HUGHES HALL
UNIVERSITY OF CAMBRIDGE

# Student Discipline Policy

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**Executive Summary**

The College expects that all its students meet rules and standards of behaviour. Those who are in breach of the rules will be subject to appropriate and proportionate penalties.

In cases where a breach has occurred the policy explains:

1. Raising a concern and the disciplinary process
2. The investigation of concerns
3. Guidance on penalties
4. Appealing a decision by a Disciplinary Panel

Detailed information on behaviour, and what amounts to a breach, practicalities and available support are included in the following document.


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| Approving body: Council | Location: website |

## A. Policy Purpose

This policy is established under Statute IX.3-4 and Ordinance E.I. It applies to any apparent breach by students of the College's Rules as set out below, as well as those set out in our Statutes, Ordinances or published policies, including (but not restricted to) Harassment and Sexual Misconduct, Accommodation, Data Protection and IT.

All Students are responsible for following the Rules of Behaviour ('the Rules'). Not knowing or forgetting about the rules or their consequences is not a justification for not following them.

## B. Scope

1. This procedure will be used where the College is notified of a Concern that a student may have breached the Rules of Behaviour (Section D) and, if it is found that the Rules have been breached, to impose appropriate and proportionate penalties. The procedure enables the College to protect the College and its community. It does not exist to resolve personal disputes.

2. **Important considerations for Reporting Persons:**

   **2.1** Concerns should ideally be submitted in a timely manner, so that matters can be dealt with effectively. However, there is no fixed deadline for concerns to be raised after breach. Reasonable delays, particularly where evidence of misconduct only becomes apparent after a significant period of time, should not deter anyone from reporting a concern. 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 completed the requirements of their course.

   **2.2** Where possible, the College will endeavour in the first instance to address concerns outside this Disciplinary Procedure, for example via the College's Procedure to Support and Assess Capability to Study, Harassment and Sexual Misconduct Policy, or through informal processes in discussion with the tutorial and/or bursarial teams.

   **2.3** Where formal disciplinary processes are necessary it should be borne in mind that the internal disciplinary procedures in this policy do not have the same degree of formality as proceedings in a court of law.

   **2.4** In the interests of procedural fairness to all parties it will not normally be possible for the Reporting Person to submit a concern anonymously. The Dean will be responsible for determining whether there are exceptional circumstances potentially justifying such an event. 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.

3. **The policy will not apply in cases where:**

   **3.1** The Respondent is no longer a student member of the College.

   **3.2** The alleged breach could also constitute a criminal offence and criminal proceedings are ongoing (including criminal investigations and appeal processes). During this time the College would ordinarily suspend any action under this procedure until criminal proceedings are complete.

   **3.3** The alleged breach also constitutes a breach of the University's Statutes and Ordinances and is likely to result or has in fact resulted in the University taking disciplinary action under their own policy. 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.

4. **Support and adjustments:**

   **4.1** We know the procedure itself can be stressful for those involved. The Dean and all decision-

makers involved will take into account the potential effects upon those involved and, where possible, minimise them. The College will provide all parties with information about support available to them through the College, University or external support organisations as appropriate.

**4.2** 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 College does not limit the sources of support for individuals. Sources of personal support can include the College welfare system, University Student Support Department assistance, 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.

**4.3** 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 access needs known to the Dean as early as possible, so that these can be put in place. Any adjustments will be adopted in consideration of the urgency or otherwise of the particular Concern(s) or other practical considerations, and the College reserves the discretion to adopt an expedited process where necessary.

**4.4** If, owing to an underlying medical condition or disability, a Respondent would prefer correspondence to be directed through an authorised representative, such as a parent, support worker or medical professional, they must provide in writing the reason for this request and their explicit authorisation of the relevant person.

**4.5** All decision-makers and investigators will receive relevant training to undertake their role, as determined by the College, and be appropriately resourced and supported. No decision-maker or investigator will have any previous involvement with the matter that they are considering.

**5. Practical considerations:**

**5.1** The College shall investigate Concerns in a timely manner and normally aims to complete the initial investigation and Disciplinary Panel *within 40 working days of informing the Respondent of the Concern*. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended. Respondents and Reporting Persons will be provided with updates where there is a delay.

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

**5.3** Where reasonable, physical meetings can be replaced by virtual meetings, where a Respondent, Reporting Person or Witness may attend a meeting by video or telephone call at the discretion of the Dean or Chair of the meeting.

**5.4** 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.

**5.5** Where a Concern involves more than one Respondent, it will be at the discretion of the Dean to decide whether to conduct separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and/or Reporting Person and the matter has been referred to the Discipline Panel, the Chair of the Discipline Panel 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, appeals shall usually be considered separately but by the same Appeal Panel.

**5.6** The effects of self-administered alcohol or non-prescribed drugs shall not constitute a defence

**5.7** to a charge of misconduct or afford a basis for mitigation of penalty.

**5.8** The College will treat all members of the Collegiate University Community, including Reporting Persons, Witnesses and Respondents with equal fairness.

**6 . Whilst the Disciplinary Process is ongoing:**

**6.1** The College owes a duty of care to all members, including Reporting Persons, Witnesses and Respondents, to safeguard the interests and safety of the College and its students.

**6.2** In cases where the Dean (in consultation with the Senior Tutor) assesses that there is a need to put in place precautionary measures whilst an investigation is ongoing, the Dean will liaise with the Senior Tutor to take such action following the process in paragraph 12 [below].

**6.3** While the procedure is ongoing, unless explicitly permitted by the Dean, a Respondent must not contact or attempt to contact the Reporting Person or any other Respondent(s) or Witness(es) to the alleged misconduct either directly or via another person. Except where precautionary measures precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Dean or Senior Tutor.

**6.4** 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 and to treat the processes with respect. 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.

**C. Definitions**

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| Concern | The description of the behaviour causing concern that a Rule of Behaviour has been breached, reported by the Reporting Person to a member of the College. |
| Completion of Procedures Letter | A letter that confirms the completion of the College's internal procedures. |
| Dean | The person with responsibility for determining whether a Concern should be investigated, conducting or delegating any investigation, imposing penalties for minor breaches and for referring Concerns to a Disciplinary Panel. |
| Disciplinary panel | A panel which determines whether the Rules of Behaviour have been breached and, if so, has the authority to impose penalties for minor and major breaches. |
| Impact Statement | A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Rules. |
| Investigator | A Dean of the College, or a person delegated with this responsibility (see 'Dean' above). |

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| Investigation Report | The report following an investigation into a Concern outlining the Investigator's findings and recommendations regarding penalties and/or next steps in the disciplinary process. |
| Student | Member of the Hughes Hall student body, including undergraduates, postgraduates and visiting students. |
| Reporting Person | A person who is reporting a Concern about a Student. |
| Respondent | A student whose conduct is the subject of a Concern. |
| Rules of Behaviour | The rules established by the College concerning student conduct. |
| 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 |
| Working Day | Any day except weekends, public holidays and days of official College closure. |

## D. Responsibilities and Rules of Behaviour

**7. Students must:**

**7.1** Behave considerately towards other members of the College, College staff and visitors;

**7.2** Comply with all rules and procedures established in both the College and University's Statutes and Ordinances;

**7.3** Comply with all regulations and instructions issued by the College or persons authorised to act on its behalf, such as the President, College Fellows and staff members in the proper discharge of their duties;

**7.4** Comply with the terms of the College's Code of Practice on Freedom of Speech issued under the Higher Education (Freedom of Speech) Act 2023.

**8. Students must not:**

**8.1** Engage in violent or anti-social behaviour in College;

**8.2** Behave abusively towards any other member of the College, its staff or visitors:

**8.2.1** This should be construed as including any behaviour which is reasonably likely to cause harm or violate another's dignity or create an intimidating, hostile, degrading, humiliating or offensive environment for another person.

**8.2.2** Abusive behaviour can take place in physical or virtual environments and includes, but is not limited to:

**8.2.2.1** Making threats, abusive comments or malicious accusations,

**8.2.2.2** Repeatedly contacting someone against their known wishes,

**8.2.2.3** The use of or supply of illicit substances,

**8.2.2.4** Abuse that takes place within an intimate relationship.

**8.3** Commit sexual or physical misconduct against any person:

**8.3.1** 'Physical misconduct' is any unwanted and unreasonable physical contact. 'Unwanted' means 'unwelcome' or 'uninvited'. It is not necessary for a person to object verbally to the behaviour for it to be unwanted

**8.3.2** 'Sexual misconduct' is defined as any unwanted or non-consensual 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.

**8.3.3** Consent can only be given by someone who has the freedom and capacity to make that choice. A number of behaviours can indicate where a person has consented to sexual activity or physical contact, and consent 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 consent. In cases of disagreement the College will consider whether in the circumstances a reasonable person would consider there to have been consent

**8.3.3.1** Students will be considered to lack the capacity to consent in cases where they are extremely inebriated, through drugs or alcohol, or when unconscious for any reason.

**8.4** Engage in behaviour prejudicial to the good order of the College;

**8.5** Engage in behaviour liable to bring the College's name into disrepute;

**8.6** 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;

**8.7** 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;

**8.8** Interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College;

**8.9** 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;

**8.10** Endanger the health and safety of anyone within College grounds or in the course of a University or College activity;

**8.11** Forge, falsify or improperly use information to gain or attempt to gain a personal advantage.

**9. For the avoidance of doubt:**

**9.1** 'Activities of a College' include activities that involve other organisations working in partnership with the College.

**9.2** A 'College activity' is any academic, sporting, social or cultural activity either on College grounds or elsewhere in the context of a person's membership of the College.

**9.3** 'Instructions issued by the College or persons authorised to act on its behalf' include requests to attend meetings and to provide identification upon request.

**9.4** 'All rules and procedures established in both the College and University's 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.

**9.5** 'Student', 'respondent', 'reporting person', and 'witness' are defined in Section C.

**10. Any breach of the Rules may be considered to amount to a 'major' breach if:**

**10.1** It caused, or had the potential to cause, very serious adverse effects (physical, psychological, emotional, or reputational) for another person or the College;

**10.2** It was intended to evade or subvert the outcome of a disciplinary process;

**10.3** It involved an abuse of a position of power or trust that the Respondent was placed in either by the College or by other students;

**10.4** It took place under the influence of alcohol or illicit substances;

**10.5** It was motivated by, or targeted at the protected characteristics[1] or perceived protected characteristics of another;

**10.6** The incident amounts to a repeat breach of the same rule by the same individual demonstrating wilful disrespect for the College's Rules;

**10.7** The Respondent has not complied with any sanction or measure imposed under this Disciplinary Procedure;

**10.8** The Respondent has breached any precautionary measures imposed;

**10.9** The Respondent has not provided any information reasonably requested to aid the College to assess the risks the Respondent may pose to the College community;

**10.10** The Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, in relation to that breach.

**11. Jurisdictional considerations**

**11.1** Where an alleged breach would also amount to a breach of the University's Code of Conduct and/or the criminal law of England and Wales, the Dean reserves the right to decline to conduct the College's own internal investigation where the Dean reasonably believes:

**11.1.1** The College lacks the authority, capacity or resources to undertake sufficient evidentiary investigations such that any outcome would fail to properly serve the interests of justice for any/all parties. In particular, the College will take extreme care to ensure that investigations into breaches with possible criminal implications do not prejudice any potential court proceedings.

**11.1.2** The alleged breach is of a sufficiently serious nature such that its consequences should be uniform and consistent across the University as a whole and/or that the appropriate punishment lies beyond the powers of the College such that the University is better placed to investigate.

**11.2** In the event that the Dean declines to investigate a concern for one of the above reasons, the College will notify all parties at the earliest opportunity, provide ongoing pastoral support to all involved, and provide information about other available support services including the University's counselling service and non-university resources, where appropriate.

**Referral to the University**

**11.3** Where a report is made of alleged behaviour that breaches the University's Rules of Behaviour, the Dean may, at their absolute discretion, refer the matter to the University for investigation in accordance with the University's Student Discipline Procedure. To the extent that the alleged behaviour is eligible to be investigated under the University's Student Discipline Procedure, no further investigation will be undertaken by the College. Instead, the College will rely on the investigation and findings made by the University under the University's Student Discipline Procedure. While a report is being considered under the University Student Disciplinary Procedure, the College reserves the right to take such action as it deems necessary to restrict the rights of any student involved in relation to facilities, services or grounds of the College, in accordance with the precautionary measures in Section 12. [below].

**11.4** Following the outcome of the University's Student Disciplinary Procedure, the College shall rely on the investigation and findings made by the University, including whether a breach of the University's Rules of Behaviour was found. The College will not re-investigate a matter following the conclusion of the University's procedure. However, the College will need to determine whether further College-specific action is appropriate in the circumstances, and

[1] The *Equality Act*, 2010 lists the following as protected characteristics: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

this may require further information being sought. The College reserves the right to take action in accordance with its applicable processes based on the investigation and findings of the University's Student Disciplinary Procedure where it deems it necessary, taking into account all of the circumstances. For the avoidance of doubt, action may be deemed necessary even where there has been no breach of the University's Rules of Behaviour.

**Police involvement**

**11.5** Students will be supported in coming to an informed decision as to whether they wish to report the incident to the police. Neither the College nor the University will require any Reporting Person to take this step as a precondition of an internal investigation.

**11.6** If a student decides not to take this step, this will not form the basis of any adverse inferences against the Reporting Person.

**11.7** Where concerns arise that there may be a significant or ongoing risk to the Reporting Person, other members of the College or the wider University community, the Senior Tutor may take an executive decision to report the matter to the police. Unless there are exceptional circumstances, the Reporting Person will be informed before this step is taken.

**11.8** Following an investigation by the police the College will:

**11.8.1** Not presume that the fact that criminal proceedings were commenced but discontinued amounts to proof the alleged breach did not occur.

**11.8.2** Consider that an acquittal following evaluation at the criminal standard of proof ('beyond reasonable doubt') is a conclusive finding that a breach did not occur only of the specific complaint of which the Respondent was acquitted. It will not prevent the College later resuming an investigation into other alleged breaches concerning the same parties on a different occasion or a different breach occurring at on the same occasion but of a different nature which was not pursued by the police.

**11.8.3** Consider that any conviction resulting in a relevant prison sentence, fine, court-ordered community sanction or caution amounts to conclusive evidence that the Respondent did breach the Rules. In such an event the College may take appropriate measures in relation to the Respondent for the purpose of protecting the interests of the College and its members.

**11.9** For the avoidance of doubt, in any case where the College declines to investigate by virtue of

**11.10** 11.1 [above], a Reporting Person:

**11.10.1** Can appeal this decision using the grievance procedure by raising their concern within 20 working days of being notified.

**11.10.2** Will not lose their right to further report the Concern through the University Disciplinary Procedure or via the police acting under the law of England and Wales.

**11.10.3** Will not lose their right to issue a complaint as regards the College's handling of their concern under the College's Code of Practice for Student Grievances in respect of alleged procedural flaws in the Disciplinary Process. Manifestly groundless or frivolous complaints made under the Code of Practice concerning the substance of a determination under this Disciplinary Policy may amount to an abuse of process and constitute a further breach of the Rules.

## 12. Precautionary measures

**12.1** Where the Dean considers it necessary in the interests of safety of people or protection of property, or of procedural fairness, they may recommend to the President to impose precautionary measures during the investigation of any concern. The Dean will present an assessment of the perceived risk and of the anticipated benefits of the precautionary measure recommended.

**12.2** The President may impose precautionary measures for up to 21 calendar days. At which point their continuing necessity must be reviewed before a decision is taken to continue their imposition.

**12.3** If immediate action is deemed necessary and the President cannot be contacted, the Senior Tutor or a Deputy Senior Tutor (except when they are College tutor for any student involved) or the Bursar may authorise emergency precautionary measures, providing these are referred to the President for consideration as soon as possible.

**12.4** The precautionary measures which may be imposed are any one or more of the following:

**12.4.1** Excluding the Respondent from some or all of the College facilities and/or premises;

**12.4.2** Conditions on the Respondent's use of College facilities and/or premises, or contact with other persons, or in connection with any other matter relating to the Respondent as necessary;

**12.4.3** Suspending the Respondent either in full or in part from their studies.

**12.5** Where a precautionary measure has been taken in relation to the Respondent which affects their involvement in the University outside the College, the Dean will inform the University through the Head of the Office of Student Conduct, Complaints and Appeals.

**12.6** The Respondent will have the right to appeal the decision to impose any measure, or ask for a review of the decision if there is a material change in the circumstances of the case. Any such appeal or review will be considered under the grievance procedure.

## E. Policy Statement – Raising and Concern and the Disciplinary Process

### 13. Submitting a Concern

**13.1** Any Concern that a student has potentially breached the Rules should be communicated in writing to the Dean. The Dean may also raise a Concern of their own accord.

**13.2** Reporting Persons should aim to provide details of the incident and any supporting evidence or names of witnesses who may be willing to speak to the College in respect of the complaint.

**13.3** The College will only accept anonymous Concerns in exceptional circumstances.

**13.4** The Dean will determine whether the concern may be investigated and will provide a response to the Reporting Person within 5 working days.

**13.5** In order for the Dean to conduct (or devolve) a fair and meaningful investigation:

**13.5.1** There must be an allegation that, on the face of it, appears to breach the Rules;

**13.5.2** This procedure must be the most appropriate to use to investigate the matter;

**13.5.3** The Concern must not have already been investigated using this procedure.

**13.6** If the above criteria are met the Dean shall investigate the Concern, unless following 11.1 [above] they consider that the concern would be better investigated by the University procedure or by criminal investigation.

**13.7** The Dean may also decline to investigate a concern on the basis that it is frivolous, manifestly ill-founded or vexatious.

**13.8** Where the Concern has already been investigated under another University or College procedure, the Dean will consider whether, taking into account all the circumstances of the case, any further action under this procedure is appropriate or possible. Where part of the Concern has previously been investigated, it is at the discretion of the Dean whether it is in the College'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.

**13.9** Subject to the outcome of any review process as set out in paragraph 29, where an investigation is not commissioned and where the Concern is not withdrawn by the Reporting

**13.10** Person, the Respondent shall normally be notified in writing of the Concern, the decision of the Dean, the reasons for the decision, and confirmation that no further action will be taken under this procedure. This notification shall normally be provided to the Respondent within 15 working days of the Dean's decision. 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.

**13.11** Reporting Persons who are dissatisfied with the outcome may raise a complaint under the College's Student Grievance Policy within 20 working days of being notified of the decision.

### 14. Standard of Proof

**14.1** 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.

**14.2** 'On the balance of probabilities' means that the Dean will have to prove on the basis of evidence that it is more likely than not that a breach of the Rules occurred before any penalty can be imposed on the Respondent.

**14.3** 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.

### 15. Applicable Rules of Evidence

**15.1** Proceedings under this policy will seek to establish the facts as fully and fairly as possible and are not subject to the constraints of the rules of evidence used in courts of law in England and Wales.

**15.2** The written statement of a witness unable or unwilling to attend in person may be admitted in evidence, but shall be treated with caution insofar as it contains material disputed by the other side.

**15.3** A student's failure to give a timely response shall not in itself justify a finding of responsibility, but such adverse inferences as are reasonable and appropriate in the circumstances may be drawn.

## F. Policy Statement – Investigation of Concerns

### 16. Stage One: Investigation by the Dean or Delegated Investigator

**16.1** Notification: The Dean shall write to the Respondent to confirm that a Concern naming them has been received, a brief summary of the concern, the relevant Rules allegedly breached and that an investigation shall be conducted. The Dean will also name the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted), share with the Respondent the College's policy on data sharing during the disciplinary procedure (see Part I) and inform them of the support available through the College and the University.

**16.1.1** From this time until the Disciplinary process is completed, any attempts by the Respondent to contact any alleged victim of, or witness to, the Respondent's breach of the Rules are forbidden. Any such attempt may justify the imposition of precautionary

measures under section 12 [above].

**16.1.2** The Dean or Delegated 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.

**16.1.3** The Reporting Person and Respondent should not attempt to investigate the matter themselves, instead providing all potential relevant information to the Investigator.

**16.2** Investigation: The Dean or Delegated Investigator shall keep a written record of all investigative meetings and statements obtained in the course of the investigation.

**16.2.1** The Dean or Delegated Investigator shall lead a consultation with any relevant College members including, but not limited to, the Tutors of all students involved, the Senior Tutor and the Head of Student Welfare and Wellbeing. Where the concern relates to academic issues this may also include the relevant students' Director of Studies and if it concerns financial issues, the Bursar.

**16.2.2** The Dean or Delegated Investigator shall normally meet with the Reporting Person and the Respondent to receive an oral account. The Dean or Delegated Investigator may meet with any Witnesses or collect information through written statements including Impact Statements.

**16.2.3** The Dean or Delegated Investigator will gather relevant information about the concern to evaluate both whether it amounts to a breach of the Rules and, if so, its seriousness. This may include investigating any mitigation provided by the Respondent and any relevant previous breaches of the Rules. Relevant information may include, but is not limited to, third party statements, records of correspondence, CCTV evidence, Salto door-lock evidence and records of online activity.

**16.2.4** During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Dean or Delegated 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.

**16.2.5** The Dean or Delegated 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 10 of the Rules of Behaviour. In addition, not engaging with the process is likely to be a separate breach 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 Dean, Discipline Panel or Appeal Panel.

**16.3** Outcome: The Delegated Investigator will report their findings to the Dean. The Dean

will provide an Investigation Report to the Reporting Person, Respondent and any other relevant parties, usually within 10 working days of notification of the Concern. Where a longer period of investigation is necessary the Reporting Person and the Respondent will be notified.

**16.3.1** The Dean shall reach one of the following decisions:

**16.3.1.1** To impose a sanction listed in paragraph 22 where the Dean is satisfied that a breach of the Rules of Behaviour has occurred and that such a sanction is appropriate;

**16.3.1.2** To refer the case to the Discipline Panel where the Dean considers that a breach of the Rules of Behaviour may have taken place and that sanctions beyond those listed in paragraph 22 may be required;

**16.3.1.3** Where neither 1) nor 2) is appropriate: (a) to take no further action; (b) to refer the matter for decision under another procedure.

**16.3.2** The Investigation Report is a written summary of the investigation, including details of relevant evidence, a conclusion as to whether or not a breach of the Rules occurred and, if so, a proposed penalty.

**16.3.3** If the Investigator concludes that the incident amounts to a minor breach (or one with limited presence of the aggravating factors in Section 10 of the Rules of Behaviour [above]) they may recommend an appropriate penalty as outlined in Part G [below].

**16.3.3.1** If the Respondent accepts this and fulfils the penalty, no further action will be taken.

**16.3.3.2** If the Respondent contests this penalty or any of the Dean's findings they should inform the Dean within 10 working days of receiving a copy of the Report. The Dean will then refer the concern to a Disciplinary Panel, as outlined below.

**16.3.4** The Dean will refer the concern to a Disciplinary Panel if any of the following apply:

**16.3.4.1** The Respondent does not co-operate with the investigation;

**16.3.4.2** The Respondent does not accept the Dean's conclusion;

**16.3.4.3** The Respondent accepts the Dean's conclusion but does not fulfil the penalty imposed;

**16.3.4.4** The Dean concludes the offence merits temporary or permanent removal from college;

**16.3.4.5** the Dean concludes that the incident amounts to a major breach (see Section 10).

**16.3.4.6** The Dean may at any time withdraw a referral to the Discipline Panel. Such a decision will be communicated in writing to the members of the Discipline Panel, the Respondent and others in line with Section I of this procedure. If a referral to the Discipline Panel is withdrawn then the Dean shall substitute an alternative decision in accordance with paragraph Section I.

## 17. Stage Two: Disciplinary Panel

**17.1** Convening a Disciplinary Panel: The Dean will notify the President (as chair of College Council), who will convene and chair a Disciplinary Panel ('Panel'). The Panel will include at least three other members of Council or, if not possible, of Governing Body. It will also include

one student, unless the Respondent informs the Chair in writing that they do not want there to be a student member. The Secretary to Council will act as secretary. The Panel may not include the Vice-President, the Dean, an Investigator, nor anyone who has been part of the Investigation or who is otherwise conflicted.

**17.1.1** The College acknowledges the need for its disciplinary processes to be free from bias, or the appearance of bias, and undertakes to make any necessary adjustments to the make-up of the Panel where such bias, or the appearance of bias, might exist.

**17.1.2** If necessary, the President's role can be devolved to the Vice-President, in which case another Fellow should be nominated by Council to deal with an appeal.

**17.2 Ahead of the Panel:**

**17.2.1** The Chair will set a Panel Meeting date and give all parties at least 5 working days' notice.

**17.2.2** The Dean will provide the Panel with a copy of their Investigation Report amended to include any additional or new details or information they deem relevant to the Panel's decision. The Dean will and the Investigator may be invited to address the Panel in person.

**17.2.3** The Chair may summon statements and/or witnesses on their own initiative and on the request of the Dean and the student.

**17.2.4** The Chair will ensure the Respondent is provided with a copy of the Investigation Report, and is invited to provide a written response to the Report ahead of the hearing date.

**17.2.5** The Respondent shall be expected to attend the Discipline Panel meeting either in person or virtually. The Respondent may request to be accompanied to the hearing by one supporting person from within the College or the University, e.g. tutor or fellow student or Student Advice Service Officer.

**17.2.6** The College has no power to compel the attendance of a person before the Discipline Panel. If the Respondent is unable to attend the Discipline Panel 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 Panel meeting may nevertheless proceed in the Respondent's absence. Where a person other than the Respondent declines to attend, the Discipline Panel will take into account their reasons for doing so in determining what weight to attach to the information they have provided.

**17.3 During the Panel hearing:**

**17.3.1** The Panel is held in private; only those invited or mentioned above may attend, as directed by the Chair. Both the Respondent and their supporter may address the Panel.

**17.3.2** The Chair is responsible for the direction of Proceedings but in all cases there shall be the opportunity for the Panel members to ask questions of the Dean and, if in attendance, the Investigator and the Respondent. The Respondent (or the Respondent's representative) and the Dean will also have the opportunity to ask questions of each other. The Respondent may challenge the evidence of a Reporting Person or a witness, but the Chair must determine the appropriate format for this, whether with both parties present, or by video link with questions directed through the Chair, or in writing via the Chair. The Chair may also pause the meeting to obtain further information. The Respondent shall have the opportunity to make a final statement and to present any evidence the Panel should consider in mitigation when discussing recommended penalties.

**17.4 Outcomes:**

**17.4.1** The Panel will make a determination as to whether the breach occurred and, if appropriate, impose a penalty, following the guidance in Part G. The recommendation must be supported by at least three members.

**17.4.2** The Discipline Panel 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 Panel.

**17.4.3** If the Panel determines there has been no breach of the Rules, they may dismiss the concern.

**17.4.4** The Chair will communicate the determination and any penalty in writing to all parties within 10 working days. The determination must be supported by reasons.

**17.4.5** The Respondent will have the right to appeal the Panel's decision following the procedure in Part H [below].

## G. Policy Statement - Guidance on Penalties

**18.** The imposition of a penalty following a breach of the Rules is a matter of discretion for the Dean or the Disciplinary Panel (respectively under paragraph 16 or paragraph 17 above). They should use the following as guidance, to promote a consistent approach to penalties.

**19.** The penalties available vary depending on the seriousness of the breach committed. The Dean will determine in their Investigation Report whether the breach was 'minor' or 'major'. The Dean has the power to impose penalties for minor breaches following the guidance below at paragraph 22. If the Dean concludes the breach was major they must refer the Concern to a Disciplinary Panel which will have the power to impose a major penalty as outlined below at paragraph 24.

**20.** An apparently minor breach of the Rules may amount to a major breach by reason of the presence of one or more aggravating factors:

**20.1** The seriousness of the breach;

**20.2** The harm or damage caused;

**20.3** The advantage gained or potentially gained by the Respondent as a result of the breach;

**20.4** The intent and planning involved in the breach;

**20.5** The impact on the Collegiate or University community, as attested to by a Reporting Person or Witness in their Impact Statements;

**20.6** Whether the Respondent has admitted to the breach and when such an admission took place, or whether they failed to appreciate the seriousness of their actions;

**20.7** Whether the Respondent expressed remorse and/or showed insight into the impact of the breach.

**20.8** The evidenced personal circumstances of the Respondent.

**21.** The Dean or Disciplinary Panel should also consider any relevant, mitigating factors such as:

**21.1** The evidenced personal circumstances of the Respondent;

**21.2** Evidence of having acted in duress or self-defence;

**21.3** An acknowledgment of the wrong committed and the understanding of its impact;

**21.4** Positive attempts made by the Respondent to prevent the breach from occurring in the first place or to minimise its consequences.

**22.** Penalties for a minor breach include, but are not limited to:

**22.1** A written warning, which will be placed on the Respondent's record and will make any subsequent breaches of the Rules of Behaviour more serious;

**22.2** A fine to cover the cost of material damages caused, up to £250 – regard should be had to the student's personal financial means in imposing such a penalty;

**22.3** The requirement to provide a written apology or reflection;

**22.4** The requirement to engage in a reflective session or attend a specified training session;

**22.5** To impose a 'no contact' order, specifying actions to prevent interaction between the Respondent and named person(s)

**22.6** A ban from the College Club Room and/or other College rooms.

**23.** Only the Disciplinary Panel has the power to recommend a penalty following a major breach. For the avoidance of doubt, the Panel has authority delegated from College Council in the case of suspension or expulsion. Penalties for a major breach include but are not limited to:

**23.1** Exclusion from prescribed College facilities or activities, other than lectures, supervisions, classes, seminars and similar academic activities, for up to three terms;

**23.2** Dismissal or suspension from any College-approved post or office;

**23.3** Payment of a fine up to a maximum of £1000 [separate to any obligation to pay, in full, for damage to College property];

**23.4** Any monies collected are to be added to the College's Hardship Bursary Fund.

**23.5** Suspension or deprivation of membership of the College;

**23.6** Temporary or permanent removal from College accommodation;

**23.7** Expulsion, which shall extinguish all the rights and privileges of a student, cancel the student's status as a student and registration for any degree or other award of the University and revoke the status as a student and registration for any degree or other award of the University and revoke the student's membership of the College.

**23.8** Any penalty considered by the Discipline Panel to be lighter.

**24.** Where a Respondent subsequently fails to comply with any sanctions imposed by the Discipline Panel, the Respondent may be subject to any sanction specified by the Discipline Panel under paragraph 23 in this circumstance; or, where another sanction has not been specified, further disciplinary action may be taken under the Rules of Behaviour.

## H. Policy Statement - Appealing a decision by a Disciplinary Panel

**25.** Right to appeal

**25.1** Only the Dean (on behalf of the College or the Reporting Person) and the Respondent have the right to appeal a decision by the Disciplinary Panel.

**25.2** The Reporting Person, Witness and any other relevant persons have the right to complain about the handling of the Concern by making use of the College's Grievance Policy.

**26.** The available grounds for an appeal are:

**26.1** There has been a significant procedural irregularity;

**26.2** The Panel ignored important evidence;

**26.3** The Respondent has new material evidence that they were unable, for valid reasons, to provide earlier in the process;

**26.4** There was bias or reasonable perception of bias during the procedure;

**26.5** The penalty imposed was disproportionate, or exceeded the financial limit specified in the procedures.

**27.** Appeals must be made to the Vice-President (or a delegated deputy), in writing, within 20 working days of receipt of the Panel's decision, and must state clearly the reason(s) for appeal.

**27.1** If the President's role in the Panel was devolved to the Vice-President, the latter's role in the appeal is then devolved to the nominated Fellow as indicated in 17.1.2.

**27.2** If an appeal is not possible within this time, notice of 'intent to appeal' and the reasons for the delay must be given to the Vice-President within 20 working days. The Vice- President will then decide whether there is a prima facie ground for an appeal and whether there are reasonable reasons for the delay.

**27.3** While an appeal is being considered, any penalty imposed by the Disciplinary Panel will be suspended. If necessary, precautionary measures [paragraph 12] can be continued or imposed during this period.

**28.** On receiving an appeal, the Vice-President will convene an Appeal Panel to be chaired by a Fellow nominated by Council.

**28.1** The Appeal Panel will normally include two Hughes Hall Fellows who have had no previous role in the case, in addition to the Fellow nominated to chair. The Secretary to Council will act as secretary.

**28.2** If the appeal is by the Respondent, one Hughes Hall Fellow will be replaced by a Fellow of another Cambridge College, provided the Respondent gives permission for the relevant information to be shared with the external Fellow. The external Fellow must agree to maintain confidentiality, and references to student witnesses must be anonymised in documentation for and discussion with the external Fellow.

**29.** The Appeal Panel will conduct an independent review of the case, considering all the evidence available to the Disciplinary Panel and any additional information provided as part of the appeal. The review will usually be conducted without further oral hearings, but the Appeal Panel has the discretion to seek further relevant evidence or responses from any relevant party. They will provide a reasoned conclusion outlining their findings to all parties within 15 working days. They may conclude:

**29.1** The appeal should be dismissed, either because there are no acceptable grounds for appeal [paragraph 26] or because the Appeal Panel concluded that the Disciplinary Panel's decision was correct. For the avoidance of doubt, the Appeal Panel has authority delegated from College Council to uphold a Disciplinary Panel's decision regarding suspension or expulsion.

**29.2** The Disciplinary Panel's decision should be amended, because the penalty recommended was too severe, or too lenient, or inappropriate to the breach committed. Where the Appeal Panel 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 the Discipline Panel. The Appeal Panel may also convene a new Disciplinary Panel to reconsider

the case. However, if the second Disciplinary Panel's decision is also appealed, the Appeal Panel cannot convene a third Disciplinary Panel.

**29.3** The Concern as a whole should be dismissed, because in the Appeal Panel's consideration there was in fact no breach of the Rules.

**30.** Any person appealing under this procedure cannot also appeal to the College's Grievance Policy in respect of the same matters.

**31.** Where a Respondent subsequently fails to comply with any sanctions imposed by the Appeal Panel, the Respondent will be subject to any action specified by the Appeal Panel to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under the Rules of Behaviour.

**32.** There can be no appeal from the Appeal Panel's decision. When the Appeal Panel has made its ruling (or its final ruling if it has convened a second Disciplinary Panel), it will issue a Completion of Procedures letter. Any further appeal should be addressed to the Office of the Independent Adjudicator, see www.oiahe.org.uk.

## I. GDPR and Data Sharing

**33.** The College shall share the information and evidence related to Concerns, their investigation and outcome only where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules, or to implement any penalties 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.

**34.** 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. If a party does not wish certain information to be shared with the Respondent and there is a compelling reason not to disclose then this will be respected but may not form the evidential basis for a determination by the Dean or Disciplinary Panel, except in exceptional circumstances.

**35.** The College will share the decisions taken by the Dean, Disciplinary Panel or Appeal Panel only with persons with a legitimate interest, and the decisions will be shared on a confidential basis.

**36.** Where relevant and necessary, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean or Disciplinary Panel, 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.

**37.** Where formally requested and 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.

**38.** All parties to the disciplinary process – including potential witnesses – should act respectfully and reasonably and treat the disciplinary process with respect in the way they communicate with others. In particular, they should avoid making comments that might unnecessarily identify the subject of or other persons involved in a disciplinary process, or pre-judge the outcome of that process.

**39.** 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.

## J. Reporting and Monitoring

**40.** The College shall monitor all Concerns reported using this procedure. The Dean shall produce an annual report summarising the anonymised decisions made by the Dean, the Disciplinary Panel and the Appeal Panel. The annual report shall be submitted to Council for consideration.

**41.** 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.

**42.** Information about individual Concerns and Investigations will be kept confidentially by the College for a period of 2 years after the Respondent has ceased to be a member of the University and College, in line with our Data Protection Policy.

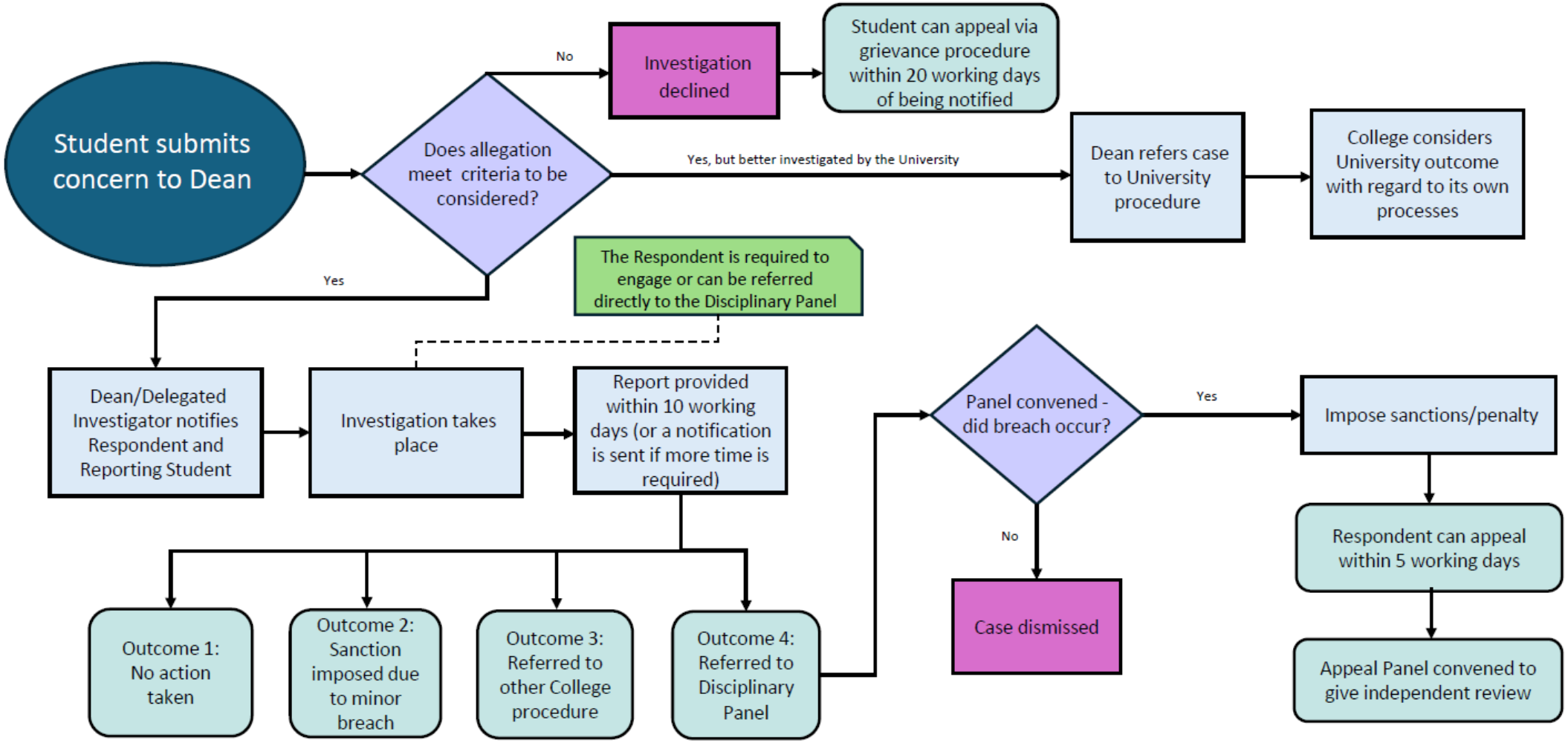
## K. Associated Documents

**43.** University's Disciplinary Procedure: Student Discipline | Student Complaints

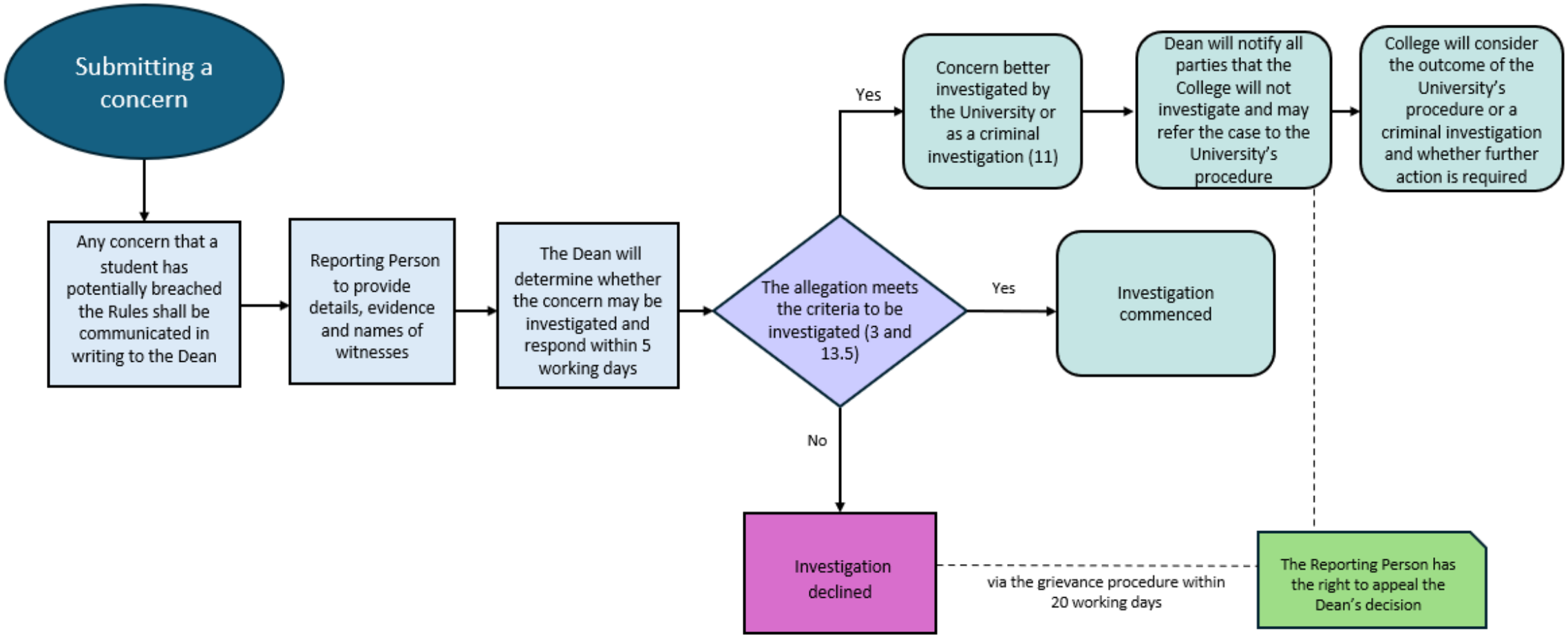
**44.** The College's Code of Practice on Freedom of Speech: Policies and documents - Hughes Hall.

**45.** The College's Grievance Procedure: Policies and documents - Hughes Hall.

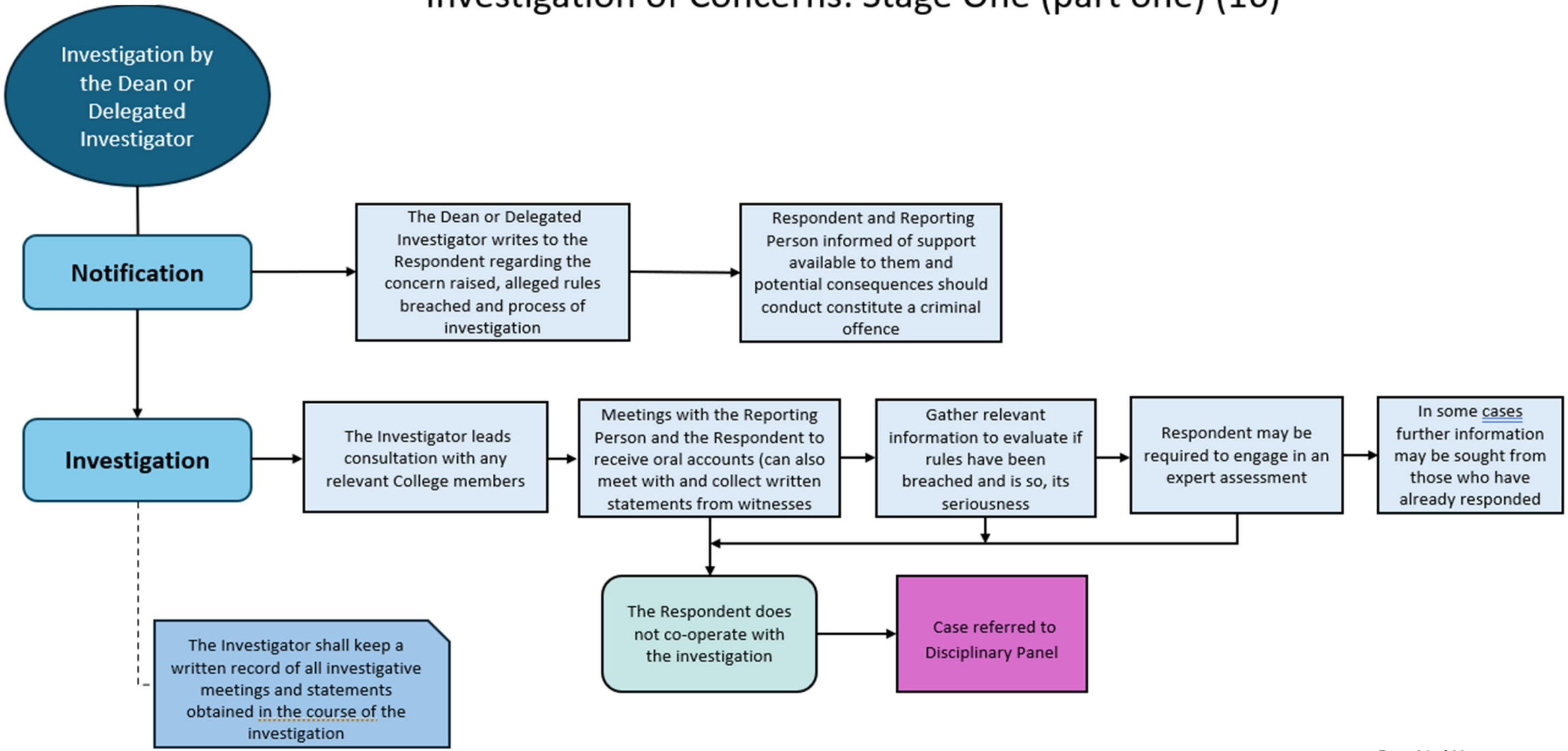
# Disciplinary Procedure Overview



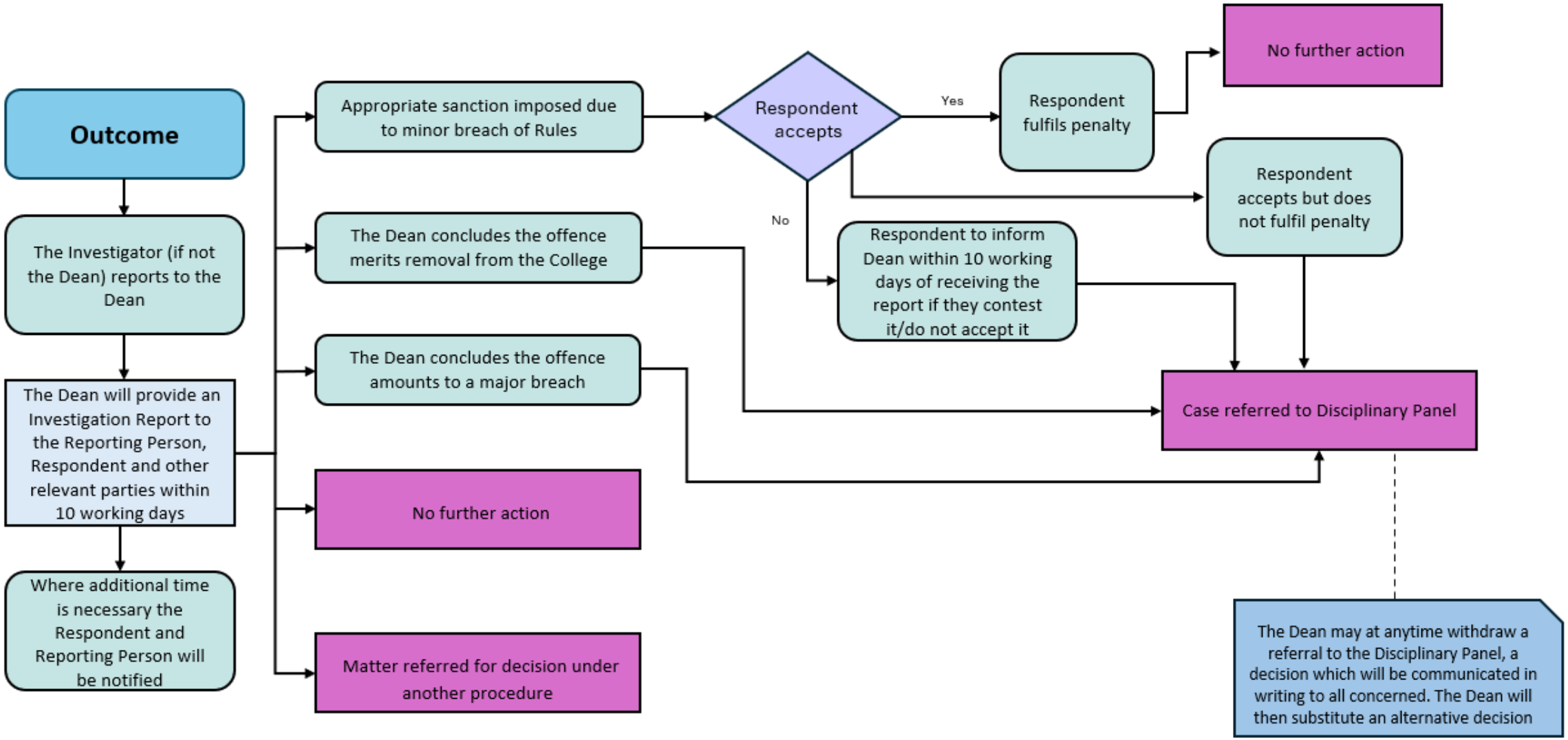
# Raising a Concern and the Disciplinary Process (13)



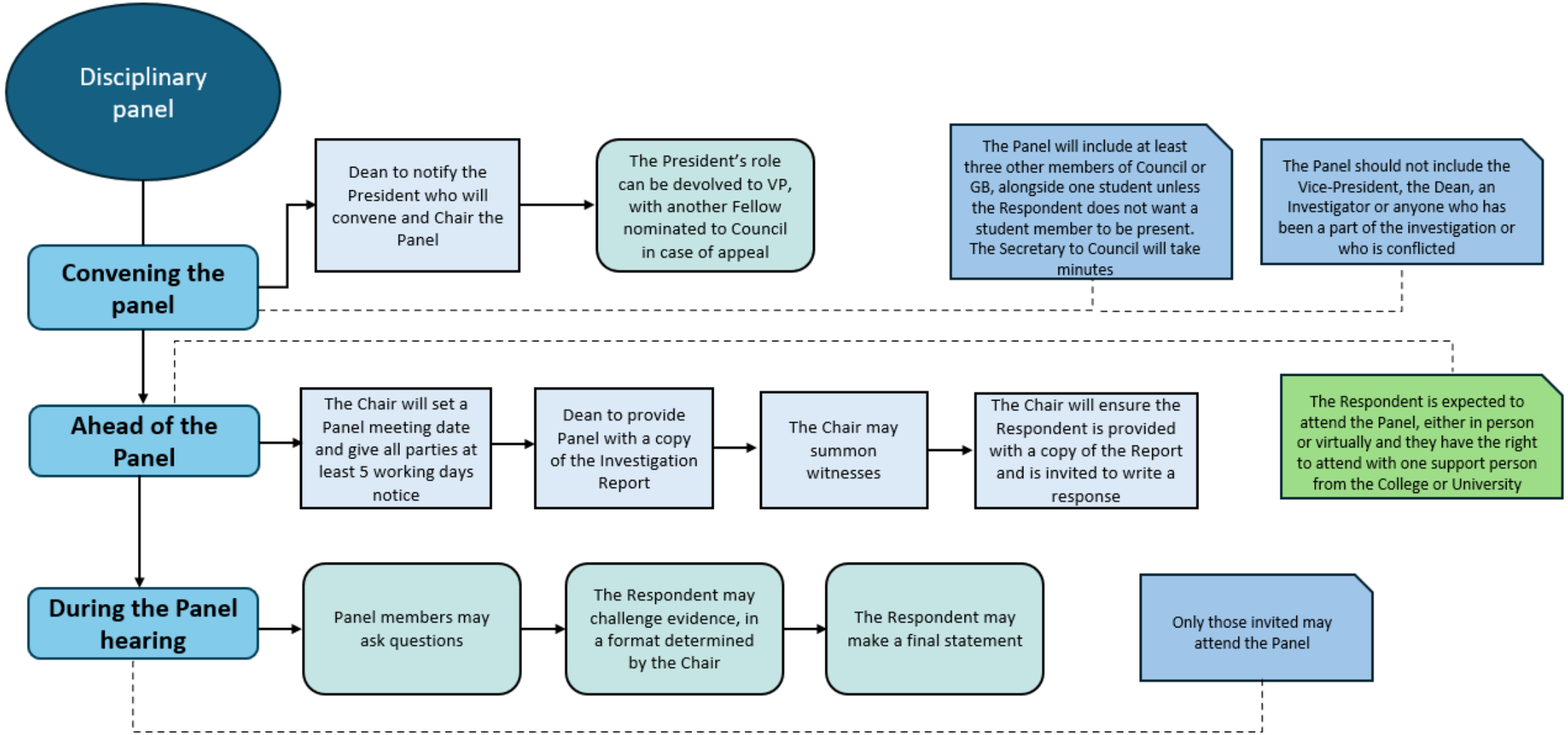
# Investigation of Concerns: Stage One (part one) (16)



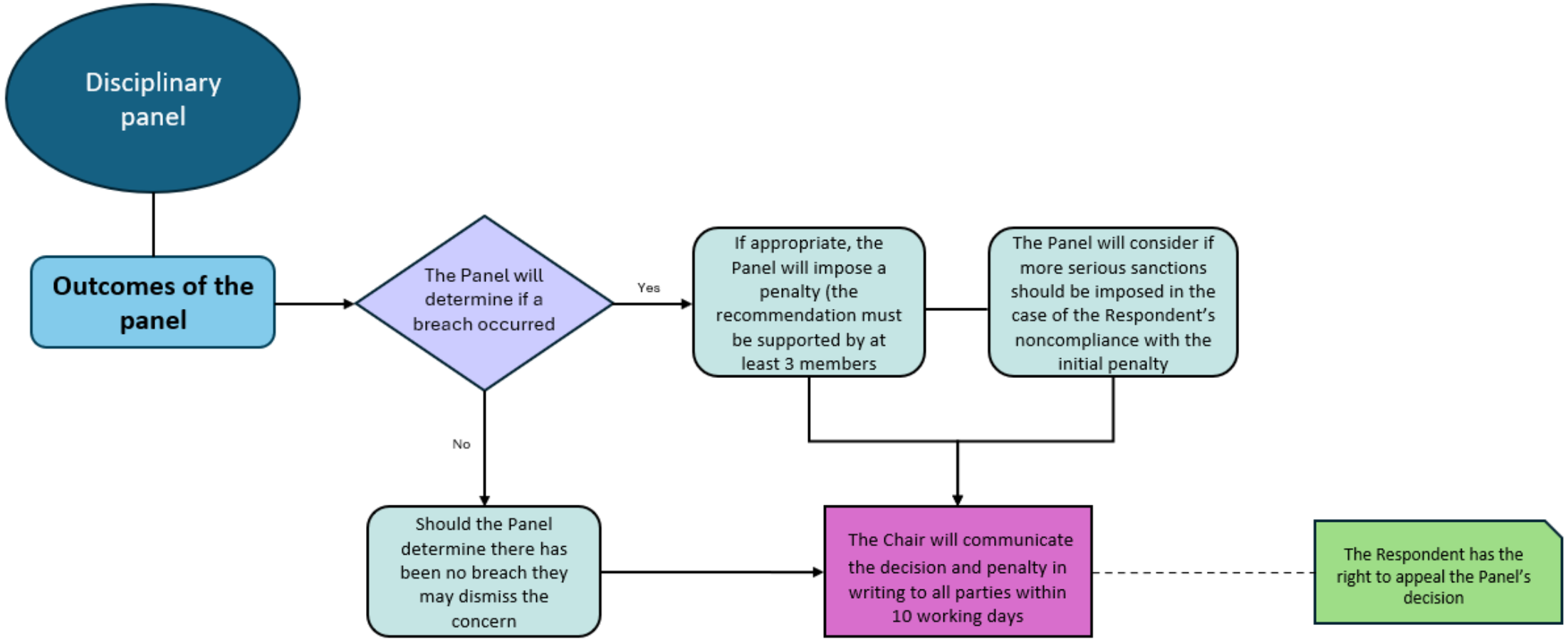
# Investigation of Concerns: Stage One (part two) (16)



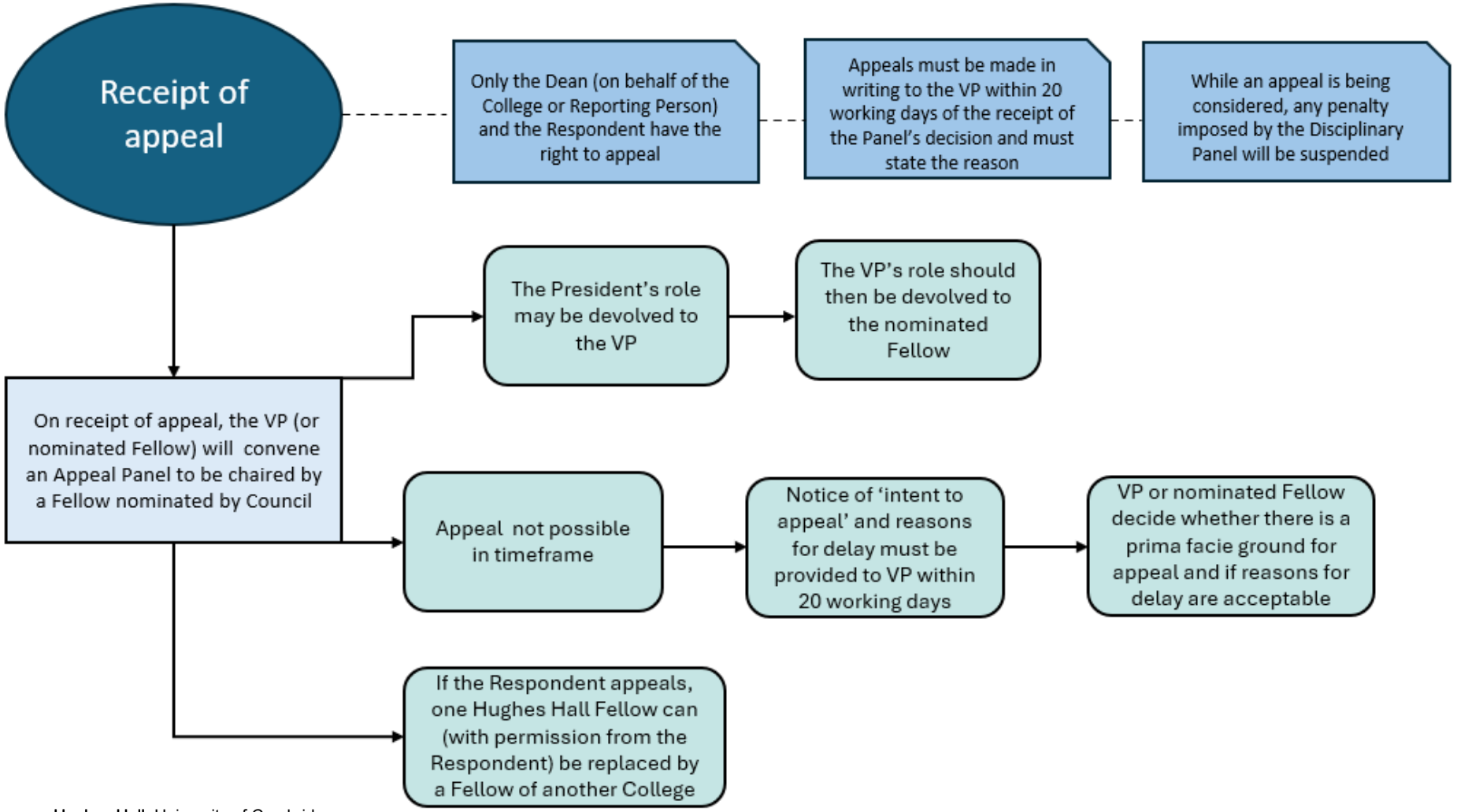
# Investigation of Concerns: Stage Two (part one) (17)



# Investigation of Concerns: Stage Two (part two) (17)



# Appealing a decision by a Disciplinary Panel (stage one) (H)



# Appealing a decision by a Disciplinary Panel (stage two) (H)

