

Student Disciplinary Framework

RULES OF BEHAVIOUR FOR REGISTERED STUDENTS AND FORMERLY REGISTERED STUDENTS

All registered students and formerly registered 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.

1. A registered student must:

- (a) comply with instructions issued by any person or body authorized to act on behalf of the University, in the proper discharge of their duties;
- (b) comply with all health and safety regulations and instructions issued by the University, a College or other associated institution;
- (c) inform 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 regarding meetings and public gatherings on University Premises;
- (e) comply with the Statutes and Ordinances and any rules and procedures established under the Statutes and Ordinances.

2. A registered student must not:

- (a) interfere or attempt to interfere in the activities of the University, a College, or any member of the collegiate University community in the pursuit of their studies or in the performance of their duties;
- (b) damage, misappropriate or occupy without appropriate permission any University or College property or premises, or any property or premises accessed as a result of a College or University activity;
- (c) interfere in the freedom of speech or lawful assembly of a member of the collegiate University community or visitor to the University;
- (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 University¹ or during the course of a University or College activity;
- (e) damage or misappropriate property belonging to a member of the collegiate University community; or belonging to anyone within the precincts of the University or during the course of a University or College activity;
- (f) endanger the health and safety of anyone within the precincts of the University or in the course of a University or College activity;
- (g) engage in any form of academic misconduct;
- (h) forge, falsify or improperly use information to gain or attempt to gain an academic or personal advantage.

¹ See Regulation 1 of the Ordinance on Residence and Precincts of the University ([Statutes and Ordinances, 2018, p. 175](#)) which provides the following definition: The precincts of the University shall be the area within a boundary defined as extending three miles from Great St Mary's Church, measured in a straight line, and as including Madingley Hall and such other places about Cambridge as may from time to time be determined by Grace, or by such authority as may be provided by Grace, whether generally or with respect to particular persons or classes of persons.

3. A formerly registered student must not forge, falsify or improperly use examination results, academic achievements, data, documents, or awards from 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.² 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 University or a College' include activities in which a student is participating that involve other organisations working in partnership with the University or a College. A non-exhaustive list of examples of such organisations are other higher education institutions, research institutes, research funders, collaborators, and work placement settings.
- (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) '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

² These regulations apply to allegations that are made on or after 1 October 2019. Where those allegations concern conduct that took place before that date, the regulations in force at the time of the conduct in question will be applied to determine whether a breach has occurred (e.g. under these Rules of Behaviour for conduct on or after 1 October 2019, or under the General Regulations for Discipline that were in force at the time for conduct prior to that date), and the respondent will be offered a choice of the case being determined under the Student Disciplinary Procedure in force from 1 October 2019 (p. 000) or the procedure in force at the time of the conduct.

devices are unauthorised, have no intention of using them, or are unaware that they have them in their possession. Academic misconduct also includes:

- Plagiarism: using someone else's ideas, words, data, or other material produced by them without acknowledgement;
 - 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;
 - 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;
 - 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;
 - Impersonating someone or being impersonated in an examination or arranging for someone to impersonate someone else by sitting their examination;
 - 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
 - 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.
- (i) 'Instructions issued by any person or body authorised to act on behalf of the University' include requests to attend meetings, to provide identification upon request, and to share primary datasets or data analysis with a supervisor.
- (j) A 'College or University activity' is an academic, sporting, social or cultural activity either within the Precincts of the University or elsewhere in the context of a person's membership of the University.
- (k) A 'relevant' unspent criminal conviction includes a conviction for the following:
- 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.
 - Sexual offences, including those listed in the Sexual Offences Act 2003.
 - 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).
 - Offences involving firearms.
 - Offences involving arson.
 - 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.

- (l) 'The code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986' relates to meetings and public gatherings on University premises. The Code of Practice is available at: <https://www.cambridgestudents.cam.ac.uk/new-students/rules-and-legal-compliance/freedom-speech>.
- (m) 'Rules and procedures established under the Statutes and Ordinances' include: procedures that govern student conduct; regulations governing information services, motor vehicles, bicycles and boats; and the payment of fees and fines.
- (n) 'Registered student', 'respondent', 'reporting person', 'witness', and 'collegiate University community' have the same meanings as they are given in the Student Disciplinary Procedure.

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 characteristics³ or perceived protected characteristics of another;
- (c) the respondent has previously been found to have breached the same Rule of Behaviour;
- (d) the respondent has not complied with any sanction or measure under the Student Disciplinary Procedure;
- (e) the respondent has breached precautionary action measures whilst the Student Disciplinary Procedure has been ongoing;
- (f) the respondent has not provided the University with reasonable information upon request so that it can assess the risk the respondent may pose to the collegiate University 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.

STUDENT DISCIPLINARY PROCEDURE

1. Glossary of key terms

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

Appeal Committee A panel of three trained persons; two appointed by the General Board, and one Proctor, Deputy Proctor or Pro-Proctor, which determines whether an appeal against a decision of the 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

³ 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.

Completion of Procedures letter	A letter that confirms the completion of the University's internal procedures, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator
Concern	The description of the behaviour causing concern, reported by the Reporting Person and submitted using a Concern Form
Discipline Committee	A panel of three trained persons, appointed by the General Board, which determines whether the Rules of Behaviour have been breached or whether a Registered Student's criminal conviction requires the University to take further action and, if so, has the authority to impose sanctions or measures
Formerly Registered Student	A person who has previously had the status of a Registered Student. ⁴ 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
Investigator	A person who meets the criteria outlined in Appendix B with responsibility for conducting an investigation into a potential breach of the Rules of Behaviour and presenting the investigation findings to a Discipline Committee
Investigation Report	The report created by the Investigator following an investigation
OSCCA	The Office of Student Conduct, Complaints and Appeals
Registered Student	Any person who has accepted an offer to study or is currently pursuing a course of study at the University; or a person who had such student status at the time of the circumstances about which the Concern is being raised. Visiting Students are covered by the terms and conditions of their contract
Reporting Person	A person who is reporting a Concern about a Registered Student or Formerly Registered Student
Respondent	A Registered or Formerly Registered Student whose conduct is the subject of a Concern

⁴ These regulations apply to conduct that allegedly took place on or after 1 October 2019. Where those allegations concern conduct that took place before 1 October 2019, the regulations in force at the time of the conduct in question will be applied to determine whether a breach has occurred (e.g. under the Rules of Behaviour for conduct on or after 1 October 2019 (p. 000), or under the General Regulations for Discipline that were in force at the time for conduct prior to that date), and the respondent will be offered a choice of the case being determined under the Student Disciplinary Procedure in force from 1 October 2019 or the procedure in force at the time of the conduct.

Rules of Behaviour	The rules established by the General Board concerning the conduct of Registered Students and Formerly Registered Students
Student Discipline Officer (SDO)	A trained member of Regent House who meets the criteria outlined in Appendix C, appointed by Grace, with responsibility for: commissioning an investigation into a potential breach of the Rules of Behaviour; determining whether a Registered Student's criminal conviction requires the University to take further action; or deciding the University course of action following an investigation, with the authority 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, including a disclosure. The Witness may be someone to whom the behaviour was directed, or a third party
Working days	The days the University expects an employee to work, normally Monday to Friday, except bank holidays and the week between Christmas day (25 December) and New Years day (1 January). 5 working days is usually the equivalent of 1 week.

2. Scope and Principles

- 2.1 This procedure enables the University 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. The procedure enables the University to respond appropriately to breaches of the Rules of Behaviour, to protect the University and the Collegiate University 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 University 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 for legal representation relating to the investigation stage of the procedure, or Chair of the Discipline Committee in relation to attendance or involvement with the Discipline Committee. Legal representation will normally be granted in serious cases.

Support

- 2.3 The procedure itself can be stressful for those involved. The Investigator and decision-makers will take into account the potential effects upon those engaging with the procedure and, where reasonable, assist in minimising these effects. All Reporting Persons, Respondents and Witnesses will receive information about how to access support during this process. The appropriate support will depend on the

circumstances of the case, but may be delivered by a College, the University, the Student Advice Service or external support organisations. All Respondents, Reporting Persons and Witnesses can 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. For example, receiving correspondence in a particular format or via an authorised representative, where necessary, as a result of an underlying condition or disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Investigator so that these can be put in place. The Investigator may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation. The Investigator shall keep a record of any such adjustments.

Anonymous concerns

- 2.6 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 Student Discipline 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

- 2.7 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.
- 2.8 Concerns are ideally submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of 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.

- 2.9 The University must 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 University 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

- 2.10 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.
- 2.11 It may be necessary to pause the procedure as a result of ill health or other grave cause relating to those involved. Where a Respondent, Reporting Person or Witness is unable to engage in the procedure, information shall be provided to the Investigator or 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.
- 2.12 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 Investigator or Chair of the Discipline Committee. Where necessary and 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 Investigator or Chair of the Committee.
- 2.13 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as decision-makers and Investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. The person may be required by a decision-maker to stop engaging with this procedure or engage in a

limited manner, even if this impacts upon the consideration of the Concern or a subsequent appeal.

- 2.14 Except as set out in paragraph 3.8, the Reporting Person or Witness cannot challenge a decision not to proceed with a disciplinary case under this procedure, or the outcome decision of the Student Discipline Officer or Discipline Committee, following an investigation. However, if there are concerns about how the matter was handled or the process used in reaching a decision, then a Reporting Person or Witness (who is a student) may be able to make a complaint under the Student Complaint Procedure.

Role-holder training and deputies

- 2.15 All decision-makers and Investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No decision-maker or Investigator will have any previous involvement with the matter that they are considering, or personal knowledge of the people involved. Except in cases of academic misconduct, decision-makers and Investigators will not be a member of the same College or Department as the Respondent or the Reporting Person.
- 2.16 Any reference in this procedure to a University officer or other named role includes a deputy appointed by that officer or role-holder to exercise the functions assigned to that officer under this procedure.

Conduct that may constitute a criminal offence

- 2.17 Some breaches of the Rules of Behaviour could also constitute criminal offences. The University 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. Where criminal proceedings are instituted after action under this procedure has begun, the University will normally pause such action until the 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 University is different to the behaviour being considered through criminal proceedings, the University may take its own action under this or another procedure.
- 2.18 The University will treat relevant police fines, cautions, reprimands, final warnings⁵ 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 University from undertaking its own investigation as to whether a breach of the Rules of Behaviour has occurred.

Alternative procedures

- 2.19 Sometimes a Concern will be more appropriately investigated under another procedure, for example, the Procedure to Support and Assess Capability to Study, if the behaviour has been wholly caused by an underlying medical condition, or the

⁵ Reprimands and final warnings are no longer issued by the police but are noted here to provide a complete list of the types of warnings that are covered by this paragraph.

Fitness to Practise Procedure for students undertaking professional courses, where the requirements for student behaviour are stricter. It will be at the discretion of the Student Discipline Officer, in consultation with relevant University Officers, to decide which procedure is most appropriate to investigate student behaviour. The University 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.

- 2.20 Some breaches of the Rules of Behaviour will also be in breach of a College's Statutes and Ordinances and may result in the Respondent's College taking disciplinary action. The University shall take into consideration any action taken by the College to ensure that the Respondent is not punished twice for the same breach. However, even where the College chooses to take no action, it may still be appropriate for the University to take its own action, after receiving information from the College.

Multiple Respondents or Reporting Persons

- 2.21 Where a Concern involves more than one Respondent or more than one Reporting Person, it will be at the discretion of the Investigator to decide whether the Concern should be separated into separate 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 Student Discipline 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 meeting for all of the Respondents and/or Reporting Persons, or a separate meeting for each Respondent and/or Reporting Persons. Where a meeting involving multiple Respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal the decision of the Discipline Committee decision appeals shall usually be considered separately but by the same Appeal Committee. Where multiple Reporting Persons review the decision of the SDO or complaint about the handling of the Concern, the review or complaint shall usually be considered separately but by the same Reviewer or Complaint Officer.

Precautionary and interim action

- 2.22 Special Ordinance D (v) concerning Precautionary Action permits precautionary measures to be put in place where an investigation is ongoing and when it is necessary to do so in the circumstances. 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.
- 2.23 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) 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 Investigator. To facilitate this no-contact arrangement, it is necessary for the Reporting Person to have no contact with any Respondent(s).

- 2.24 When reaching a decision regarding the Concern, regardless of the decision made, the relevant decision-maker shall consider whether it is appropriate to require or 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 1(a).
- 2.25 Except where precautionary action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Student Discipline Officer.
- 2.26 The University will treat all members of the Collegiate University Community, including Reporting Persons, Witnesses and Respondents with equal fairness.

Standard and burden of proof

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

Information sharing

- 2.29 OSCCA shall share the information and evidence related to an investigation and outcome with relevant members of staff, the Respondent, the Reporting Person and Witnesses where it is necessary in the interests of fairness to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules of Behaviour, or to implement any sanctions following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the University's Data Protection Policy.

- 2.30 The University shall share all evidence considered in reaching a decision (except where the decision-maker determines that there is a compelling reason not to do so), the decision itself, the reasons for the decision and any sanctions, with the Respondent. The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any student affected by such a decision can request a review using the Procedure for the Review of Decisions of University Bodies. Where information is unable to be shared with the Respondent, this may affect the decision-maker's ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.
- 2.31 The University shall share the initiation of an investigation, the investigation findings and the reasoned determination of the SDO or Discipline Committee, including any sanctions, with the Respondent's College Senior Tutor (if the Respondent is a member of a College) and the Respondent's Head of Department. Where relevant, the University shall also share this information with internal bodies (for example a fitness to practise committee), regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the student may be connected, where it is appropriate to do so (for example, where the student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the University considers that someone may be at significant and immediate risk of harm, the University may disclose information received through this procedure to the police. When initiating an investigation, the Investigator 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.
- 2.32 The University shall share a copy of any Investigation Report, or relevant information from the investigation findings and the reasoned determination of (as appropriate) the SDO, Discipline Committee, or Appeal Committee and sanctions with the Reporting Person where they have been the person directly affected by the Concern. The copy of the Investigation Report may be redacted to remove personal information including any mitigation, relating to the Respondent that is not directly relevant to the Concern. Witnesses may also receive relevant information about the procedure where they have been personally affected by the original incident or the disciplinary process. 'Relevant' information is that which it is reasonably necessary to share in order to safeguard the interests of the Reporting Person or Witness in the interests of fairness.
- 2.33 It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, those involved may discuss their personal experience of the procedure with others. However, individuals need to remain mindful of the information they share with others, including how it is shared. Information provided should not constitute or contribute to any abusive behaviour, as

defined in the Rules of Behaviour, towards others involved. Otherwise, this may lead to the individual becoming the subject of disciplinary proceedings.

3. Submitting a Concern

- 3.1 The University 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 University 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 For Concerns relating to academic misconduct in examinations, see paragraph 6.
- 3.3 To submit a Concern, the Reporting Person must complete and submit the Concern Form to the Investigator via OSCCA.
- 3.4 Within 5 working days, the Investigator shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information, and/or to provide further procedural information.
- 3.5 Within 5 working days of receiving all the relevant information, the Concern Form will be presented by the Investigator to the Student Discipline Officer (SDO) who will consider 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 University or College procedure.
- 3.6 The SDO will provide a decision within 5 working days. Where all the criteria have been met, the SDO shall commission an investigation into the Concern. Where at least one of the criteria under paragraph 3.5 (a) or (b) has not been met, or where the Concern has already been investigated using this procedure, the SDO shall not commission an investigation under this procedure, although the SDO 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 University or College procedure, the SDO will consider whether, taking into account all the circumstances of the case, any further action under this procedure is appropriate or possible.
- 3.7 Where part of the Concern has previously been investigated, it is at the discretion of the SDO whether it is in the University's interest to investigate the aspect that has not yet been investigated, taking into account why the matter was not previously fully investigated, the length of time that has elapsed since the investigation, the severity of the misconduct, the impact on the Respondent of undergoing a second discipline investigation, and whether there would be repercussions for the Respondent's fitness to practise were the decision taken not to investigate the matter.

- 3.8 The SDO shall give written reasons for the decision about whether to commission an investigation and the Investigator shall communicate the decision and the reasons to the Reporting Person in writing, within 5 working days of receiving the SDO's decision. Reporting Persons who are students may be able to seek a review of a decision not to commission an investigation, or about the scope of the proposed investigation, under the Procedure for the Review of Decisions of University Bodies within 10 working days of being notified of the decision.
- 3.9 Subject to the outcome of any review process as set out in paragraph 3.8, 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 SDO, the reasons for the decision, and confirmation that no further action will be taken under this procedure. This notification shall normally be provided to the Respondent within 15 working days of the SDO's decision, to allow for a student Reporting Person to request a review, or within 5 working days for other types of Reporting Person, or following the completion of a review, where this process is commenced by a student. However, where sharing this information with the Respondent may impact upon an investigation being undertaken under a different procedure or by an external body, a delay to informing the Respondent may be necessary.

4. Investigating a Concern

- 4.1 Where an investigation is commissioned, the Investigator shall write to the Respondent to confirm that a Concern naming them has been received, including the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been breached and the decision of the SDO to proceed with an investigation. The Investigator will provide a brief summary of the Concern, naming the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted), and outlining the limitations on contact with others, 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 Investigator will inform the Respondent and the Reporting Person of the avenues of support available to them and the potential consequences if the Concern relates to alleged misconduct that may constitute a criminal offence.
- 4.2 The Reporting Person and Respondent should not attempt to investigate the matter themselves, instead providing all potential relevant information to the Investigator.
- 4.3 The Investigator shall conduct the investigation. The investigation may require written statements, meetings and evidence from any member of the 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 Investigator will provide a copy of the meeting's written record to the person interviewed, providing them with 5 working days to provide clarifications as an addendum.

- 4.5 The Investigator 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 Investigator 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 Investigator.
- 4.7 During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Investigator may consider collecting, where relevant and available, includes information validating accounts and evidence that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Investigator may request any information the Investigator considers will provide value to the investigation. The University does not have the resources to undertake its own forensic investigation or investigation that relies on the significant involvement of third parties and therefore, unless this type of information is provided by the party seeking to rely on it, the Investigator shall not normally seek it.
- 4.8 The Investigator may require a Respondent to engage in an expert assessment(s) to assess the level of risk they present to themselves, members of 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 Investigator may assume that there is a high level of risk associated with the Respondent. Any action taken must be proportionate to the circumstances; however, the level of risk may be relevant to any precautionary action taken, or to any sanction imposed by the SDO, Discipline Committee or Appeal Committee.
- 4.9 The Investigator shall produce an Investigation Report, outlining the findings of the investigation. The Investigator will share a copy of the Investigation Report and all evidence with the SDO.

5. Student Discipline Officer (SDO) decision

- 5.1 The SDO shall consider the Investigation Report and evidence from the investigation. At the SDO's discretion, the Investigator may be asked to obtain further evidence or to clarify any aspect of the Investigation Report.
- 5.2 The SDO shall reach one of the following decisions:

- a) To impose a sanction listed in paragraph 5.4 where the SDO is satisfied that a breach of the Rules of Behaviour has occurred and that such a sanction is appropriate;
 - b) To refer the case to the Discipline Committee where the SDO considers that a breach of the Rules of Behaviour may have taken place and that sanctions beyond those listed in paragraph 5.4 may be required;
 - c) Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another University procedure.
- 5.3 In considering whether to impose a sanction, or refer the case to the Discipline Committee, the SDO shall give consideration to Regulation 5 of the Rules of Behaviour and any guidance published by the General Board in relation to sanctions, as well as the following factors:
- i. The seriousness of the breach;
 - ii. The harm or damage caused;
 - iii. The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
 - iv. The intent and planning involved in the breach;
 - v. The impact on the Collegiate University Community, including the content of any Impact Statement;
 - vi. Whether the Respondent has admitted to the breach and when such an admission took place;
 - vii. Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
 - viii. The evidenced personal circumstances of the Respondent.
- 5.4 Where the SDO decides to impose a sanction, one or more of the following sanctions are available:
- a) To require the Respondent to pay the cost of material damages up to the amount of £250;
 - b) To require the Respondent to provide a written apology;
 - c) To require the Respondent to engage with an educative or reflective session;
 - d) To require the Respondent to complete a written reflection;
 - e) To impose a 'no contact' order, specifying actions to prevent interaction between the Respondent and named person(s)
- 5.5 The SDO shall provide the decision and the reasons for the decision in writing to the investigator within 10 working days of receiving the Investigation Report. Within 5 working days of receiving the SDO's decision and reasons, the Investigator shall communicate this in writing alongside a copy of the Investigation Report and evidence to the Respondent and others in line with 2.25-2.28 of this procedure.
- 5.6 Where the SDO has imposed a sanction, the Respondent will have 10 working days from receiving the decision to appeal the decision in accordance with paragraph 9 of the procedure.
- 5.7 The SDO shall refer the case to the Discipline Committee for consideration where the Respondent does not comply with the sanction So that the Discipline Committee can consider imposing more serious sanction(s).

5.8 The SDO may at any time withdraw a referral to the Discipline Committee. Such a decision will be communicated in writing to the members of the Discipline Committee, the Respondent and others in line with 2.25-2.28 of this procedure. If a referral to the Discipline Committee is withdrawn then the SDO shall substitute an alternative decision in accordance with paragraph 5.2.

6. Investigating Academic misconduct

6.1 Any person who suspects that a Registered Student has engaged in academic misconduct, 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.

6.2 The Chair of Examiners, Senior Examiner or Chair of the Degree Committee will determine whether it is reasonable to commission an investigation, or alternatively to take no further action on the basis of the information provided.

6.3 Where an investigation is commissioned, the Chair of Examiners, Senior Examiner or Chair of the Degree Committee will undertake the investigation or delegate the investigation to a specified individual.

6.4 The investigation will involve the following steps:

- a) Gathering and analysing relevant documentation, for example: Turnitin reports; original source material; detection tool software outcomes; confiscated examination materials; the information provided to the candidate about the assessment and academic misconduct;
- b) A meeting or written statement from the Respondent. An invitation to meet with the Respondent should provide an outline of the Concern. An invitation for the student to provide a written statement should include all documentation relevant to the Concern. If a meeting takes place, a written record will be produced, and the Respondent given 5 working days to provide any clarifications as an addendum. The meeting may include questions about the academic substance of the assessment, to help determine the Respondent's knowledge and ability in relation to the assessment task. The Respondent shall also be given an opportunity to provide any mitigation relevant to the Concern.
- c) A meeting or written statement from the Reporting Person or other relevant Witnesses. Having shared with them such information about the allegation or response as is necessary in the circumstances.

6.5 Following the investigation, the documentation will be provided to the Chair of Examiners, Senior Examiner or Chair of the Degree Committee, who will consider all of the information, normally consult with at least one other Examiner or member of the Degree Committee and make one of the following decisions:

- a) There is no evidence of academic misconduct, and no further action should be taken;
- b) There is evidence of academic misconduct and sanctions from paragraph 6.6 will be imposed, in accordance with the sanctions guidance;
- c) There is evidence of academic misconduct and further sanctions than those available in paragraph 6.6 may be required, consequently, the matter requires a referral to the Discipline Committee.

- 6.6 The sanctions that a Chair of Examiners, Senior Examiner or Chair of the Degree Committee can impose are as follows:
- a) An educative session regarding academic integrity;
 - b) A mark for the assessment that only reflects the parts of the assessment not affected by academic misconduct;
 - c) A mark of 0 for the assessment affected by academic misconduct;
 - d) An apology;
 - e) A written reflection;
 - f) Where re-sits are permitted by the course of study regulations, a re-sit assessment where the maximum mark permitted is a pass mark.
- 6.7 The Chair of Examiners, Senior Examiner or Chair of the Degree Committee shall:
- a) notify the Respondent and OSCCA of the decision, the reasons for the decision and a copy of all of the investigation materials within 5 working days. Where a Reporting Person or Witness(es) has been directly affected by the alleged academic misconduct, for example, they have reported concerns that their writing has been used without due acknowledgement by the Respondent, then a copy of the outcome and the investigation report shall be provided to them in accordance with paragraph 2.24-2.28.
 - b) Refer the matter to the Chair of the relevant Fitness to Practise Committee where a sanction has been imposed in accordance with paragraph 6.6 and the student is on a course with fitness to practise requirements,
- 6.8 The Respondent shall have 10 working days from receiving the decision to appeal outcome 6.5 b) to the Appeal Committee.

7. Registered Students who receive a relevant criminal conviction while a Registered Student or are suspected of using fraudulent information during the University application process

Relevant criminal conviction

- 7.1 It is a Registered Student's responsibility to inform the University immediately about any relevant criminal conviction received while a Registered Student. If a relevant criminal conviction is not reported within 5 calendar days of conviction, then the Registered Student will be in breach of Regulation 1© of the Rules of Behaviour.
- 7.2 The purpose of a student reporting a criminal conviction is so that the University can assess whether the Registered Student is able to continue to study at the University and whether there are any further actions that need to be taken. The behaviour resulting in the criminal conviction may not necessarily be in breach of any of the Rules of Behaviour.
- 7.3 Where a Respondent has already received a criminal conviction as a result of behaviour that is raised within a Concern, an investigation shall be conducted in accordance with paragraph 4 of the procedure. The conviction will be used as evidence that the behaviour on which the conviction was based has taken place.
- 7.4 Any criminal sentence given to the Respondent will be taken into account by decision-makers when considering whether to apply any sanctions under this

procedure. There is a need for all action taken and sanctions imposed by the University to be proportionate.

- 7.5 Where a Registered Student reports a criminal conviction to OSCCA, or where the University is informed by a third party that a Registered student has received a criminal conviction, the Investigator shall require the Registered Student to provide relevant court documentation, including a copy of the sentence, any judgement and any pre-sentence report. The Registered Student shall also have the opportunity to provide a written statement. Where the Registered Student does not provide this documentation, it is likely that this will result in the Registered Student's removal from their current course of study.
- 7.6 The Investigator shall present the information to the Student Discipline Officer, and the Student Discipline Officer shall decide either that:
- a) the criminal conviction does not require the University to take any further action; or
 - b) the criminal conviction or the non-reporting of the criminal conviction requires the University to take further action.

Fraudulent admissions information

- 7.7 When applying for entry, it is an applicant's responsibility to provide accurate and true information. In accordance with the terms and conditions of an offer of admission, using fraudulent information is grounds for withdrawing an applicant or student's offer of study.
- 7.8 Where information is received by OSCCA that a registered student, or someone acting on their behalf, used fraudulent documentation and/or claims as part of their admissions application, the Investigator shall require the Registered Student and any other relevant organisation to provide verification of the documentation. The Investigator shall require the relevant Department or Faculty to provide a statement on the impact of the alleged fraudulent information and/or claims. The Registered Student shall also have the opportunity to provide a written statement within 5 working days.
- 7.9 Once the information has been gathered, it shall be presented to the SDO, who shall determine within 5 working days:
- a) The Registered Student's application contained no false or fraudulent information and can continue on the course of study; or
 - b) The Registered Student's application contained false or fraudulent information and the Registered student should be withdrawn from the course; additional sanctions from paragraph 5.4 may also be applied; or
 - c) The Registered Student's application contained false or fraudulent information. However, the information was of such limited relevance to the application that the Registered Student can continue on the course of study with sanctions from paragraph 5.4;
 - d) Further information is required prior to a decision being made, and will be reviewed by the SDO once the further information has been provided.

Actions following the SDO's decision

- 7.10 The Investigator shall provide the Registered Student, a letter confirming the SDO's decision and the reasons for the SDO's decision within 5 working days of receiving the decision. A record of this decision shall be retained by OSCCA in accordance with the University's retention policy.
- 7.11 Where paragraph 7.6(b) is the decision, the SDO shall refer the matter to the Discipline Committee for further consideration. The Discipline Committee shall consider whether to impose any sanction outlined in paragraphs 5.4 or 8.18 of this procedure for the protection of the interests of the University, in accordance with the process outlined in paragraph 8. Where the student has not reported the criminal conviction, the Discipline Committee shall also consider imposing a sanction for the breach of Rule of Behaviour 1(c).
- 7.12 The Registered Student will have 10 working days to appeal the SDO's decision to the Appeal Committee, in accordance with paragraph 9.

8. Discipline Committee consideration

- 8.1 Where the SDO, or for academic misconduct the Chair of Examiners, Senior Examiner or Chair of the Degree Committee, refers any case to the Discipline Committee, a member of OSCCA shall act as Secretary to the Discipline Committee and shall assign by lot a Chair and two members to the Discipline Committee from among the members of the Panel appointed by General Board who are available and in accordance with paragraph 2.11.
- 8.2 The Discipline Committee shall consist of:
- a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A member of Regent House;
 - c) A Registered Student or a Sabbatical Officer of Cambridge Students' Union.
- 8.3 Except as set out in this procedure, the Chair of the Discipline Committee has the power to determine its own procedure, including adjournment.
- 8.4 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 Investigator, the Respondent, the Respondent's Senior Tutor, and the Reporting Person. A copy of the Investigation Report, the Student Discipline Procedure, the sanctions guidance, an order of meeting will be provided to all invitees at least 5 working days prior to the Committee.
- 8.5 The Respondent shall be expected to attend the Discipline Committee meeting either in person or virtually.
- 8.6 Where the Respondent does not admit the alleged breach(es) of the Rule(s) of Behaviour during the investigation or within 5 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. If the Reporting Person chooses to attend by video link, they can choose whether to be visible on camera or not.

- 8.7 Where the Respondent admits the alleged breach(es) following 5 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.
- 8.8 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 5 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.
- 8.9 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
- 8.10 The University 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.
- 8.11 The Investigator 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. In matters of academic misconduct, the Chair of Examiners, Senior Examiner or Chair of the Degree Committee will attend to present the information gathered and referred to the Discipline Committee.
- 8.12 During the Discipline Committee meeting, there shall be the opportunity for the Committee members to ask questions of the Investigator 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 (and any representatives)

shall have the opportunity to submit questions for the other to the Chair. If the Chair determines the questions are relevant, then the Chair shall ask these questions. The Investigator 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.

- 8.13 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.
- 8.14 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.
- 8.15 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.
- 8.16 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 Investigator 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 Investigator. The Respondent shall have the opportunity to make a final statement.
- 8.17 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 8.18.
- 8.18 Sanctions the Discipline Committee can impose are as follows:
- a) Restrictions or conditions on the right to use or access University premises, facilities or services or, with the permission of the relevant College, College premises, facilities or services;
 - b) The amendment of academic results or the temporary or permanent removal of academic awards;
 - c) Temporary or permanent exclusion from membership of the University;
 - d) Restrictions on representing the University, or membership of University clubs or societies;
 - d) Any penalty considered by the Discipline Committee to be lighter.

- 8.19 In deciding upon the appropriate sanctions, the Discipline Committee shall consider each sanction in turn and shall impose the lowest sanctions commensurate with the breach, using the sanctions guidance to inform typical sanctions. The Discipline Committee shall record the reasons for the sanctions imposed. Sanctions affecting the academic results or academic awards of a Respondent shall only be imposed where it is proportionate to do so.
- 8.20 The Discipline Committee shall consider whether to stipulate more serious sanctions that will be imposed in the circumstance that the Respondent does not comply fully with the sanctions initially imposed by the Discipline Committee.
- 8.21 The Secretary of the Discipline Committee, within 5 working days of the Discipline Committee reaching a decision, shall provide to the Respondent and Reporting Person a written document explaining the Discipline Committee's decision, reasons for the decision and any sanctions applied. The Respondent shall be given information regarding the right of appeal and any Reporting Person who is a student will be given information about raising a student complaint. The notes of the Discipline Committee meeting will be shared with the Respondent within 10 working days of the Discipline Committee meeting. The notes of the fact-finding element of the Discipline Committee will be shared with the Reporting Person where they attended or requested the notes that be shared with them. The outcome will be shared with others in line with 2.28-2.32 of this procedure.
- 8.22 Where a Respondent subsequently fails to comply with any sanctions imposed by the Discipline Committee, the Respondent will be subject to any sanction specified by the Discipline Committee under paragraph 8.20; or, where other action has not been specified, further disciplinary action may be taken under Regulation 1(a) of the Rules of Behaviour.

9. The Appeal Committee

- 9.1 A member of OSCCA who has had no previous involvement in the case 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.
- 9.2 An appeal can be submitted 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.
- 9.3 The Respondent will need to complete and submit an Appeal Form to OSCCA, 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.
- 9.4 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 a Chair and a member of the Regent House from among the members of the Panels appointed by General Board who are available and have not have prior involvement in the case, and require the Proctors to confirm a Proctor, Deputy Proctor or Pro-Proctor who is available and has not had any prior involvement in the case.

- 9.5 The Appeal Committee shall consist of:
- a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A member of the Regent House;
 - c) A Proctor, Deputy Proctor or Pro-Proctor.
- 9.6 Except as set out in this procedure, the Chair of the Appeal Committee has the power to determine its own procedure, including adjournment.
- 9.7 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 membership of the Appeal Committee attending the meeting.
- 9.8 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 7 days before the Appeal Committee meeting.
- 9.9 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.
- 9.10 The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal;
 - b) To uphold the appeal.
- 9.11 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 outlined in paragraphs 5.4 and 8.18 of this procedure, including more or less significant sanctions than were imposed by the Discipline Committee for the same breach.
- 9.12 The Secretary of the Appeal Committee, within 5 working days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's decision, reasons for the decision, and any substituted decision.

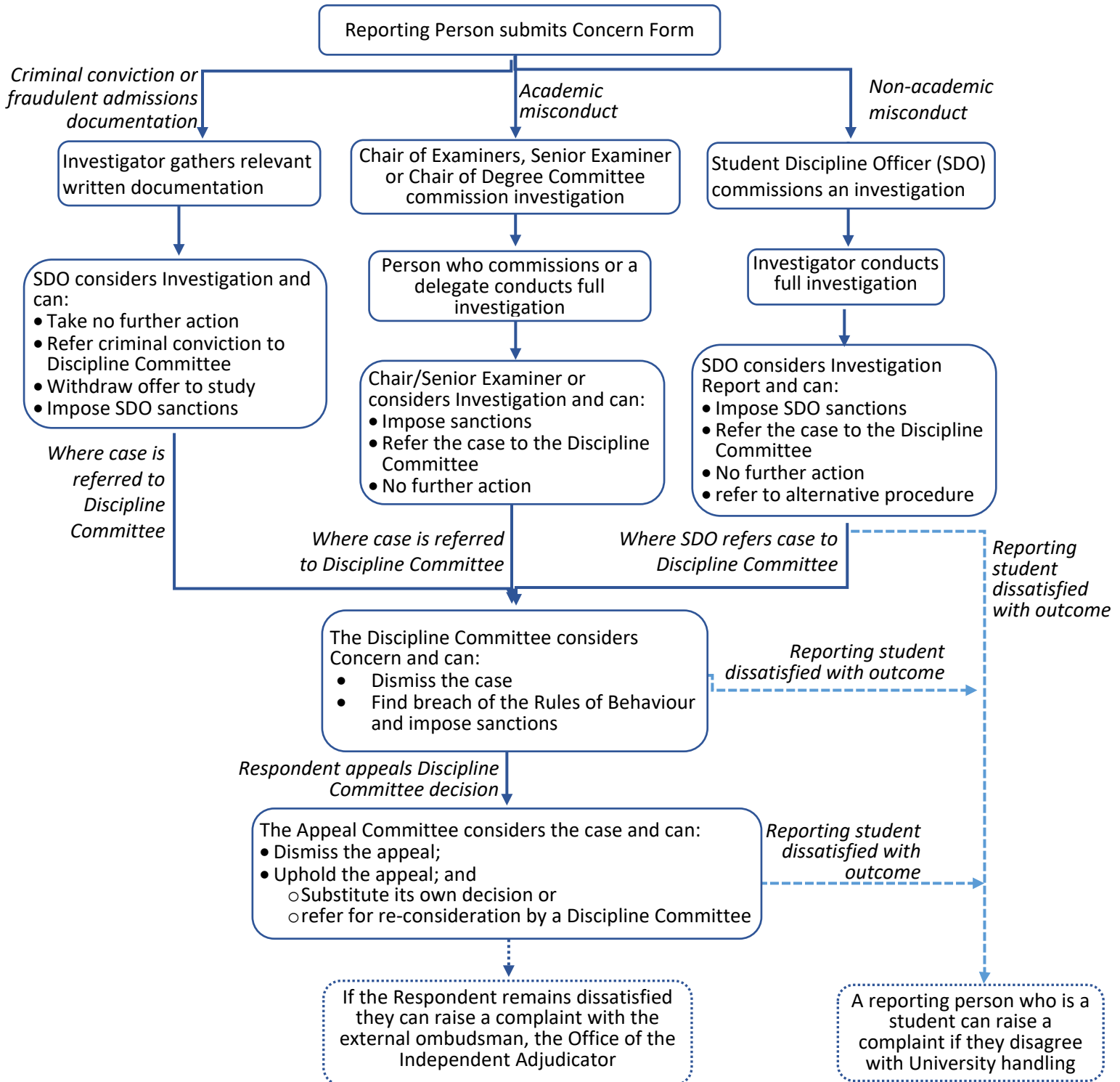
This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter.

- 9.13 Where the Appeal Committee has upheld an appeal, any affected Reporting Person or Witness will be given a copy of the Appeal Committee's decision and, reasons for the decision and any substituted decision, along with information about the Student Complaint Procedure where applicable.
- 9.14 Where the Discipline Committee has imposed a sanction and the Respondent has appealed, the sanctions will not normally be implemented while the appeal is being considered. Paragraph 2.22 of the procedure will remain in place during this time. Following the Appeal Committee's decision, any sanctions shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 9.15 Where a Respondent subsequently fails to comply with any sanctions imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under Regulation 1(a) of the Rules of Behaviour.

10 Reporting and Monitoring

- 10.1 OSCCA shall monitor all Concerns reported using this procedure and shall produce an annual report summarizing the anonymised decisions made by the SDO; the Chair of Examiners, Senior Examiner or Chair of the Degree Committee in relation to academic misconduct; the Discipline Committee; and the Appeal Committee. The annual report shall be submitted to the General Board through its Education Committee and to the Council.
- 10.2 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 proposed Student Disciplinary Procedure



Appendix B

Role Description for the Investigator

Role Overview

This full-time role enables the University to conduct investigations sensitively and appropriately into student misconduct, including serious sexual misconduct, and other student complaints, presenting this information to senior decision-makers within the University. The specialist knowledge and skills of the role-holder will enable the University to assure itself that the risk posed by these cases is assessed and mitigated, and that investigations are conducted in a professional and proportionate manner.

The purpose of this role is to investigate a range of allegations relating to student misconduct, including serious sexual misconduct. The role holder will ensure that the investigation processes are fit for purpose and will provide advice to internal stakeholders on relevant University procedures, decisions and risk assessment.

Person Specification

- Experience
 - Proven experience of conducting sensitive and complex investigations, including investigations of alleged conduct that could constitute an alleged criminal offence or serious sexual misconduct
 - Experience of presenting reports to senior decision-makers
 - Experience of conducting risk assessments, including assessments of vulnerable people
 - Experience of working with higher education students
 - Experience of alternative methods of resolution
- Skills
 - Excellent written and oral communication skills that can be adapted to a wide range of audiences
 - Excellent attention to detail
 - Demonstrate specialist knowledge of the complexities of sexual misconduct, including the impact on those who have experienced sexual misconduct and the impact of being accused of sexual misconduct
 - Ability to write detailed, accurate and succinct investigation reports
 - Ability to build positive, professional relationships with others
 - Demonstrate understanding of relevant legislation including matters related to the criminal justice process, confidentiality, data sharing and discrimination
- Qualifications
 - Degree level qualification/level 6 vocational qualification or equivalent experience
 - Qualification in undertaking investigations
 - Qualification in restorative practice or mediation

Appendix C

Role Description for the Student Discipline Officer

Role Overview

This role, which is an additional responsibility to a Regent House member's substantive role, is appointed by Grace. It enables an independent role-holder to assess whether it is necessary to commission an investigation into a student's misconduct under the Student Disciplinary Procedure, and, where relevant, to consider the subsequent investigation report, choosing to take no further action, impose a minor sanction or referring the case to the Discipline Committee. The Role Holder will also be responsible for considering whether a Registered Student's criminal conviction will require the University to take further action.

The consistency and transparency of the Student Discipline Officer's decisions and reasons for those decisions will provide the University with reassurance that students are being treated fairly and in accordance with the discipline procedure.

Person Specification

- Experience
 - Must be a current member of Regent House
 - Proven experience of decision-making including in relation to sensitive and complex cases
 - Experience of drafting clear and succinct reasons for case decisions
 - Experience of commissioning investigations
 - Experience of working with higher education students
 - Experience of alternative methods of resolution

- Skills
 - Excellent written and oral communication skills
 - Excellent attention to detail
 - Ability to prioritise according to urgency and importance
 - Demonstrate knowledge of the complexities of sexual misconduct, including the impact on those who have experienced sexual misconduct and the impact of being accused of sexual misconduct
 - Demonstrate knowledge of the complexities of academic misconduct, including contract cheating, plagiarism and examination misconduct
 - Ability to build positive, professional relationships with others
 - Demonstrate understanding of relevant legislation including matters related to the criminal justice process, confidentiality, data sharing and discrimination