Student Discipline Officer and Investigating Officer shall give consideration to paragraph 5 of the Rules of Behaviour and any guidance given in the Student



Handbook and the College website (under Policies and Procedures) in relation to sanctions and measures, as well as the following factors:

- a.) The seriousness of the breach;
- b.) The harm or damage caused;
- c.) The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
- d.) The intent and planning involved in the breach;
- e.) The impact on the Collegiate University Community, including the content of any Impact Statement;
- f.) Whether the Respondent has admitted to the breach and when such an admission took place;
- g.) The frequency with which other Concerns about the Respondent have been raised and especially proved;
- 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 Investigating Officer recommends the imposition of a minor sanction or measure, it will be for the Student Discipline Officer to impose the sanction or measure. One or more of the following sanctions or measures are available and not limited to:

- 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;
- c.) To require the Respondent to provide a written apology;
- d.) To require the Respondent to engage with an educative or reflective session (which may involve completing a written reflection);
- e.) To require the Respondent not to contact a Reporting Person or Witness.

5.5 The Investigating Officer shall provide the decision and the reasons for the decision in writing within five working days of reaching a decision alongside a copy of the Investigation Report. Where a minor sanction or measure is recommended, the Respondent will have 5 working days from receiving the decision to confirm whether to accept this outcome or have the case referred to the Discipline Committee.

5.6 The Student Discipline Officer may refer a case to the Discipline 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. Procedure to be followed in cases of a serious disciplinary offence: the Student Disciplinary Panel and Discipline Committee

6.1 There shall be a Student Disciplinary Panel, from which the Discipline Committee will be



drawn, to consider all cases of serious disciplinary offence. Its members, appointed by Council, shall be:

- a.) The Vice-Principal (ex-officio Chair);
- b.) Seven senior members entitled to attend Governing Body, of whom three should be Assistant Tutors or Directors of Studies.

Each Senior Member shall serve for three years, except that, in the case of the first appointment under these regulations, two Senior Members shall be elected to serve for two years.

Members of the Student Disciplinary Panel will receive appropriate training.

In each case referred to the Discipline Committee the Chairman shall convene a group of available members, provided that neither the Senior Tutor, nor the student's own Director of Studies nor their Tutor shall sit to consider the case.

If the Vice Principal has any conflict of interest (e.g. as the student's Director of Studies or Tutor) the Council shall appoint another Officer or Fellow to take the chair, from the members of the Student Disciplinary Panel (as all members will have received training).

Should it prove impossible to convene a meeting with the full number of members, the Discipline Committee may co-opt members to fill any vacancy

6.2 Where the Investigating Officer refers any case to the Discipline Committee, the Vice Principal shall act as Chair. A College administrator shall act as Secretary to the Discipline Committee and assign by lot one member to the Discipline Committee from among the members of the Student Disciplinary Panel who are available and have not had prior involvement in the case.

6.3 The Discipline Committee shall consist of:

- a.) The Chair (the Vice Principal), who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
- b.) A Senior Member who is a member of the Student Disciplinary Panel;
- c.) An Officer of CUSU or a JCR or MCR officer.

6.4 The Secretary of the Discipline Committee shall organise a meeting of the Discipline Committee and will communicate the membership of the Committee, date, time and location of the meeting to the Discipline Committee members, the Investigating Officer, the Respondent and the Respondent's Tutor. All attendees shall be provided with a copy of the Investigation Report and the Student Discipline Procedure at least five working days prior to the Committee meeting.



- 6.5 The Respondent shall be expected to attend the Discipline Committee meeting either in person or virtually.
- 6.6 Where the Respondent does not admit the alleged breach(es) of the Rule(s) of Behaviour during the investigation or within five working days of receiving the investigation report, the Reporting Person shall be invited to observe the part of the Committee that determines whether a breach of the Rules of Behaviour has occurred. The Reporting Person may also attend to answer any questions from the Committee, which may include questions received from the Respondent. The Reporting Person may choose to attend via video link, or if the meeting takes place in person, to attend in person.
- 6.7 Where the Respondent admits the alleged breach(es) following five working days of the Investigation Report but before the Discipline Committee determines whether a breach of the Rules of Behaviour has occurred, it will be for the Chair of the Discipline Committee to determine whether to accept the admittance or have the Discipline Committee determine whether a breach of the Rules of Behaviour has occurred.
- 6.8 Where the Respondent does not admit the alleged breach(es) and disputes evidence in the Discipline Committee papers provided by a Reporting Person or Witness and has questions for that person, the Respondent can request, within five working days of receiving the Investigation Report, that the person attends the fact-finding part of the Committee to answer questions from the Committee, which may include questions received from the Respondent that the Chair determines are relevant to be asked. The request shall include the questions that the Respondent wishes to be asked of the person. A request to call a person will be considered by the Chair, who shall determine whether to request the person to attend or provide evidence in an alternative format as outlined at paragraph 8.6. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision following the Discipline Committee to the Appeal Committee.
- 6.9 Where the Respondent admits the alleged breach(es) of the Rules of Behaviour, the Discipline Committee will focus on what, if any, sanctions to impose. The Reporting Person will not be permitted to attend this part of the Discipline Committee.
- 6.10 The College has no power to compel the attendance of a person before the Discipline Committee. If the Respondent is unable to attend the Discipline Committee meeting, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, and is likely to attend at a future date, in which case the meeting date should be re-arranged. The Discipline Committee meeting may nevertheless proceed in the Respondent's absence. Where a person other than the Respondent declines to attend, the Discipline Committee will take into account their reasons for doing so in determining what weight to attach to the information they have provided.
- 6.11 The Investigating Officer will be present during the Discipline Committee to outline the information gathered and presented in the Investigation Report and answer questions from those

in attendance at the Committee.

- 6.12 During the Discipline Committee meeting, there shall be the opportunity for the Committee members to ask questions of the Investigating Officer and, if in attendance, the Respondent, Reporting Student(s) and Witness(es). Where the Discipline Committee meeting includes determining whether there has been a breach of the Rules of Behaviour, the Respondent and Reporting Person(s) shall have the opportunity to submit questions for the other to the Chair. If the Chair determines the questions are relevant, then the Chair shall ask these questions. The Investigating Officer shall also have the opportunity to ask questions. The Respondent shall have the opportunity to make a final statement before the Discipline Committee meet privately to determine whether an alleged breach of the Rules of Behaviour has occurred or to determine what sanctions, if any, to impose.
- 6.13 Where the Respondent wishes to challenge the evidence of a Reporting Person or a Witness, the Chair of the Discipline Committee will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Discipline Committee meeting in person or by video link to answer questions asked by the Chair. Alternatively, a further written response may be sought from the Reporting Person or Witness. The Discipline Committee may pause the meeting to request further information where the Chair deems it appropriate to do so.
- 6.14 Once the Discipline Committee is satisfied that it has received all of the relevant information, all persons except for the Committee members, the Secretary and the note taker of the Discipline Committee shall withdraw.
- 6.15 The Discipline Committee 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.
- 6.16 Where the Discipline Committee has found that the Rules of Behaviour have been breached, the Secretary shall inform the Discipline Committee of any previous breaches of the same Rule. The Respondent and the Investigating Officer shall be invited back into the meeting, informed of the outcome and given the opportunity to make a statement and answer questions regarding the sanctions, if any, to be imposed. The Committee may ask questions of the Respondent and the Investigating Officer. The Respondent shall have the opportunity to make a final statement.
- 6.17 All persons except for the Committee members, the Secretary and the note taker shall withdraw. The Discipline Committee shall then consider the sanctions, if any, to be imposed. Consideration shall be given to the factors outlined in Regulation 5 of the Rules of Behaviour and paragraph 5.3 of this procedure and the sanctions guidance. The Discipline Committee can impose any sanctions listed at paragraph 5.4 or in paragraph 6.19.



- 6.18 The Discipline Committee will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in paragraph 5 of the Rules of Behaviour and paragraph 5.3 of this procedure. The Discipline Committee 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 Discipline Committee can choose from the following further sanctions and measures:
- a.) Restrictions or conditions on the right to use College premises, facilities or services, including on the right to reside in College;
 - b.) Temporary or permanent exclusion from membership of the College;
 - c.) Restrictions on representing the College, or membership of College clubs or societies;
 - d.) Any penalty considered by the Discipline Committee to be lighter.
- 6.19 In deciding upon the appropriate sanction(s) or measure(s), the Discipline Committee shall consider each sanction or measure in turn and record the reasons for the sanctions or measures imposed. The Principal or Senior Tutor may penalise students. But the sanction of temporary or permanent exclusion from membership of the College shall be inflicted only by the Council (see Statute XVII). In a case where the appeal is against a decision of the Council under Statute XVII, the Appeal Committee must be chaired by someone who is trained and who is not a College member.
- 6.20 The Secretary of the Discipline Committee, within five working days of the Discipline Committee reaching a decision, shall provide to the Respondent a written document explaining the Discipline Committee's decision, reasons for the decision, any sanction or measure applied and the right of appeal. The notes of the fact-finding element of the Discipline Committee meeting will be shared with the Respondent within 10 working days of the Discipline Committee meeting. The outcome will be shared with others as outlined in this procedure above.
- 6.21 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Discipline Committee, the Respondent will be subject to any action specified by the Discipline Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under paragraph 1(a) of the Rules of Behaviour.

7. The Appeal Committee

- 7.1 The Respondent shall have the right to appeal the decision of the Discipline Committee within 14 days of receiving the written decision. A College administrator shall act as Secretary to the Appeal Committee. The Secretary to the Appeal Committee has the authority to extend the appeal deadline, where there is a compelling reason to do so.
- 7.2 An appeal can be submitted only on the following grounds, that:
- a.) The procedures were not followed properly;



- b.) The Discipline Committee reached an unreasonable decision;
- c.) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
- d.) There is bias or reasonable perception of bias during the procedure;
- e.) The penalty imposed was disproportionate, or not permitted under the procedures.

7.3 In order to appeal the Discipline Committee's decision, the Respondent will need to complete and submit an Appeal Form to the Secretary of the Appeal Committee, which includes all evidence the Respondent wishes to be considered as part of the appeal. The University will normally aim to make a decision regarding an appeal within 30 days of the Respondent making the appeal.

7.4 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Secretary of the Appeal Committee, the Secretary shall assign by lot members of the Appeal Committee from among the members of the Student Disciplinary Panel who are available and have not have prior involvement in the case.

7.5 The Appeal Committee shall consist of:

- a.) A Chair (other than the Vice Principal), who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
- b.) A Senior Member who serves on the Student Disciplinary Panel and did not serve on the Discipline Committee;
- c.) A JCR or MCR Officer who did not serve on the Discipline Committee.

7.6 The Secretary of the Appeal Committee shall organise a meeting of the Appeal Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Appeal Committee.

7.7 The Appeal Committee shall receive the Respondent's Appeal Form and evidence, the Discipline Committee outcome, the notes of the Discipline Committee and the material considered by the Discipline Committee at least five working days before the Appeal Committee meeting.

7.8 The Appeal Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information; where this happens the Respondent shall be sent a copy of any further information and be given an opportunity to provide a written response.

7.9 The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:

- a.) To dismiss the appeal;
- b.) To uphold the appeal.



- 7.10 Where the Appeal Committee has upheld an appeal on the grounds of new material evidence relating to a breach of the Rules of Behaviour, it will normally send the matter back for re-consideration by a Discipline Committee. Where the Appeal Committee has upheld an appeal on any other ground(s), it can choose to send the matter back for re-consideration by a Discipline Committee, or alternatively it has the power to impose its own decision, including sanctions. Where the Appeal Committee considers a breach of the Rules of Behaviour has taken place, it can impose any sanction or measure outlined in paragraphs 5.4 and 6.12 of this procedure, including more or less significant sanctions or measures than were imposed by the Discipline Committee for the same breach.
- 7.11 The Secretary of the Appeal Committee, within five working days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's decision, reasons for the decision, and any substituted decision. This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter.
- 7.12 Where the Discipline Committee has imposed a sanction or measure and the Respondent has appealed, the sanction or measure will not normally be implemented while the appeal is being considered. Following the Appeal Committee's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 7.13 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under paragraph I(a) of the Rules of Behaviour.

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 Discipline Committee and the Appeal Committee. The annual report shall be submitted to Council. Completion of Procedures letters are also notified to the Office of the Independent Adjudicator by the Senior Tutor.
- 8.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students and staff involved in the procedure.



Flow chart of the Newnham Student Discipline Procedure (adapted from OSCCA template)

