



ST JOHN'S COLLEGE  
UNIVERSITY OF CAMBRIDGE

## **Guide to Student Behaviour**

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## A. Student Behaviour – an Introduction

Students of St John's College are, like all members of our community, treated as adults. Individually and collectively, we are responsible for maintaining the College's special atmosphere as a pleasant and friendly place in which to live, study and work.

Accordingly, we expect students always to behave considerately, courteously, kindly and in an orderly manner.

Exactly what this means is described in the document that follows. It consists of several sections including:

- 'Student Code of Conduct', which provides the general rules of behaviour with which you must comply.
- 'Sexual Misconduct Policy', which provides more specific rules around sexual harassment and sexual assault.
- 'Bullying and Harassment Policy', which provides specific rules around bullying and harassment.

As a St John's student, you are contractually bound to abide by this clear and sensible set of rules, and it would be wise to refresh your memory of their contents from time to time, as ignorance is no excuse for breaching them.

Occasionally and regrettably, students break the rules and the College has to deal with their misconduct. This guidance explains what happens when that occurs, and what you might do if you are subject to misconduct yourself or if you witness misconduct being committed against other students.

The Porters are often the first people to see or hear about misconduct, and any urgent issues should please be reported to them. Any student, staff member or member of the public can report misconduct.

The guidance also explains how students subject to misconduct can access professional support. As with so many welfare-related issues, talking to your personal Tutor, who will be able to provide you with initial advice, would be a good place to start.

## B. Student Code of Conduct

### 1.1 Introduction

All Students at St John's College must comply with the Statutes and Standing Orders of the College, and with the rules, procedures, or policies established by the College under its Statutes and Standing Orders, including those contained in the Student Handbook and in the College's Student Code of Conduct.

The Code of Conduct sets out the College's expectations of Students in relation to their conduct and behaviour.

The Code of Conduct applies to any Student in the College who is engaged in, or intermitting from, a course of study in the University and is assigned a Tutor. The formal term is '*in statu pupillari*'; this is fully defined in the College's Standing Orders.

Ignorance of the Code of Conduct is not a justification for breaching the rules contained within it.

Breaching one of more of the rules in the Code of Conduct may cause a Student to be subject to the College's Student Disciplinary Procedure. This Procedure is set out in this document. If the disciplinary process finds a Student in breach of the Code of Conduct, this may result in the imposition on the Student of one or more of the sanctions listed in this document. Some of these sanctions are extremely serious and include a Student being expelled from the College and/or having their College membership terminated. A Student's University membership is not automatically terminated by the outcome of the College's Student Disciplinary Procedure, but an outcome may result in the University taking similar action under its procedures.

Students should in particular note that in complaints of sexual misconduct, the University will investigate, and in such cases **both** the University and the College may impose sanctions on a Student who is found in breach of the University's Rules of Behaviour; this means that in addition to the sanctions available to the College and listed in this document, the sanctions available to the University (and listed here <https://www.studentcomplaints.admin.cam.ac.uk/student-discipline>) may be imposed, and these sanctions include a Student's membership of the University being terminated.

Students must comply with the terms of their room licence (i.e. the agreement by which they rent their accommodation from the College). The room licence is itself conditional on complying with the Code of Conduct; breaching the Code may lead to termination of the licence.

The Code of Conduct falls into six categories. These are (1) rules prohibiting academic misconduct (like plagiarism and cheating); (2) rules prohibiting or preventing harm to others (and, in some instances, harm to self); (3) rules ensuring a harmonious communal environment that is first and foremost a place of study; (4) rules on engaging with College Staff; (5) rules protecting the College's reputation in the community; and (6) a miscellaneous category.

The Code of Conduct applies to any conduct that takes place within the College's Jurisdiction. This is fully defined in the Student Disciplinary Procedure; in essence, it can cover any conduct which affects a Student's membership of the College, affects other College members or affects the College's

reputation. Misconduct that does not fall within the College's Jurisdiction may be referred to the University's Office for Student Conduct, Complaints and Appeals (OSCCA) and may be considered under its procedures. Breaches of the Code of Conduct that may also constitute criminal offences may be referred to the Police as appropriate, whether or not they also fall to be investigated under College procedures.

## **1.2 Definitions**

- 1.2.1 Students or other persons reporting alleged breaches of the Code of Conduct are referred to as the 'Reporting Person' or 'Reporting Persons'.
- 1.2.2 Students alleged to have committed a breach of the Code of Conduct are referred to as 'Respondent' or 'Respondents'.
- 1.2.3 Further key terms are defined in the Student Disciplinary Procedure.

## **1.3 Levels of Misconduct**

Under the College's Code of Conduct, allegations of Misconduct are categorised as either Standard or Serious Concerns. (These terms are defined in the Student Disciplinary Procedures in Section G of this document).

### **1.3.1 Aggravating factors**

Any breach of the Code of Conduct may be considered more serious if:

- it took place under the influence of alcohol or drugs or controlled substances;
- it was motivated by the protected characteristics or perceived protected characteristics of another under equality legislation (for example, the Equality Act 2010);
- the Respondent has committed prior breaches of the Code of Conduct;
- the Respondent has not complied with a sanction or Precautionary Action already imposed under the Disciplinary Procedure;
- the Respondent has attempted to conceal or destroy evidence or coerce or intimidate Witnesses or Reporting Persons or others;
- the Respondent has abused a position of authority, power, or trust, including where there is a power imbalance between the Respondent and the Reporting Person;
- the behaviour has directly or indirectly caused a physical or mental injury; or
- the behaviour has included the use of force, violence, threats, or intimidation.

### **1.3.2 Mitigating factors**

Any breach of the Code of Conduct may be mitigated if:

- the behaviour was accidental or not intended to cause harm, damage, or upset;
- the Student has demonstrated remorse for the breach of the Code of Conduct;
- the Student has admitted and/or accepted responsibility for the breach of the Code of Conduct; or
- the Student has taken immediate steps to remedy the effects of the breach of the Code of Conduct or provided redress.

### 1.3.3 University / Police investigations

Students are also subject to the University's behavioural rules and disciplinary procedures: <https://www.studentcomplaints.admin.cam.ac.uk/student-discipline> as well as to the general law of the land (including the criminal laws, which are enforced by the Police).

Any Student who is being investigated by the University or the Police should notify their Tutor without delay.

The College does not have jurisdiction to investigate breaches of University rules or breaches of the criminal law under its Student Disciplinary Procedure unless the matters alleged also constitute breaches of the College's Code of Conduct.

The College may investigate alleged breaches of its Code of Conduct (except for those covered under section 1.3.4 below) even if there has been an overlapping University disciplinary matter or a criminal investigation or prosecution. The College will consider findings made by the University or the Police to determine whether its own Code has been breached and act appropriately in relation to imposing sanctions on a Student.

### 1.3.4 Complaints about sexual misconduct and harassment

All complaints of sexual misconduct and harassment will be referred to the University for the complaint to be investigated by OSCCA and to be dealt with as appropriate by the University under its Student Disciplinary Procedure. The College will act appropriately on the investigation and findings made by the University. Both the University and the College may impose sanctions on a Student as a result of the findings. A finding of sexual misconduct may result in a Student's removal, temporarily or permanently, from membership of the University; a finding of sexual misconduct may result in a Student's removal, temporarily or permanently, from membership of the College.

In consultation with, and normally with the agreement of, the Complainant, the College may refer an allegation of sexual misconduct to be dealt with by the Police and may impose its own sanctions as appropriate on the conclusion of any such referral. For the avoidance of doubt, the College may refer the same Concern to OSCCA and to the Police.

## 1.4 Rules Prohibiting Academic Misconduct

### 1.4.1 Students must not commit academic misconduct

The College enforces the standards of academic conduct as defined by the University; Students must familiarise themselves with those standards: <https://www.plagiarism.admin.cam.ac.uk/>. If in doubt, in any particular instance, a Student should consult their Tutor or Director of Studies.

According to the University, academic misconduct includes '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 such things as plagiarising (using someone else's ideas or words without acknowledgement), self-plagiarising (re-using, without acknowledgement, the student's own ideas or words that have previously been submitted for formal assessment at this University or another institution), cheating, and collusion.

Any copying and pasting of material in connection with a supervision essay or a dissertation is likely to require attribution.

**1.4.2 Students must not infringe copyright (see section 5.1.6 of the Student Handbook).**

**1.5 Rules Prohibiting or Preventing Harm**

**1.5.1 Students must not engage or attempt to engage in physical misconduct, sexual misconduct, or abusive behaviour.**

**Students must comply with the University's Code of Conduct in respect of harassment and sexual misconduct.**

**'Physical misconduct'** is any unwanted or unreasonable contact. Examples of physical misconduct include pinching, punching, kicking, slapping, pulling hair, biting, pushing, shoving, using weapons, and using items as weapons. Serious cases may constitute breaches of the criminal law and the University's rules; they may be referred to OSCCA and/or the Police as well as the College; they may result in removal, temporary or permanent, from the College under its Student Disciplinary Procedure distinct from any decision taken by the University regarding its own disciplinary process.

**'Sexual misconduct'**<sup>1</sup> is engaging or attempting to engage in sexual intercourse or a sexual act with another individual without their consent; sexually touching another individual without their consent; conduct of a sexual nature which creates (or could create) a degrading, intimidating or hostile environment for others, including making unwanted remarks of a sexual nature or harassment of a sexual nature; showing sex organs without consent; repeatedly following another person without good reason; recording and/or sharing private or intimate sexual materials of another person without their consent (e.g. images, video, voice recordings, text messages, letters, emails); arranging or participating in activities or events that may reasonably be assumed to be degrading and humiliating to those who have experienced sexual violence, including inappropriately themed social and initiation events; or misuses of power enacted by Staff especially in their relations with Students or Staff members, e.g. inappropriate or unwanted behaviour such as harassment, grooming, bullying, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of inappropriate sexual atmosphere, and promised resources in exchange for sexual interaction. Allegations of sexual misconduct may be Concerns that constitute breaches of the criminal law. As provided in section 1.3.4 of this Code of Conduct, such Concerns will be referred to OSCCA for investigation to be dealt with as appropriate under the University's rules. A finding of sexual misconduct may result in removal, temporary or permanent, from membership of the University. Depending on the outcome of the investigation and findings made by the University, the College may impose its own sanctions.

In consultation with, and normally with the agreement of, the Complainant, the College may refer an allegation of sexual misconduct to be dealt with by the Police, and may impose its own sanctions as appropriate on the conclusion of any such referral. For the avoidance of doubt, the College may refer the same Concern to OSCCA **and** to the Police.

**'Abusive behaviour'** is any unwanted behaviour that is reasonably likely to cause harm; or have the effect of violating another's dignity; or create an intimidating, hostile, degrading,

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<sup>1</sup> The College's Sexual Misconduct Policy is set out in Section C.

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. It includes bullying or intimidating behaviour as well as conduct which is harassment or discrimination.<sup>2</sup> Abusive behaviour can take place in physical or virtual environments. Allegations of abusive behaviour will typically be Concerns that constitute breaches of the criminal law and the University's rules and may be referred to OSCCA and/or the Police as well as the College. A finding that a Student has engaged in abusive behaviour may result in removal, temporary or permanent, from the College under its Student Disciplinary Procedure distinct from any decision taken by the University or the Police.

**1.5.2 Students must not engage in behaviour that intentionally or recklessly puts themselves or anyone else in danger of physical harm.**

This prohibition includes climbing or accessing the roof of any College building (other than in emergencies or in the cases specified in 1.9.5), swimming in the river on the Backs and jumping from bridges.

**1.5.3 No firearm (including ball-bearing guns or air rifles), and no ammunition or fireworks, may be brought onto or kept on College premises.**

**1.5.4 Students must not engage in the following alcohol-related misconduct:**

- Being drunk to the point of having no judgement or self-control;
- Being drunk and disorderly (including making a noise, engaging in aggressive behaviour, being in a public state of undress, or causing a mess on College premises);
- Organising or participating in drinking societies or rituals of initiation or hazing;
- Organising or participating in any event that involves binge-drinking;
- Pressuring someone else to drink or misleading them about the alcoholic content of a drink.

**1.5.5 Students must not (i) use, supply, or be in possession of illegal drugs, or (ii) engage in unauthorised use, supply, or possession of controlled substances.**

Serious cases will typically be reported to the Police. They may also result in removal, temporary or permanent, from the College and may also result in potential action being taken regarding a Student's University membership by the University under its own procedures as a consequence.

**1.5.6 Students must comply with the College's IT rules, and must not misuse the internet, social media, email facilities, or IT networks.**

The College's IT rules are set out in the Student Handbook and can be found online at <https://stjohnscambridge.zendesk.com/hc/en-gb/categories/27498903656477-IT-Policies>. Students must abide by all instructions issued by the IT & Digital Services Department and disconnect any device from the network if told to do so. In order to investigate possible infringements or breaches of the rules this may include providing representatives of the College access to their devices and machines and to the information stored on them. Among other sanctions they may face, Students breaching these rules may have their access to University and College networks suspended. Breaches that threaten

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<sup>2</sup> The College's Harassment and Bullying Policy is set out in Section D.



the security of the College's network or the online safety of College members will be subject to severe sanctions. Actions that involve misuse or abuse of University networks or threaten their security or the online safety of University members or others may be the subject of disciplinary action by the University under its own procedures, and may result in action being taken by the College as a consequence.

- 1.5.7 **Students must not damage or misappropriate property or premises, or occupy property or premises without appropriate permission, whether the property or premises belong to the College, another member of the College, or anyone else.**

Students will be required to pay for the costs of damage or losses, whether caused by them or their guests.

- 1.5.8 **Students must not organise or conduct an initiation as part of the activities of joining a College club or society.**

## **1.6 Rules Ensuring a Harmonious Communal Environment**

- 1.6.1 **Students must not engage in behaviour prejudicial to the good order of the College or liable to cause a disturbance in the College.**

- 1.6.2 **Students must not interfere or attempt to interfere in the activities of the College, or with any member of the College in the pursuit of their studies or in the performance of their duties.**

- 1.6.3 **Students must comply with the College's health and safety rules.**

Students must comply with any procedures intended to protect the health or safety of others and must not interfere with any health and safety equipment. The health and safety rules are set out in Appendix M of the Student Handbook.

Students must comply with all health and safety regulations and instructions issued by the College or another associated institution.

- 1.6.4 **Students must not smoke or vape inside any College building (whether on the main site or elsewhere).**

Smoking is not allowed inside any College building. Students are reminded that smoking inside buildings is a violation of national law.

On the main College site, Students may only smoke or vape: (i) in the Forecourt car park (by the Fellows' bike racks); (ii) in Cripps Lane (in the shelter in the car park); and (iii) outside the College bar, behind the patio gates, between the hours of 6pm and 11pm Saturday to Thursday and between the hours of 6pm and midnight on Friday evenings. No smoking is permitted at any point in the patio.

In relation to College buildings, that are outside the main College site, students must smoke or vape sufficiently far away from doors and windows that the smoke or vapor cannot be smelled inside the building.

The College's Smoke-Free policy is set out in full in F.1.7 of the Standing Orders.

- 1.6.5 **Students must not make undue, unreasonable, or anti-social noise.**

No matter what time of day, music, conversation, instruments, audio equipment, or any activity being carried out by a Student must not disturb anyone else inside their room (including the home of a neighbour outside the College property). During sleeping hours (10pm-9am), no sound should be audible outside a Student's room.

Unamplified musical instruments may be played in a Student's room only between 9am and 10pm.

Music practice by groups or individuals using amplified equipment is not permitted except in the Band Practice Room located in the Cripps basement.

Specific exceptions to these rules (usually limited to Students reading Music and organ award holders who need to practise in their rooms) can be agreed by the Domestic Bursar in liaison with: a Student's Tutor or Director of Studies for Students reading Music / the Senior Tutor for Students not reading Music.

If a Student or Staff member is concerned about the noise someone is making, they should first notify that person and request that they reduce the volume to the proper level. If that is unsuccessful, the incident should be reported to the Porters.

**1.6.6 Students must seek appropriate permissions for hosting a gathering or event or hosting a guest.**

Students need the Dean of Discipline's permission to (i) host a gathering of more than 12 people; or (ii) bring more than 2 guests to Formal Hall.

Students need a range of permissions from the Head Porter, Dean of Discipline, Domestic Bursar, and/or the Catering & Hospitality Manager to host the following types of event: (i) large parties or gatherings by the JCR or SBR; (ii) events hosted in the Hall, Wordsworth Room, Parsons Room, Old Music Room, or the Combination Room; and (iii) events in the Scholars' Garden. The relevant permission forms can be found on the College intranet; the forms set out the additional rules governing these events.

During the examination period in Easter Term, parties or social gatherings of any kind will not be authorised between the third and last Fridays of Easter Full Term.

**1.6.7 Students must take responsibility for the behaviour of their guests on College premises.**

This includes ensuring that their guests comply with this Code of Conduct. Students must not host more guests than they can reasonably be responsible for. Students should ensure that their guests do not have an adverse impact on other College members or shared facilities.

**1.6.8 Students must comply with the terms of their room licences.**

This includes keeping their living quarters clean and tidy, and properly dealing with their rubbish and recycling. Failure to do this may lead to the termination of a room licence and consequent eviction from College.

College accommodation is for single-person occupancy by the Student who signs the room licence. Long-term guests or frequent overnight stays are not permitted. Undergraduates can host overnight guests 3 nights a week; postgraduates may host guests for no longer than 10 consecutive nights. No guest may be accommodated when their host is not in

residence. Those living in shared College accommodation (whether in shared rooms or shared houses) should notify their housemates (by electronic message, if it's late at night) that they have guests staying over.

Students are reminded that the College has guest rooms available, including for couples. If any Student has a need for accommodation for more than one guest, or for longer-term guest accommodation, they should contact the Domestic Bursar.

No child under 16 may be accommodated in College or in a shared house at any time.

**1.6.9 Students must not interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College.**

In this regard, Students must comply with the University's Code of Practice on Freedom of Speech. Section 43 of the Education (No. 2) Act 1986 obliges the University and the College to 'take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, Students, and employees of the establishment and for visiting speakers'. In compliance with the Act, the University has a code of practice setting out the procedures to be followed in organising and running meetings and public gatherings on their premises. The College Code of Practice on Freedom of Speech is available under Statements & Reports at <https://www.joh.cam.ac.uk/statutes-and-governance>.

**1.6.10 Students must not keep pets or other animals on or near any College property.**

An exception is made for guide dogs and assistance dogs, and requires the written approval of the Domestic Bursar, with appropriate conditions set.

**1.6.11 Students must observe the formalities that constitute formal dinners in Hall.**

These formalities are set out in Appendix D of the Student Handbook.

**1.7 Rules on Engaging with College Staff**

**1.7.1 Students must comply with instructions issued by any person or body authorised to act on behalf of the College, in the proper discharge of their duties.**

'Instructions issued by any person or body authorised to act on behalf of the College' include requests that Students attend meetings and that they provide identification upon request, as well as health and safety regulations and instructions issued by the College or another associated institution. They also include requests by Staff in the College Bar to conform to the code of conduct that governs use of the Bar, which is set out in Appendix C of the Student Handbook.

**1.7.2 Students must comply with disciplinary investigations. This includes:**

- Meeting promptly when summoned by or on behalf of the Head Porter, the Dean of Discipline, an Investigating Officer appointed by the Dean of Discipline, the Master, the College Council or a member of the Disciplinary Appeals Committee, and answering their questions truthfully;
- Providing the College with reasonable information upon request so that it can assess the risk the Respondent may pose to the College community;

- Complying with any Precautionary Action measures whilst the College's or University's Student Disciplinary Procedure is ongoing;
- Complying with any sanction or measure under the Student Disciplinary Procedure;
- Not attempting to conceal or destroy evidence or coerce or intimidate College Staff or Students involved in a matter being considered under the Student Disciplinary Procedure or in the Procedure itself.

**1.7.3 Students must not forge, falsify, or improperly use information to gain or attempt to gain a personal or academic advantage in the College.**

## **1.8 Rules Protecting the College's Reputation in the Community**

**1.8.1 Students must not engage in behaviour liable to bring the College's name into disrepute, including through lack of consideration for any other member of the College, member of the College staff, or visitor.**

**1.8.2 Students living offsite, whether or not in College property, should be considerate and respectful to their neighbours.**

**1.8.3 Students must not engage in demeaning, threatening, or aggressive behaviour towards anyone they encounter around Cambridge, whether in the shops, streets, or otherwise.**

## **1.9 Miscellaneous Rules**

**1.9.1 Students must register their bicycles and not use them within College grounds or shared houses.**

Bicycles may not be ridden or otherwise brought into the grounds, staircases, rooms, or courts of the College. Bicycles may also not be brought inside any part of the College shared houses (communal areas and bedrooms).

**1.9.2 Cars, Motorcycles, Motor Scooters and Mopeds may only be kept in Cambridge by Students with Tutorial consent and after the issue of a licence by the Senior Proctor.**

Motor vehicles of any kind may not be parked within the College except by special permission of a Student's Tutor and the Domestic Bursar.

**1.9.3 Leaflets and advertising matter, whether political or otherwise, may not be distributed to rooms, unless such circulars are signed by a member of the College, that person being presumed to take responsibility for the content.**

Such material may be left in pigeonholes to be collected with mail. No material may be affixed to outside walls or windows. No circulars may be addressed to rooms in College occupied by Fellows.

**1.9.4 Room-to-room collections of money or advertising are not permitted within the College.**

Any collection for charity must first be authorised by the President and the Dean of Discipline.

**1.9.5 The Cripps Building roof may only be used on the following conditions:**

- The area may be used for leisure purposes by members of College during daylight hours only.
- The rules for room parties apply to the roof area with the exception that such parties must end when it becomes dark.
- Barbecues are not permitted.
- Those using the area must take all litter with them as this area will not be cleared by members of Staff.
- No smoking or vaping is permitted.

**1.9.6 Undergraduates and postgraduate Students on taught courses should not undertake paid employment during term time. Research postgraduates should not normally have more than 10 hours of paid employment per week. The College recognises the value of completing supervision teaching or demonstrating for research postgraduates.**

**1.9.7 Students who wish to, or who are asked to, represent the College within the media must immediately consult the SBR/JCR Presidents and the College's Communications Office.**

The SBR/JCR Presidents and the College's Communications Office will liaise with the Senior Tutor in order to give advice on appropriate representation. Students are of course allowed to appear in the media in their own right.

**1.9.8 Students are not permitted to walk on the grass lawns in the Courts and grounds of the College.**

The exceptions to this are the Scholars' Garden, and the Upper and Lower Paddock (the Backs) where Students may walk on the grass.

Games are not allowed in the Courts or on the Backs, except for croquet and frisbee on the Paddock in the Easter Term.

It is not permitted to release balloons and lanterns from the College grounds.

**1.9.9 Food and drink may not be consumed in the Courts of the College**

However, during the Easter Term meals from the Buttery Dining Room may be taken on the Backs between the hours of 12-2pm and 6-8pm. All trays, crockery, bottles, and glasses must be returned to the Buttery Dining Room and/or Bar as appropriate. The area where meals may be taken is strictly confined to the space between the path and the riverbank, in the immediate vicinity of the Kitchen Bridge, marked Members of the College only.

This is a privilege that may be withdrawn at short notice upon evidence of any abuse.

**1.9.10 Except with the permission of the Dean of Discipline, no posters may be displayed in College other than on notice boards.**

The putting up of fly posters in the town, or on the buildings of other Colleges, is forbidden by the University authorities.

**1.9.11 Students must not publish (on paper, in electronic form, or otherwise) anything which tends to bring the College or University into disrepute or which could endanger their good name and reputation.**

Information published by members of the College does not represent the College or the University and must not imply otherwise.

Any publication by a member of the College which is distributed in the College or University, or which is in any way associated with the College or University, shall clearly indicate the name or names of the author or authors, and of all other persons responsible for the publication. All such persons shall be jointly responsible for that publication. The owner of any computer connected to the College network is automatically responsible for information published from that machine. Please see section 1.6.9 for information about freedom of speech.

College logos, crests, and other images referring directly or indirectly to the College may not be used without the College's permission. To seek permission, please contact the Communications Office.

Authors and publishers must avoid doing anything contrary to law, including (but not limited to): the publication of defamatory material; breach of copyright; publication contrary to the Official Secrets Act; incitement to harassment, racial hatred, or discrimination; the disclosure or transfer of personal information contrary to the Data Protection Act; the publication of pornographic or offensive material. Information published electronically must abide by the regulations governing the equipment and networks by which it is distributed, including the Rules for the Use of College IT services set out in Appendix H of the Student Handbook. The Rules of the University IT Syndicate, the acceptable use policies of the University Data Network, and the acceptable use policy of the Joint Academic Network (JANET). Note that the use of University IT facilities for private financial gain or for commercial purposes requires special authorisation.

Copies of printed College publications, both official and unofficial, should be deposited in the College Library by the publisher.

## C. Sexual Misconduct Policy

### 1.1 Statement of principles

- 1.1.1 The College is committed to providing an environment that is free from harassment, discrimination, and abuse, including sexual misconduct.
- 1.1.2 It has established the following principles to reflect this commitment, and all Students and members of Staff of the College are responsible for upholding these principles:
  - a. No Student or member of Staff should be subject to sexual misconduct.
  - b. No Student or member of Staff should subject anyone else to any conduct which would be regarded as sexual misconduct under the terms of this policy.
  - c. All Students and members of Staff should be treated with dignity and respect at all times.
  - d. The College expects all its Students and members of Staff to take responsibility for their own conduct.
- 1.1.3 The College takes allegations of sexual misconduct very seriously and may take action, including disciplinary action, in response to a report of sexual misconduct under this Policy. Reports of sexual misconduct will be handled in accordance with section 1.3.4 of the Student Code of Conduct and 1.5 of the Student Disciplinary Procedure.
- 1.1.4 The College will respect an individual's choice about taking a disclosure forward.

### 1.2 Scope

- 1.2.1 This policy applies to all Students and Staff of the College.
- 1.2.2 This policy relates to all incidents of sexual misconduct, as well as domestic abuse and coercive or controlling behaviour, complicity, retaliation, vexatious reporting, and malicious reporting as defined below.
- 1.2.3 This policy is accompanied by College procedures, for Students and for Staff, that relate specifically to experiences that have occurred during the course of study or work at the College, in which the Respondent is a current Student or member of Staff of the College.
- 1.2.4 Where the Respondent to a report of sexual misconduct covered by this policy is a Student, the College will refer the matter to the University's Office for Student Conduct, Complaints and Appeals (OSCCA) to be considered under the University's Student Disciplinary Procedure.
- 1.2.5 Where a report of sexual misconduct may also constitute a criminal offence, it may be referred to OSCCA or to the Police or, in appropriate cases, through both of these channels. Students will be supported by the College in coming to an informed decision as to whether to report incident(s) of sexual misconduct to the Police and/or to OSCCA. However, if a Student decides not to report the incident to the Police and/or OSCCA, the College will not compel them to do so. Further information on reporting an incident to the Police can be found in Section 1.5 of this Policy.

- 1.2.6 Where the Respondent to a report of sexual misconduct covered by this policy is a member of Staff, the College will consider the matter under its Staff disciplinary procedures.
- 1.2.7 Staff at the College will be briefed in relation to this policy as appropriate to their roles.
- 1.2.8 All Staff involved in implementing this Policy will always act with impartiality and discretion and will maintain confidentiality.
- 1.2.9 This Policy does not cover incidents of non-sexual harassment. The College has a separate Harassment and Bullying Policy to deal with such matters.
- 1.2.10 If there is a conflict or overlap between this and another College policy or procedure, then the Dean of Discipline (in cases concerning a Student Respondent) or the Head of Human Resources (in cases concerning a Staff Respondent) will decide which policy should apply.

### **1.3 Definitions and terminology**

- 1.3.1 A list of definitions is provided below to clarify the scope of this policy. The definitions have been separated into the types of behaviour captured under this policy which amount to policy breaches and clarification of the terminology used in the policy.
- 1.3.2 **Sexual Misconduct** is defined in this policy as all unwanted conduct of a sexual nature through any medium including for example, online. This includes, but is not limited to the following behaviour:
  - (a) Engaging or attempting to engage in sexual intercourse or a sexual act with another individual without their consent;
  - (b) Sexually touching another individual without their consent;
  - (c) Conduct of a sexual nature which creates (or could create) a degrading, intimidating or hostile environment for others, including making unwanted remarks of a sexual nature or harassment of a sexual nature;
  - (d) Showing sex organs without consent;
  - (e) Repeatedly following another person without good reason;
  - (f) Recording and/or sharing private or intimate sexual materials of another person without their consent (e.g. images, video, voice recordings, text messages, letters, emails);
  - (g) Arranging or participating in activities or events that may reasonably be assumed to be degrading and humiliating to those who have experienced sexual violence, including inappropriately themed social and initiation events;
  - (h) Misuses of power enacted by Staff especially in their relations with Students or Staff members, e.g. inappropriate or unwanted behaviour such as harassment, grooming, bullying, sexual invitations, comments and non-verbal communication with sexual content or overtones, creation of inappropriate sexual atmosphere, and promised resources in exchange for sexual interaction.



- 1.3.3 **Domestic abuse and Coercive or Controlling Behaviour** is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those who are, or have been, intimate partners or family members regardless of gender or sexuality. This can include, but is not limited to, psychological, physical, sexual, financial, and/or emotional abuse.
- 1.3.4 **Coercion** means someone is pressured unreasonably for sex, which can include manipulation.
- 1.3.5 **Force** includes any physical or emotional harm or threat of physical or emotional harm that would reasonably place an individual in fear of immediate or future harm, with the result that the individual is compelled to engage in a sexual act.
- 1.3.6 **Complicity** is any act that knowingly helps, promotes, or encourages any form of Sexual Misconduct by another individual.
- 1.3.7 **Retaliation** may constitute any words or actions, including intimidation, threats, or coercion, made in response to disclosures or reports made under this Policy by any individual, including both the Respondent and the Reporting Person, as well as Witnesses, friends or relatives.
- 1.3.8 **Consent** is the agreement by choice where the individual has both the **freedom** and **capacity** to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of complaint, and each new sexual act requires a re-confirmation of consent as the foundation of a healthy and respectful sexual relationship. Consent may be withdrawn at any time before or during a sexual act.
- 1.3.9 **Capacity to consent:** Free consent cannot be given if the individual does not have the capacity to give consent. An individual is incapacitated when asleep, unconscious, semi-conscious, or in a state of intermittent consciousness, or any other state of unawareness that a sexual act may be occurring. Incapacitation may occur on account of a mental or developmental disability, or as the result of Alcohol or Drug Use.
- 1.3.10 **Freedom to consent:** For consent to be present, the individual must freely engage in a sexual act. Consent cannot be inferred from a lack of verbal or physical resistance. Consent is not present when submission by an unwilling participant results from coercion, force, threat, intimidation, or the exploitation of power.
- 1.3.11 **Disclosure** involves an individual choosing to tell anyone who is part of the College's community about their experience of Sexual Misconduct (different from Report) which is not submitted for the purposes of investigating any disciplinary allegation under this Policy.
- 1.3.12 **Report** is the sharing of information with a Staff member of the College regarding an incident of Sexual Misconduct experienced by that individual for the purposes of initiating the investigation process as set out in this Policy (different from Disclosure).
- 1.3.13 **Reporting Person** is the person(s) who has been the subject of the alleged incident of Sexual Misconduct or other Policy breach.
- 1.3.14 **Respondent** is the person(s) whose behaviour it is alleged amounted to an incident of Sexual Misconduct or other Policy breach.

- 1.3.15 **Malicious Reporting** occurs when an individual makes allegations of Sexual Misconduct that they know to be untrue.
- 1.3.16 **Vexatious Reporting** involves the creation of persistent, unwarranted reports made under this Policy, or a refusal to accept any reasonable decisions arising from the application of the accompanying procedures to this Policy.
- 1.3.17 **Alcohol and/or Drug Use:** Incapacitation arising from alcohol or drug consumption should be evaluated on the basis of how the alcohol/drugs have affected the individual. Signs of incapacitation may include, but are not limited to, one or more of the following: slurred speech, unsteady gait, bloodshot eyes, dilated pupils, unusual behaviour, blacking out, a lack of full control over physical movements, a lack of awareness of circumstances or surroundings, and/or an inability to communicate effectively. Intoxication is never a defence for committing an act of Sexual Misconduct or for failing to obtain consent. If there is any doubt as to the level or extent of one's own or the other individual's incapacitation, the safest approach is not to engage in a sexual act.
- 1.3.18 The College recognises that there are potentially additional types of behaviour that will constitute a breach of this Policy and which will, therefore, need to be considered under the relevant internal disciplinary regulations.

#### **1.4 Confidentiality**

- 1.4.1 Confidentiality will be maintained, where possible, throughout the Disclosure, Reporting and investigative processes in recognition of the sensitive nature of Sexual Misconduct matters. As such, information will usually only be shared with relevant individuals/entities (who may be internal or external to the College, e.g. respondents, witnesses, external experts from specialist agencies like Rape Crisis, Sexual Assault Referral Centres, the University, via OSCCA or the Harassment and Violence Support Service (HVSS), or the Police) with the agreement of the Reporting Person.
- 1.4.2 The College reserves the right, and may be under an obligation, to share information in exceptional circumstances where such disclosure is necessary to protect any individual or the wider College community from harm or to prevent a crime from taking place. Throughout all proceedings, the College will act in compliance with the UK General Data Protection Regulation (GDPR), Data Protection Act 2018, and other legislative requirements.
- 1.4.3 All individuals involved in any process under this Policy must keep information that is disclosed to them as part of the process confidential. Any unauthorised disclosure of confidential information will be considered a violation and will be addressed accordingly. Confidentiality does not prevent individuals from seeking appropriate advice and support.

#### **1.5 Reporting**

- 1.5.1 If a Student at the College has experienced Sexual Misconduct, they can make a Disclosure or a Report to the College, in person or online, as follows:
- (a) A Student may provide a confidential Disclosure to a member of College without being required to make a formal Report.

- (b) Having taken advice from the College's Student Advisors on Reporting and Support Options (SARSOs), as facilitated by the Senior Tutor, a Student may decide to:
    - (i) make a Report to the Dean of Discipline through which a Student can request that another Student's behaviour is investigated. Such reports may be made to the Dean directly or through another party (such as another College member or a reporting centre such as the University's Harassment and Violence Support Service (HVSS)).
    - (ii) in confidence, seek an informal conversation with the Dean of Discipline to notify the Dean of the Sexual Misconduct but without making a formal Report.
- 1.5.2 The College will normally be informed of a potential breach of the Code of Conduct by a Reporting Person. A Reporting Person may be a Student or someone other than a Student, for example a Fellow or a member of Staff to whom a Concern has been reported, or may be a person who has been impacted by the behaviour reported in the Concern. Where a Reporting Person is not a Student, a Concern regarding any potential breach of the Code of Conduct should be reported directly to the Dean of Discipline in the first instance.
- 1.5.3 The College's Policy is to support the Reporting Person in reporting incidents of Sexual Misconduct and to support them when they assess and choose the course of action that is most appropriate for them.
- 1.5.4 Making a Report of Sexual Misconduct and a Disclosure are different actions that a Reporting Person may wish to take. The College recognises the importance of keeping to a minimum the number of times a Reporting Person is required to disclose an incident of Sexual Misconduct.
- 1.5.5 Following a Disclosure or Report, the Reporting Person will be directed to a trained Student Advisor on Reporting and Support Options (SARSO) within the College. The SARSO will provide advice and guidance on the potential options available to the Reporting Person together with information about sources of support. The College recognises that the Reporting Person may need time to consider and reflect before making a decision on how they wish to proceed.
- 1.5.6 If the Reporting Person has taken a Report to the Dean of Discipline before having been advised by a SARSO, the Dean will await confirmation that such advice has been provided and that the Reporting Person wishes to proceed with their Report.
- 1.5.7 Following a discussion with a SARSO, and in the event that the Reporting Person wishes the Concern to be investigated, the College will refer the Concern to the University and/or the Police in accordance with the process described in section 1.5 of the Student Disciplinary Procedure.
- 1.5.8 The College cannot take direct action as a result of anonymous reporting unless there are very exceptional circumstances. If a Student wishes action to be taken this requires a formal Report of a Concern to either or both of the University, and the Police. The information provided through an anonymous report will be collated and analysed to help monitor the prevalence of incidents that take place in the College and to understand the effectiveness of initiatives run by the College, including by the JCR and the SBR.

- 1.5.9 Reporting Sexual Misconduct under the University's Student Disciplinary Procedure does not prevent a Student from making a Report to the Police at any time. If the matter is being dealt with through a criminal process, then the University and the College each have the discretion to pause or to suspend any ongoing action or consideration pending conclusion of any criminal process.
- 1.5.10 Precautionary Action in accordance with the University Student Disciplinary Procedure may be considered appropriate and necessary to protect the welfare and safety of the Reporting Person, the Respondent, Students, Staff, and/or others while investigations by the Police and/or the University are ongoing.
- 1.5.11 Where through the College a Report is made to the University which would amount to a criminal offence, an assessment of risk will be undertaken by the College as to whether this should be reported to the Police by the College. The College would usually only report a matter to the Police with the consent of the individual who has been subject to the criminal offence. In exceptional circumstances, the College may take the decision to report an incident to the Police without the consent of the Reporting Person. The College will, in all but a few exceptional circumstances, inform the Reporting Person of their intention to report the matter to the Police, and their reasons, before doing so.
- 1.5.12 A decision by the Police to take no further action in relation to a criminal matter or an acquittal at a criminal trial does not preclude the University or the College from taking action under their respective Procedure and does not mean that the Reporting Person is responsible for Vexatious or Malicious Reporting.
- 1.5.13 Where a report of harassment or sexual misconduct is made regarding a University staff member who also has a connection with the College, the University and College will work jointly to ensure an investigation is conducted using the University's HR processes and both institutions will consider sanctions on the basis of the joint investigation findings.

For staff, the procedure to follow when raising a complaint is outlined in the 'Dignity at Work' policy which is in the Staff Handbook on 4<sup>th</sup> Court. This policy also outlines the support options available to Staff.

## **1.6 College Policy on Support, Training and Prevention**

- 1.6.1 The College is committed to taking steps which can help to prevent sexual misconduct. To this end, it adopts a zero tolerance approach, provides training and ensures that members of College are readily directed to a wide range of sources of advice and support, as noted in 1.6.9 below.
- 1.6.2 The College is committed to ensuring understanding among its members of what behaviours might constitute harassment and sexual misconduct, hoping thereby to reduce the likelihood of harassment and/or sexual misconduct taking place. To this end, the College subscribes to the mandatory University online training for Students. This is then supplemented by the provision of mandatory face-to-face training for new Students during their first weeks in the College and University. The College ensures that relevant Staff members are trained in how to respond appropriately to disclosures, including signposting Students to support and reporting processes.
- 1.6.3 Recognising that members of College do not retain in detail information about how to get support in the event of experiencing harassment and sexual misconduct, the College ensures that Fellows, Staff and Students know where to go quickly and directly to find information

about available advice and support. This includes Students asking their Tutor, the Senior Tutor, the College Nurses, the Porters, Officers of the JCR (Junior Common Room, undergraduate students) and SBR (Samuel Butler Room, postgraduate students) or looking on 4<sup>th</sup> Court (the College intranet) or at posters and other materials in College, and for Staff by asking their Head of Department, College Officer or a member of the HR Department, using the intranet and seeing signposting materials in College. All Fellows are briefed about the Guide to Student Behaviour and the routes for advice and support to highlight to Students. Newly elected Officers of the JCR and SBR will meet with the Senior Tutor on their election to receive this information; they can pass on this information to someone wishing to make a disclosure, and the Officers of the JCR and SBR provide a valuable feedback loop to the College. Relevant members of Staff will receive University-run disclosures training. To help consider the effectiveness of this training, the College records the number and type of allegations of sexual misconduct to determine whether these are reported with increasing or decreasing frequency over time.

- 1.6.4 Students have access to a range of support in relation to Sexual Misconduct regardless of whether they are making a disclosure, the Reporting Person, the Respondent, or another party affected by conduct of this nature (for example, a Witness to an alleged incident).
- 1.6.5 A Reporting Person will be directed to one of the College SARSOs, who will provide expert advice on reporting and support options for the Student.
- 1.6.6 A Student's Tutor can help to arrange academic support regardless of whether the Student is making a disclosure, the Reporting Person, the Respondent, or another party affected by conduct of this nature (for example, a Witness to an alleged incident).
- 1.6.7 A Student's Tutor will provide advice on other types of support available to Respondents and to Witnesses or other parties affected by the misconduct that has been reported or disclosed.
- 1.6.8 Support is available to Students before any formal investigation, for the duration of the investigation, and following its outcome.
- 1.6.9 The support available to Students and to which Students are signposted includes one or more of the following College and University sources:
  - (a) ideally, a Student will always seek support from their assigned Tutor, who is usually best placed to provide such support;
  - (b) the University's Harassment and Violence Support Service (HVSS)  
<https://www.studentsupport.cam.ac.uk/harassment-and-violence-support>
  - (c) another Tutor or, where appropriate, another Fellow  
<https://www.joh.cam.ac.uk/fellows-directory>
  - (d) The College Health and Wellbeing Centre  
<https://www.joh.cam.ac.uk/health-wellbeing>
  - (e) The College Chaplain  
<https://www.joh.cam.ac.uk/health-wellbeing>
  - (f) Cambridge University Students' Unions' Advice Service (SUAS)

- 1.6.10 The JCR and the SBR have Student Welfare Officers, who can also help signpost a Student to advice and support.  
<https://www.sjcjr.com/yourjcr/committee/fwelfare>
- 1.6.11 <https://sites.google.com/cam.ac.uk/sbr/committee> The College will also signpost Students as appropriate to the following external services:
- (a) [The Elms – Sexual Assault Referral Centre \(SARC\)](#), which has a 24-hour helpline (0800 183 5434). The Elms is a specialist centre in Cambridgeshire for people who have been recently raped or sexually assaulted. Staff at The Elms will be able to talk through different options and can store forensic evidence until you make up your mind about reporting.
  - (b) [Cambridge Rape Crisis Centre](#) is a free specialist support to women and girls across Cambridgeshire who have been subjected to rape and sexual violence, no matter when the abuse happened. Their helpline is: 01223 245888 and their website is: <https://cambridgerapecrisis.org.uk>
  - (c) [Survivors UK](#) is a national charity for male and non-binary survivors of sexual abuse. They have a 1:1 chat service available [online](#) with trained support workers, and this support can also be accessed by SMS: 020 3322 1860.
  - (d) Cambridgeshire Police can receive a report online, by calling 999, or by going to the police station on Parkside CB1 1JG. Other advice from Cambridgeshire Police is available [here](#).
  - (e) 24/7 support including a rape and sexual assault support line is available from [Rape Crisis England and Wales](#)

## D. Harassment and Bullying Policy

### 1.1 What constitutes harassment?

- 1.1.1 Bullying and/or harassment will be regarded as a breach of the College's Student Code of Conduct and allegations of bullying and/or harassment will be the subject of action under the College's Discipline Procedure.
- 1.1.2 Harassment includes unwanted behaviour or conduct including conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation. It will arise from a course of conduct conducted on at least two occasions that harasses one other person, or a course of conduct that harasses two or more persons at least once each. References to harassing a person include alarming the person or causing the person distress and behaviour that is so perceived by that other person and would be regarded as harassment by any reasonable person. Harassment may be manifested verbally, in writing, and by electronic means of communication such as e-mail or via social media.
- 1.1.3 Harassment by a person who is in a position of authority over or has responsibility for the person harassed is particularly reprehensible and will be regarded as an aggravated breach of College policy.
- 1.1.4 In deciding whether conduct is harassment, it is necessary to take into account: the perception of the person who is at the receiving end of the conduct; the other circumstances of the case; and whether it is reasonable for the conduct to have that effect.
- 1.1.5 The College is fully committed to the principle, and the promotion of free speech. Exposure of students to higher education course materials, including but not limited to books, videos, sound recordings, and pictures, and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter that is connected with the content of a higher education course, are unlikely to constitute 'harassment', unless otherwise demonstrated that these matters do in fact amount to harassment. Please refer to the College's Code of Practice on Freedom of Speech available at <https://www.joh.cam.ac.uk/statutes-and-governance>

### 1.2 What constitutes bullying?

- 1.2.1 Bullying, which may take the form of psychological harassment, is defined as intimidation that serves to undermine the self-esteem, confidence, competence, effectiveness, or integrity of the bully's victim.
- 1.2.2 Bullying behaviour may include continual undeserved criticism, belittling remarks, imposition of unreasonable deadlines, unreasonable demands for perfection, arbitrary and inconsistent demands, shouting, swearing and offensive language, constant interruption in discussion, and the display of overbearing or intrusive behaviour.
- 1.2.3 Bullying behaviour may be manifested verbally, in writing and by electronic means of communication such as e-mail or via social media.

- 1.2.4 Bullying is behaviour which may take place between those of different status or those of the same status. Bullying when reinforced by power within a relationship is particularly reprehensible.
- 1.2.5 Behaviour that makes the recipient feel threatened, humiliated, or patronised or that undermines the recipient's self-confidence or self-esteem is unacceptable, whatever the context.
- 1.2.6 The defining features of bullying are that the behaviour is unacceptable to the recipient, is unwanted by the recipient, and would be regarded as bullying by reasonable people.

### **1.3 What to do if harassed or bullied?**

- 1.3.1 If you are subject to any behaviour which you find unacceptable or which causes you distress, you should not feel that it is your fault or that you have to tolerate it. Do not hesitate to contact someone about an incident that has occurred only once if you are concerned about it. Nor should you be deterred from making a complaint by fear of embarrassment, intimidation or publicity.
- 1.3.2 You can seek advice or help in the following ways: Talk about the problem with a friend or some other person whose judgement you trust. The following people may be able to help: other Students (and in particular any specially nominated members of the JCR or SBR Committees), the Chaplain, the Nurse, your Tutor or some other Fellow or member of Staff to whom you feel you can relate. Any of these people could advise you on a course of action or take the matter up on your behalf. They may suggest ways of resolving the problem that you have not thought of. Confidentiality will be respected, and further action will only be taken with your permission.
- 1.3.3 It may be that behaviour which you find unacceptable or which causes you distress is not intended or understood to have that effect. If you feel able to make it clear to the person causing you offence that such behaviour on that person's part is unacceptable to you, this may be sufficient to stop it. Some issues can be resolved informally, and Students are advised to refer to the informal resolution procedure outlined in this document.
- 1.3.4 If it appears that the matter is unlikely to be resolved informally, or if the harassment or bullying is of a serious nature, you may wish to raise a formal Concern which will lead to the initiation of disciplinary procedures.
- 1.3.5 If you have been attacked either physically or psychologically, seek help immediately. Any of the people in authority referred to in paragraph 1.3.2 above are willing to be contacted. They can give you support and help you decide what to do. Whatever they may advise, the decision of what action to take is yours. The College procedures are not intended to replace the normal processes of the law or to exclude any access to the University's procedures. If you decide to go to the Police or the University or both in parallel with, or instead of, a Report to the College you will be able to access support, unless you do not wish to involve the College or any other party.
- 1.3.6 In any case of harassment or bullying, in addition to the help referred to above which is available from within the College, the following outside organisations may be able to offer advice and help:

the University Counselling Service (<https://www.counselling.cam.ac.uk/>, tel: 01223 332865);

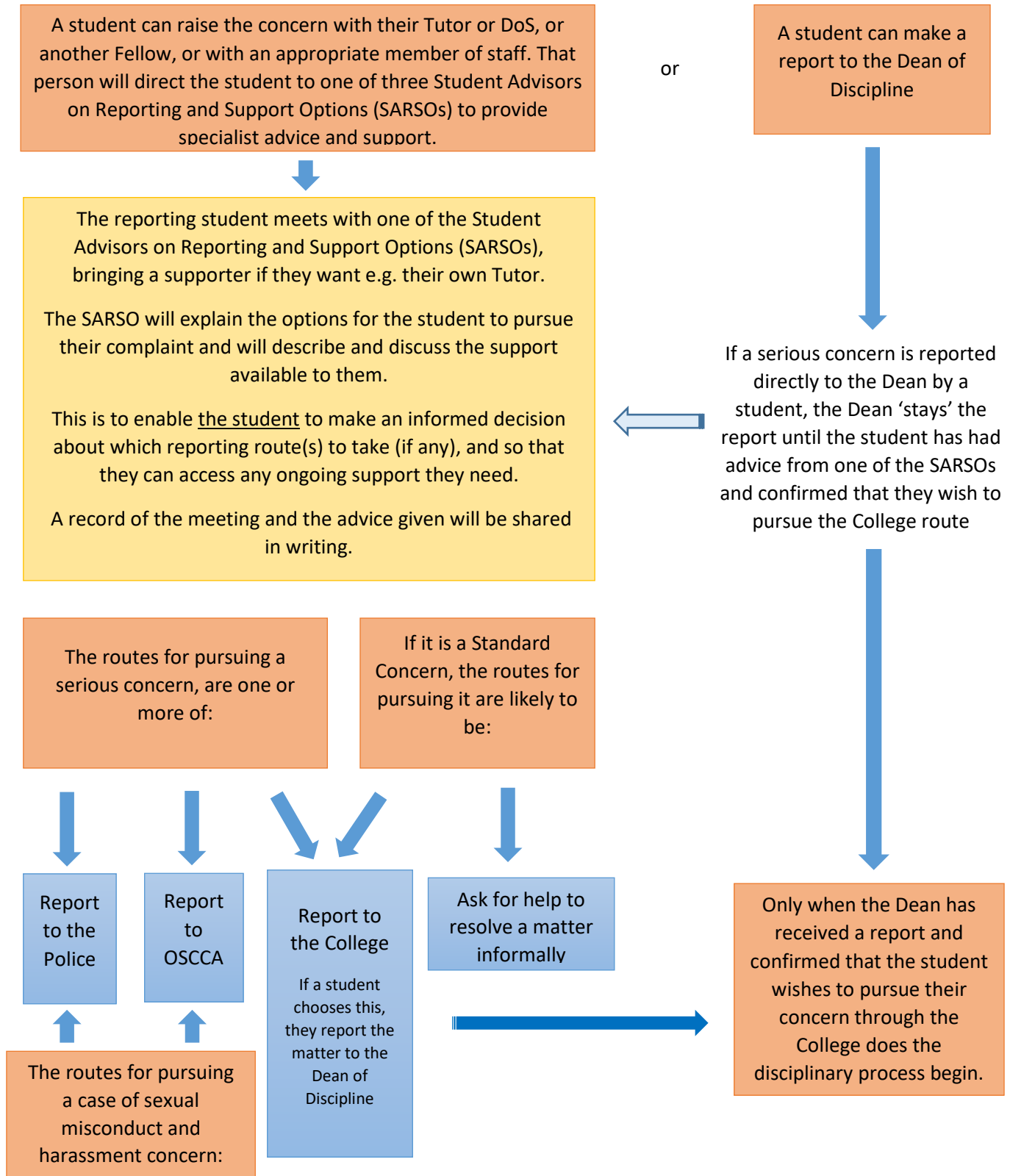
University Nightline Service (<https://cambridge.nightline.ac.uk/>, tel: 01223 744444);

The Samaritans (<https://www.samaritans.org/branches/cambridge/>, tel: 116 123).



## E. Raising a concern and guidance on welfare

Guidance for students on how to raise a concern  
about a possible breach of the College's Code of  
Conduct by a student in the College



## F. Informal resolution of a Concern about the behaviour of another Student

### Introduction

This Section sets out an informal resolution procedure that is available to a Student who is unhappy with the behaviour of another Student in relation to the Student Code of Conduct but who wishes to resolve the matter informally as opposed to pursuing a formal reporting and disciplinary route. This informal resolution procedure is not part of, and is distinct from, the College's Student Disciplinary Procedure.

There is also a University process for informal resolution available to Students.

### Direct informal resolution

1. In some cases, it may be appropriate for a Student who is unhappy with the behaviour of another Student in the College in relation to the Student Code of Conduct to try to resolve the matter themselves directly with the other Student.
2. Even if they feel able to seek informal resolution on their own, however, a student is advised to seek support on a confidential basis from their College Tutor or the Senior Tutor, or another supporting person, either to help them to work out what to say or, in some cases, to accompany them when they meet the person they are complaining about. This is because of the possibility of counter-accusation or recrimination. Students taking this step are advised to try to describe the behaviour clearly and precisely, including where and when it happened. Students are encouraged to make it clear how they feel about what has happened and describe the effect it is having on them, and to say precisely what they want to happen in future.

### Informal resolution brokered by the College

3. If a Student does not feel able, or wish, to make a direct approach, or if a direct approach has been tried and has not worked, a representative of the College may be able, on their behalf, to seek to broker an informal resolution to their Concern.
4. A Concern is misconduct which constitutes an alleged breach of the College's Student Code of Conduct by another Student. The Student who makes a request for informal resolution is called the 'Reporting Person'. The Student who is the subject of the Concern is called the 'Respondent'.
5. Informal resolution brokered by the College involves a representative of the College considering a Concern and a response to it, and seeking to resolve the Concern through the agreement of both parties. Resolution might involve one or more of:
  - an apology;
  - a reflective meeting with the Senior Tutor, a Tutor, or another person;
  - a no-contact or limited-contact agreement;
  - another conduct agreement;
  - a change in respect of accommodation;

- an agreement, for example, not to use or enter certain facilities or services, not to participate in certain clubs and societies, or not to be involved in certain other activities.
6. Informal resolution brokered by the College will not involve an investigation or any assessment by the College in relation to the culpability or otherwise of individuals. Students seeking such an investigation must make a formal Report under University or College disciplinary procedures.
  7. Agreement to an informal resolution will not require the Student against whom a Concern has been raised to admit liability, nor will agreement imply that the College has reached a finding of wrong-doing. Any outcome agreed through informal resolution in and of itself has no formal disciplinary status and will not appear on a Student's formal record.
  8. However, if a Student, in contravention of an informal resolution previously brokered by the College and agreed by all parties, importunes the other Student or Students with whom they entered into the resolution, this could become a disciplinary matter to be dealt with by the Dean of Discipline under the College's Student Disciplinary Procedure.
  9. A note of any alternative or informal resolution will be retained by the College informally and may be taken into account if a further Concern is raised about the Respondent, whether that subsequent Concern is raised by the original Reporting Person or a different Reporting Person.
  10. If a Student is dissatisfied by any decision by the Senior Tutor that a Concern is not appropriate for informal resolution, they may make a complaint through the College's Code of Practice for Student Complaints in the Student Handbook.
  11. Engaging in informal resolution, through either the College or University processes, is not a barrier to making a formal report at a later date.

### **Serious breaches, including sexual misconduct and harassment**

12. In all circumstances concerning sexual misconduct and harassment, and in other cases concerning allegations of a serious breach of the Code of Conduct, a Student will be directed by their Tutor or the Senior Tutor, or by another College representative to whom they disclose or report the matter, to receive expert advice from one of the College's Student Advisors on Reporting and Support Options (SARSOs).
13. When the Concern relates to sexual misconduct, Students are strongly advised to use a formal reporting procedure. Such a Concern will be progressed through the University procedure and/or by making a report to the Police, with support being provided by the College in both cases.
14. The SARSO will explain the Student's reporting options, the support available and the circumstances in which an informal resolution process brokered by the College can be appropriate. In cases of a serious alleged breach of the Code of Conduct, an informal resolution process can only be requested once a Student has received and considered this advice. Although the College strongly recommends a formal route for reporting a serious Concern, a Student may prefer to resolve a one-off occurrence of behaviour of a less severe nature through the informal resolution process.

## **How to seek informal resolution from the College**

15. A Student ('Reporting Person') can make a request to their Tutor or to the Senior Tutor for the College to broker on their behalf an informal resolution of a Concern about misconduct by another Student ('Respondent') in the College. They should provide an explanation of their Concern and, if appropriate, information on any attempts that have already been made to resolve the matter informally. The informal resolution process does not reach any findings on whether any misconduct has taken place and therefore the Reporting Person does not have to provide a detailed account of the misconduct, neither is the Respondent required to provide a response.
16. A request for the College to support an informal resolution should normally be raised within three months of the occurrence of the events that are the subject of the complaint. Otherwise, a Student should provide the reason why they have waited to raise the matter.
17. The Senior Tutor will, in discussion with the Student's Tutor, decide whether a Concern is appropriate for informal resolution, taking into consideration relevant factors including the nature of the complaint and the need to be mindful of the rights of both the Reporting Person and the Respondent.
18. The Senior Tutor will determine the appropriate College representative to progress the informal resolution (usually this will be either the Tutor to the Student raising the matter or the Senior Tutor).
19. The College representative will meet separately with both parties and may also meet any Witness to the events that are the subject of the Concern. Where appropriate, the Students involved will be offered help and guidance to restore reasonable relations between them.
20. A note will be made of discussions with the two parties by the College representative, and the outcome of the process will be recorded in writing by the College representative and shared with the Reporting Person and the Respondent.

## **Limitations**

21. Concerns about a Student or Students from another College or Colleges are expected to be raised under University procedures. Where a concern relates to conduct occurring in the context of University societies or sports clubs, it should be raised under University procedures.
22. A student cannot use the College's informal resolution procedure if they have previously made a formal report about the same matter(s) which has been dealt with under the University's Student Complaints Procedure or the College's Student Disciplinary Procedure.
23. The informal resolution procedure brokered by the College cannot be used for anonymous reporting or reporting by a third party.
24. A Student can use only one of the College or University procedures for informal resolution for the same Concern.

## G. Student Disciplinary Procedure

### 1.1 Code of Conduct

- 1.1.1 Students (as defined in section 1.3.1 below) must comply with the College's Code of Conduct.
- 1.1.2 Breaches of the Code of Conduct will be dealt with according to the Student Disciplinary Procedure set out below.
- 1.1.3 The Disciplinary Procedure applies only to breaches of the Code of Conduct which fall within the College's Jurisdiction (as defined in section 1.3.1 below). Breaches of the Code of Conduct falling outside of the College's Jurisdiction cannot be investigated under this Disciplinary Procedure. In circumstances where the College does not have Jurisdiction it will notify the Reporting Person and they may refer their Concerns to the University or another appropriate investigative body.

### 1.2 Disciplinary Procedure

- 1.2.1 Summary flowcharts of the Disciplinary Procedure can be found following this Procedure; these are provided to help explain the procedure at a high level. In the event of conflict between the Procedure and the summary flowchart(s), in all cases the terms of this Procedure shall prevail.

### 1.3 Glossary of key terms

- 1.3.1 In this Procedure, the following terms shall have the meanings set out below:

Code of Conduct	The Code of Conduct for Students at St John's College as approved by the College Council under Standing Order C.4.1(b).
College Council	The body elected under Statute VIII, which comprises the Trustees of the College and which administers the affairs of the College.
College Statutes	Statutes for the College of Saint John the Evangelist in the University of Cambridge, as amended from time to time.
Code of Practice for Student Complaints	The process for a Student to make a complaint about the services provided by the College, which is contained in the Student Handbook.
Completion of Procedures Letter	A letter that confirms the completion of the College's internal procedures, following which a Student may be able to raise a complaint with the Office of the Independent Adjudicator.

Concern	A report of conduct giving rise to an alleged breach of the College's Code of Conduct, reported by the Reporting Person.
Dean's Assistant	The member of Staff who provides administrative support, record keeping, advice and assistance to the Dean of Discipline across the full scope of their responsibilities.
Dean of Discipline	The person appointed under Statute XI to superintend the conduct and behaviour of Students.
Dean's Delegate	A person to whom the Dean of Discipline may delegate investigations and/or decisions.
Disciplinary Appeals Committee ('DAC')	A Standing Committee of the College. Appeals against a disciplinary finding of a breach of the Code of Conduct and/or the sanction(s) imposed are heard by: an individual member of the DAC appointed to consider an appeal against proposed Precautionary Action or a finding of Standard Misconduct; or a Panel of at least three members to consider an appeal against a finding of Serious Misconduct.
Expulsion	The permanent or temporary exclusion of a Student from all College premises, facilities, services, and accommodation (as provided for in Standing Order C.4.5(a)).
Fellow	A person being elected to and holding a Fellowship under the provisions of the Statutes for the College of St John the Evangelist in the University of Cambridge.
Forfeiture	Forfeiture, as referred to in Statute XXXVII and as provided for in Standing Order C.4.5(b) means, in the case of a Scholar, the permanent deprivation of Scholarship or the temporary forfeiture of the emoluments and amenities thereof; and in the case of a Student holding any other form of bursary, studentship, or other grant or award from the College, the permanent or temporary forfeiture of the benefits of such award.
Harassment	Unwanted behaviour or conduct including conduct of a sexual nature which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment because of, or connected to, one or more of the following protected characteristics: age; disability; gender reassignment; race; religion or belief; sex; and sexual orientation.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Code of Conduct.

Investigator	The Dean of Discipline or a person appointed by the Dean of Discipline, including a Dean's Delegate, to investigate a Concern. The Investigator may be a member or employee of the College or a person external to the College.
Investigation Report	The report created by the Investigator following an investigation.
Jurisdiction	The College's Jurisdiction applies to Students ' <i>in statu pupillari</i> ' and it extends, where appropriate, beyond the College's precincts and properties to cover, for example, the conduct of Students taking part in activity where they are representing the College (for example, a College music ensemble or sports team tour or event) or are otherwise on the authorised business of the College in the United Kingdom or abroad. Misconduct that does not fall within the College's Jurisdiction may be referred to the University's Office for Student Conduct, Complaints and Appeals (OSCCA) and may be considered under its procedures.
Precautionary Action	Measures taken by the Dean of Discipline pending the conclusion of an investigation. This may include 'no contact' agreements, requiring a Student to move rooms, or restricting a Student from specified College properties, facilities, buildings, events, societies, or activities and/or requiring a Student to seek wellbeing support. It also includes liaising with the University to initiate the procedure outlined in the University's Statutes & Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I).
Procedure	The Student Disciplinary Procedure described in this Section.
Removal	Removal, as referred to in Statute XXXVII, means the deprivation of membership of the College (as provided for in Standing Order A.5.3(e)) and, for a current Student, Expulsion from the College (as provided for in Standing Order C.4.5(a)).
Reporting Person (Persons)	A person (or persons) reporting a Concern.
Representative	A person who is supporting a Student who is the subject of investigation and/or hearing under this Procedure. A Representative can include one of the individuals listed at 1.12.17 of this Procedure. The College has discretion to agree that a Respondent can be supported and accompanied by a person who does not fall within the list at 1.12.17. If a Student wishes to be accompanied by a person outside of the list at 1.12.17, they must notify the College in accordance

with the process set out at 1.12.14 of this Procedure. This notice must give details of the person requested and the Respondent's reasons for the request.

Respondent	A Student whose conduct is the subject of a Concern.
Serious Concern	Will usually involve an allegation of a breach of the Code of Conduct that either does or has the potential to seriously affect or cause serious damage to the College, its academic reputation, or its Staff or Students, visitors, or other third parties. A Serious Concern is considered more serious in nature and warrants investigation; it can be subject to sanction, including by the College Council. A Serious Concern may be investigated by an Investigator appointed by the Dean of Discipline, and determined by the College Council.
Serious Misconduct	A finding by the College Council following a report and investigation of a Serious Concern. The sanctions that can be imposed following a finding of Serious Misconduct include the College's Standard Sanctions as well as Removal, Expulsion, and Forfeiture.
Sexual Misconduct	All unwanted conduct of a sexual nature through any medium including, for example, online.
Staff	An employee of the College.
Standard Concern	Will usually involve allegations that, while constituting breaches of the Code of Conduct, do not seriously affect or cause serious damage to the College, its academic reputation, or its Staff or Students, visitors, or other third parties. A Standard Concern is considered less serious in nature but may warrant formal investigation and possible sanction.
Standard Misconduct	A finding by the Dean of Discipline or Dean's Delegate following a report and (if appropriate) investigation of a Standard Concern. The sanctions that can be imposed following a finding of Standard Misconduct are limited to the College's Standard Sanctions.
Standard Sanction	A Standard Sanction includes one or more of: <ul style="list-style-type: none"> <li>(a) a written warning;</li> <li>(b) requirement to provide an apology;</li> <li>(c) appropriate education, training, counselling, or other intervention intended to change behaviour;</li> <li>(d) some period of community service;</li> <li>(e) a fine (including an order to pay compensation to the College or a person for expenses incurred or damage caused) – the maximum level for which is set out in Schedule 1 of the Standing Orders;</li> </ul>



- (f) restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities;
- (g) an alcohol ban;
- (h) a ban on hosting guests;
- (i) a curfew or gating (being required to report to the Porters at fixed times of day for a determined period);
- (j) the temporary seizure of weapons, drugs, medication, animals, or other items in the Respondent's possession;
- (k) the termination of a room licence and/or being required to move to alternative College accommodation.

A Standard Sanction excludes Removal, Expulsion, and Forfeiture.

Standing Order	An entry in the Standing Orders of the College of Saint John the Evangelist in the University of Cambridge.
Student	A person studying in the College, not being a Fellow, who has the status ' <i>in statu pupillari</i> ', as referred to in Statute XI in the College Statutes and defined in the College's Standing Orders, or a person who had such status at the time of the circumstances about which the Concern is being raised.
Student Advisor on Reporting and Support Options ('SARSO')	A Fellow or other person appointed and trained to provide formal advice on behalf of the College about a Student's options for pursuing a Concern through a disciplinary route and on sources of support.
Temporary Barring	A Temporary Barring is not a sanction; it is a temporary non-judgmental Precautionary Action taken in response to an allegation of breach of the Code of Conduct. It can comprise restricted access to specified College properties, facilities, buildings, services, events, societies, and/or activities. It is a neutral act and aims to protect all parties to the Concern and other members of the College community while an investigation is carried out.
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 College expects an employee to work, normally Monday to Friday, except bank holidays and the week between Christmas Day (25 December) and New Year's Day (1 January). Five working days is usually the equivalent of one week.

## **1.4 Scope and Principles**

- 1.4.1 The Procedure enables the College to consider whether a Student has breached the Code of Conduct and, if it is found that the Code of Conduct has been breached, to impose proportionate sanctions or measures. The Procedure enables the College to respond appropriately to breaches of the Code of Conduct, and to protect the College and its community. It does not exist to resolve personal disputes.
- 1.4.2 While the College can investigate and take action where a Student has since graduated or stopped pursuing a course of study, it will be necessary for the College to consider whether a matter can practicably be investigated and whether it is appropriate to do so, noting the limitations on the potential sanctions or measures available.
- 1.4.3 The Procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. Respondents are entitled to seek legal advice, at their own expense, at any point in the Procedure. However, with the exception of hearings before College Council in which Removal, Expulsion, or Forfeiture may be the potential outcome, it is not normally necessary and appropriate for a Respondent or the College to be legally represented at any meetings that form part of the Procedure apart from in exceptional circumstances and where the consent of the Dean of Discipline and/or the Chair of a disciplinary hearing of the College Council (as defined in 1.12.8 below) has been obtained (as appropriate). Any request for legal representation must be submitted in writing in advance of the meeting in accordance with the procedure set out below. The College shall not bear any costs for legal advice to or representation of a Student in relation to this Procedure.
- 1.4.4 Sometimes a Concern will fall outside the College's Jurisdiction or be more appropriately handled under another procedure. This includes, for example, the University's Office for Student Conduct, Complaints and Appeals (OSCCA) or the Police. It will be at the discretion of the Dean of Discipline to decide whether the College has Jurisdiction or not to commence a disciplinary process under this Procedure and to investigate a reported Concern. In cases where it is decided that the College does not have Jurisdiction, a Reporting Person will be referred to the alternative procedure or procedures that are most appropriate. Sometimes a Concern will be investigated under this Procedure but nonetheless, following the outcome under this Procedure, it may be necessary for the College to refer the matter to another procedure. A Reporting Person may need to report a Concern that takes place outside the College's Jurisdiction to the University or to the Police, as appropriate. A Reporting Person may report alleged breaches of the Code of Conduct that may also constitute criminal offences to the University and to the Police in parallel to any Concern being reported to the College, including in relation to allegations of harassment and sexual misconduct. All members of the College who are a Reporting Person, a Respondent, and/or Witness will receive information about the support available to them during this process. The appropriate support will depend on the circumstances of the case. It may be delivered by the College, the University, the Students' Union's Advice Service, or external support organisations.
- 1.4.5 Reasonable adjustments shall be made to this Procedure to allow fair access for Students with disabilities. Respondents, Reporting Persons, and Witnesses are requested to make any disability or disabilities known to the Dean of Discipline (as and when appropriate) so that reasonable adjustments can be put in place. The Dean of Discipline may seek advice regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.

- 1.4.6 In order to ensure that a Respondent's views are accurately represented during the process, it is preferable for the College to correspond directly with the Respondent. However, it is accepted that sometimes this will not be in the best interests of the Respondent, for example, where a Respondent is reluctant to make or receive decisions about a Concern without support, as a result of an underlying medical condition or disability. Where a Respondent would prefer correspondence to be directed through an authorised representative, permission needs to be provided by the Respondent in writing or via the Respondent's University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.
- 1.4.7 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in exceptional circumstances where there is a compelling case as decided by the Dean of Discipline, supported by evidence, for the matter to be investigated. Where an anonymous Concern is accepted, the Concern will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.
- 1.4.8 Concerns should (where possible) be submitted in a timely manner, so that matters can be investigated and dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a period of time, or where a matter has significantly affected an individual and the effect of this has led to a delay in reporting. Normally a Concern may be submitted by a former Student within 3 years of the date they ceased to be a Student unless there are exceptional reasons for submission after this period.
- 1.4.9 The College shall investigate and consider Concerns in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Respondents, Reporting Persons, and Witnesses to provide information. The College normally aims to complete the initial investigation and reach a decision by the Dean of Discipline, the Dean's Delegate, or the College Council within 90 days of informing the Respondent of the Concern. However, where a Concern is complex, or where for good reason Respondents, Reporting Persons, or Witnesses are unavailable for a period of time, or where the Procedure has been suspended for good reason, 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.
- 1.4.10 Witnesses are expected to engage fully with the Procedure, as far as is reasonable in the circumstances.
- 1.4.11 Where reasonable, and at the discretion of the Dean of Discipline, Chair of a disciplinary hearing by the College Council, the Dean's Delegate, or the Chair of the DAC, physical meetings can be replaced by virtual meetings, at which parties may attend by video or telephone call.
- 1.4.12 The College has responsibilities to all College members involved in any investigation under the Procedure in whatever capacity they may be involved and will take steps to ensure it discharges that obligation properly and avoids conflicts.
- 1.4.13 No decision-maker or Investigator will have any previous involvement with the Concern that they are considering, or personal (as opposed to professional) knowledge of the Respondent or Reporting Person.

- 1.4.14 In cases where a Respondent or Reporting Person alleges that the Dean of Discipline is conflicted, the Senior Bursar will decide whether the Dean of Discipline is so conflicted and, if so, designate another Fellow to act as the Dean of Discipline for the purposes of that Concern. In cases where a Respondent or Reporting Person alleges that the Dean's Delegate is conflicted, the Dean of Discipline will decide whether the Dean's Delegate is so conflicted and, if so, designate another person to act as Dean's Delegate for the purposes of that Concern.
- 1.4.15 Any reference in this Procedure to a named role includes a Fellow or a member of Staff acting as deputy, approved to exercise the functions assigned to that role-holder under this Procedure.
- 1.4.16 The College will not normally investigate a matter where overlapping criminal proceedings are ongoing (including criminal investigations and appeal processes), pausing any action under this Procedure until criminal proceedings are complete. Following an investigation undertaken by the Police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place or continue, or where the behaviour being investigated by the College is different to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.
- 1.4.17 The results of a Police investigation or criminal proceedings may, where appropriate, be taken into consideration when dealing with a Concern. In particular, the College will treat relevant Police fines, cautions, or criminal convictions received by the Respondent as evidence that the behaviour, on which the offence was based, took place. A 'not guilty' or 'no further action' outcome from the Police or criminal proceedings will not in and of itself prevent the College from undertaking its own investigation as to whether a breach of the Code of Conduct has occurred.
- 1.4.18 Some breaches of the Code of Conduct will also be in breach of the University's Statutes and Ordinances or the University's behavioural rules. A Student may refer such breaches to the University separately or in parallel to a Concern raised under this Procedure. This may result in the University taking disciplinary action either distinctly or in parallel to a Concern raised under this Procedure. The College shall take into consideration any action taken by the University and whether to pause its own investigation pending the outcome of any overlapping University process if appropriate. Even where the University chooses to take no action, it may still be appropriate for the College to take its own action, following consultation with the University. An exception to this will be made in cases of sexual misconduct and harassment, which will be referred to OSCCA to be dealt with under the University's Student Disciplinary Procedure and no further investigation will be undertaken by the College. Instead, the College will rely on the investigation and findings made by the University.
- 1.4.19 Where a Concern involves more than one Respondent, it will be at the discretion of the Dean of Discipline to decide whether the Concern should be divided into separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and the Dean of Discipline has chosen to refer the matter to the College Council, the Chair of a disciplinary hearing of the College Council shall have the discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple Respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal decisions, appeals shall usually be considered separately but under the same appeals process.

- 1.4.20 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 while 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.
- 1.4.21 The standard of proof used when making determinations under this Procedure is on the balance of probabilities. This means it must be established or demonstrated that it is more likely than not that a breach of the Code of Conduct occurred before any sanctions or measures can be imposed on the Respondent. Decisions must be supported by evidence. 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.
- 1.4.22 The burden of proof that a breach of the Code of Conduct has occurred rests with the College. This means that it is for the College to prove that there has been a breach of the Code of Conduct, it is not for a Respondent to prove that a breach of the Code of Conduct did not take place.

## **1.5 Scope and Principles in cases of sexual misconduct and harassment**

- 1.5.1 The College will refer all reports of sexual misconduct to the University for investigation in accordance with the University's Student Disciplinary Procedure. OSCCA Investigators have the specialist knowledge and skills to conduct investigations into sexual misconduct sensitively and appropriately.
- 1.5.2 Where the alleged behaviour falls to be investigated under the University's Student Disciplinary Procedure, no further investigation will be undertaken by the College. 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. The College will determine whether further College-specific action is appropriate. The College can and may take action (including the imposition of sanctions) in accordance with the provisions in the Guide to Student Behaviour, based on the investigation and findings of the University's Student Disciplinary Procedure. For the avoidance of doubt, action may be deemed necessary even where there has been no breach of the University's Rules of Behaviour.
- 1.5.3 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 restricting the rights of any Student involved in relation to facilities, services or grounds of the College, in accordance with the Precautionary Action policy set out at 1.6.
- 1.5.4 Appeals by respondents against College sanctions will be dealt with according to the procedure set out in section 1.13.
- 1.5.5 Appeals by respondents against University sanctions will be considered under the University Discipline Procedure. University sanctions are not normally implemented while the appeal is being considered. College sanctions will usually be paused in line with University ones.

## **1.6 Precautionary Action**

- 1.6.1 Pending a final decision on an investigation into a Concern (including the outcome of any appeal), the Dean of Discipline may take Precautionary Action to protect the safety and wellbeing of the Reporting Person and/or the Respondent and/or the College's wider community or the integrity of the investigation. The Dean of Discipline will hear from and seek voluntary agreement from the Respondent and, where relevant, the Reporting Person, but if this fails the Dean of Discipline may take Precautionary Action unilaterally. The Dean of Discipline may also act unilaterally and without seeking representations in advance of any decision, where they are of the reasonable view that such action is urgent and necessary. Precautionary measures will be put in place for no longer than is necessary and will be kept under review, with the Respondent and/or the Reporting Person, as the case may be, being notified of progress of the investigation and the likely length the Precautionary Action will be in place. A Precautionary Action is not a sanction; it is a temporary non-judgmental action taken in response to an allegation of breach of the Code of Conduct.
- 1.6.2 Precautionary Action may include, but is not limited to, one or more of the options below:
- (a) Referral to an appropriate support service, such as Student Services, the Student Welfare team, or an external organisation;
  - (b) A 'no contact' agreement to be put in place between the Respondent, the Reporting Person, and/or any Witnesses;
  - (c) Changes to the accommodation of the Respondent, the Reporting Person and/or any Witnesses; and/or
  - (d) A Temporary Barring from, or restrictions in relation to, certain parts or activities of the College.
- 1.6.3 Temporary Barring can be considered as an appropriate Precautionary Action in the following cases:
- (a) Where a Respondent's continued residence and/or attendance at the College could interfere with the formal investigation of an alleged serious breach of the Code of Conduct or present a risk to Students, Fellows and/or Staff.
  - (b) Where a Police investigation is pending into an allegation that a Student has committed a criminal offence which has the potential to seriously affect the health and safety of Students, Fellows and/or Staff or interests of the College.
  - (c) As a short-term or emergency measure while investigations are carried out.
- 1.6.4 Following an initial risk assessment, the Dean of Discipline may temporarily bar a Respondent from the College pending completion of a Police investigation, criminal proceedings, or an internal disciplinary investigation. When emergency action is needed, the Dean of Discipline may temporarily bar a Respondent from the entire or specified parts of the College for up to 14 days, where they are of the reasonable view that it is urgent and necessary to take such action.
- 1.6.5 Where it is decided that Precautionary Action needs to be put in place, the Dean of Discipline must give the Respondent, the Reporting Person, and/or any Witnesses, as the case may be, written notice/confirmation of the decision, including the reasons that led to it being made, and of their right to appeal the decision.

- 1.6.6 Failure to comply with the Precautionary Action as determined by the Dean of Discipline may lead to reconsideration or expansion of its terms. It may also be considered an alleged breach of the Code of Conduct itself and referred separately for investigation under this Procedure.
- 1.6.7 Reporting persons may report any breach of the Precautionary Action to the Dean of Discipline.

#### **Review**

- 1.6.8 Precautionary measures put in place must be reviewed every 21 days; and every 6-12 weeks once an investigation is underway.
- 1.6.9 The Respondent should also be notified of the right to request the measures be reviewed by the Chair of the DAC and request that they be lifted, or the terms amended.
- 1.6.10 Where the Respondent requests a review, the Chair of the DAC will carry out a review or appoint a member of the DAC to carry out a review (which may include consultation with the Reporting Person) and will respond within 7 working days and confirm to the Respondent and any other relevant parties (including the Reporting Person) whether the measures should be lifted, amended, or remain in place.

#### **Appeal**

- 1.6.11 The Respondent, the Reporting Person, and/or any Witnesses, as the case may be (in this section the 'Appellant'), may appeal Precautionary Action within 7 working days of any decision on the following grounds and should provide supporting evidence where appropriate:
- (a) That the Precautionary Action process was not followed appropriately and why this had a material effect on the decision, making it unsound; and/or
  - (b) That there is substantial and relevant new information, which the Appellant was unable to provide previously with good reason, and why this had a material effect on the decision, making it unsound.
- 1.6.12 Within 7 days of the appeal being received by the Master, as Chair of the DAC, it shall be considered on the papers (i.e. without requiring a meeting) by a member of the DAC appointed by the Chair, along with all information considered as part of the Precautionary Action process.
- 1.6.13 If the DAC member considers that the Appellant has demonstrated their grounds and, therefore, the decision regarding Precautionary Action was unsound, the appeal will be upheld and referred back for reconsideration and fresh risk assessment in accordance with correct procedure or in light of the new information.
- 1.6.14 If the DAC member considers that the Appellant has not demonstrated their grounds, the appeal will be dismissed.
- 1.6.15 In all cases, the Appellant will be informed of the decision within 7 working days and provided with a brief written summary of the reasons for the decision. The Appellant will be informed of the option to request a review by the Office of the Independent Adjudicator (OIA) and the timeline for doing so.
- 1.6.16 The Reporting Person will also be informed of the decision.

## **1.7 Reporting a Concern**

- 1.7.1 The College will normally be informed of a potential breach of the Code of Conduct by a Reporting Person. A Reporting Person may be someone other than a Student, for example a Fellow or a member of Staff to whom a Concern has been reported or may be a person who has been impacted by the behaviour reported in the Concern. Where a Reporting Person is not a Student, a Concern regarding any potential breach of the Code of Conduct should be reported directly to the Dean of Discipline in the first instance.
- 1.7.2 If the Reporting Person is a Student, they can raise a Concern with their Tutor, their Director of Studies, another Fellow, an appropriate member of Staff, or a Student Advisor on Reporting and Support Options (SARSO). On making a report, Students will (where appropriate) be directed to one of the SARSOs. A Student can also make a report directly to the Dean of Discipline. On receiving a report of a Concern, the Dean of Discipline shall communicate with the Reporting Person to acknowledge the Concern that has been received, and where necessary, to request further information or (if appropriate and if not done already) refer the Reporting Person to one of the SARSOs.
- 1.7.3 The Dean of Discipline will determine whether the following criteria are met:
- (a) The Concern reported falls within the College's Jurisdiction;
  - (b) There is an allegation that, on the face of it, would appear to breach the Code of Conduct;
  - (c) This Procedure is the most appropriate procedure to use to investigate the Concern;
  - (d) The Concern has not already been investigated using this Procedure;
  - (e) The Concern is not frivolous, manifestly ill-founded, or vexatious; and
  - (f) The Reporting Person, having (where appropriate) been formally informed of and having considered the options open to them, confirms to the Dean of Discipline that they wish to pursue a College route for the Concern.
- 1.7.4 Where at least one of the criteria has not been met, the Dean of Discipline shall not investigate the Concern.
- 1.7.5 Where all the criteria in 1.7.3 above have been met, the Dean of Discipline will either:
- (a) determine that the matter is sufficiently straightforward to be handled as a Standard Concern; or
  - (b) determine that the matter is sufficiently serious and/or complex to be handled as a Serious Concern.
- 1.7.6 Where a Concern is designated a Standard Concern, the Dean of Discipline or Dean's Delegate will investigate and decide the case and apply sanction(s) (if appropriate) limited to the College's Standard Sanctions.
- 1.7.7 Where a Concern is designated a Serious Concern, the Dean of Discipline will appoint an Investigator and subject to the findings of any investigation may refer the matter to College Council.



- 1.7.8 It will be at the discretion of the Dean of Discipline to decide not to investigate a Concern, or any part of a Concern, where they consider that it would be just to do so in consequence of the outcome of previous disciplinary proceedings.
- 1.7.9 Where part of the Concern has previously been investigated under the College Disciplinary procedure, it is at the discretion of the Dean of Discipline to decide whether to investigate the aspect that has not yet been investigated, taking into account why the matter was not previously fully investigated, the length of time that has elapsed since the investigation, the severity of the alleged breach of the Code of Conduct, the impact on the Respondent of undergoing a second disciplinary investigation, and any implications regarding the Respondent's fitness to practise a profession, where relevant.
- 1.7.10 Where an investigation is not commenced, and where the Reporting Person is a Student, the Dean of Discipline shall give written reasons to the Reporting Person, within 7 days of making the decision not to proceed with an investigation. Reporting Persons who are dissatisfied with the outcome may be able to make a complaint under the Code of Practice for Student Complaints (in the Student Handbook) within 28 days of being notified of the decision. The Reporting Person may also seek advice from one of the Student Advisors on Reporting and Support Options (SARSO) in relation to making a referral to other authorities (if appropriate).
- 1.7.11 Where an investigation is not commenced, and any complaint relating to this decision has been completed, the Respondent shall normally be notified in writing of the Concern, the decision of the Dean of Discipline, 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 7 days of the Dean of Discipline's decision, or where the Reporting Person is a Student, within 7 days of the deadline for raising a complaint or, if a complaint is submitted, following the completion of the complaint. However, where sharing this information with the Respondent may impact upon an investigation being undertaken under a different procedure or by an external body, a delay to informing the Respondent may be necessary.

## **1.8 Aggravating factors**

- 1.8.1 Any breach of the Code of Conduct may be considered more serious if:
- (a) it took place under the influence of alcohol or drugs or controlled substances;
  - (b) it was motivated by the protected characteristics or perceived protected characteristics of another under equality legislation (for example, the Equality Act 2010);
  - (c) the Respondent has committed prior breaches of the Code of Conduct;
  - (d) the Respondent has not complied with a sanction or Precautionary Action already imposed under the Procedure;
  - (e) the Respondent has attempted to conceal or destroy evidence or coerce or intimidate Witnesses or the Reporting Person(s) or others;
  - (f) the Respondent has abused a position of authority, power, or trust, including where there is a power imbalance between the Respondent and the Reporting Person;
  - (g) the behaviour has directly or indirectly caused a physical or mental injury; or

(h) the behaviour has included the use of force, violence, threats, or intimidation.

1.8.2 Where a Standard Concern may be considered to include aggravating factors, the Dean of Discipline will decide whether the case should be considered as a Serious Concern and referred into that procedure.

## **1.9 Mitigating factors**

1.9.1 Any breach of the Code of Conduct may be mitigated if:

- (a) the behaviour was accidental or not intended to cause harm, damage, or upset;
- (b) the Student has demonstrated remorse for the breach of the Code of Conduct;
- (c) the Student has admitted and/or accepted responsibility for the breach of the Code of Conduct; or
- (d) the Student has taken immediate steps to remedy the effects of the breach of the Code of Conduct or provided redress.

1.9.2 Being under the influence of alcohol or drugs at the time of the alleged breach of the Code of Conduct does not constitute a mitigating factor but could be considered an aggravating factor.

## **1.10 Investigating a Concern**

1.10.1 Where an investigation is to be undertaken, the Dean of Discipline shall appoint an Investigator (which may be the Dean themselves). The Dean of Discipline shall write to the Respondent to confirm that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant provision in the Code of Conduct that has allegedly been breached and that an investigation shall be conducted. The Dean of Discipline shall provide a brief summary of the Concern, name the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted), and describe the investigation process, the possible outcomes, including referral to other procedures, for example fitness to practise, and who may need to be informed of these outcomes. The Dean of Discipline shall inform the Respondent 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. Where a Reporting Person is a Student, the Dean shall inform them that an investigation will be undertaken, whether the Concern is being treated as Standard or Serious, who will investigate the Concern, and describe the investigation process and the possible outcomes.

1.10.2 The Investigator shall conduct an investigation, which may require written statements, meetings, and evidence relevant to the investigation. Written notes shall be taken of all investigation meetings. Any person required to attend an investigation meeting will be able to bring a Representative to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of any Witnesses. For Standard Concerns, it is not normally anticipated that a Respondent will bring a Representative to their meeting with the Investigator.

1.10.3 The Investigator shall normally hold meetings with the Reporting Person and with the Respondent to receive an oral account. The Investigator may meet with any Witnesses or instead collect information through written statements. The Investigator shall give anyone

affected by the alleged behaviour being investigated the opportunity to make an Impact Statement.

1.10.4 Reporting Persons shall normally be entitled to be accompanied to investigatory meetings or disciplinary hearings by a Representative chosen from among the following:

- (a) their Tutor, or for postgraduate Students their Supervisor or Advisor or (with approval from the Chair) a member of the Faculty;
- (b) the other Fellows;
- (c) the Chaplain; or
- (d) the resident Students of the College.

1.10.5 In addition to investigating the Concern itself, the investigation shall include gathering information about and investigating the seriousness of the Concern, any mitigation provided by the Respondent, and any previous breaches of the Code of Conduct by the Respondent. During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Investigator may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, door-locking/access evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Investigator may request any other material that the Investigator considers will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Investigator will not normally seek it.

## **1.11 Standard Concerns**

1.11.1 In the case of a Concern that the Dean of Discipline has classified as a Standard Concern the procedure outlined below shall be followed.

1.11.2 If an investigation is required, the Dean of Discipline or Dean's Delegate shall outline the findings of that investigation once it has concluded. These may be in summary form depending on the nature of the Concern. Prior to determining any sanctions to be implemented, the Respondent shall be given the opportunity to make written or oral statements to defend themselves against the allegation or, where they wish to admit the offence, to account for the behaviour and submit any mitigation. If the Respondent was given reasonable notice to attend a meeting to investigate the Concern and failed to do so without good reason, and where they failed to take up an offer to make written or oral statements, the Dean of Discipline or Dean's Delegate in the matter may proceed to reach conclusions and recommend sanctions as appropriate.

1.11.3 Following the investigation, the Dean of Discipline or Dean's Delegate in the matter shall reach one of the following decisions:

- (a) That there is insufficient evidence of any breach of the Code of Conduct;
- (b) That the case should be referred for consideration under another procedure;
- (c) That a breach of the Code of Conduct has occurred, make a finding that there has been Standard Misconduct, and that a Standard Sanction is appropriate;

- (d) Where the matter is a Standard Concern and a finding of Standard Misconduct has been made but the Respondent has repeatedly breached either the Code of Conduct and/or Standard Sanctions previously imposed, the Dean of Discipline may refer the matter to College Council for consideration.
- 1.11.4 In considering the level of Standard Sanction to impose, the Dean of Discipline or Dean's Delegate shall give consideration to the following factors:
- (a) The seriousness of the breach;
  - (b) The harm or damage caused;
  - (c) The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
  - (d) The intent and planning involved in the breach;
  - (e) The impact on the Collegiate University Community, including the content of any Impact Statement(s);
  - (f) The frequency with which other Concerns about the Respondent have been raised and especially proved;
  - (g) Any mitigating factors under 1.9.1 above; and
  - (h) The evidenced personal circumstances of the Respondent.
- 1.11.5 The Dean of Discipline or the Dean's Delegate shall provide to the Respondent the decision and the reasons for the decision in writing within 7 working days of reaching a decision alongside a copy of the Investigation Report (if appropriate). Where a Reporting Person is a Student, the Dean will provide them with a brief summary of the decision and the sanctions (if any) which were imposed.
- 1.11.6 The Dean of Discipline shall be responsible for the administration of Standard Sanctions imposed.
- 1.11.7 The Dean's Assistant shall ensure that written records of disciplinary decisions, whether made by the Dean's Delegate or by the Dean of Discipline are maintained.
- 1.11.8 The Respondent may appeal the decision of the Dean of Discipline or Dean's Delegate as well as the recommended sanction as set out in 1.12 below.

## **1.12 Serious Concerns**

- 1.12.1 In the case of a Concern that the Dean of Discipline has classified as a Serious Concern the procedure outlined below shall be followed.
- 1.12.2 The Dean of Discipline shall appoint an appropriate Investigator to investigate (which may be the Dean themselves), as set out in 1.10.1 above. The Dean of Discipline may revoke the appointment of an Investigator and, if necessary, appoint another.
- 1.12.3 Where the Respondent was given reasonable notice to attend a meeting to investigate the Concern and failed to do so without good reason, and where they failed take up an offer to make written or oral statements, the Investigator may proceed to reach conclusions and recommend sanctions as appropriate.

- 1.12.4 Within 5 working days of reaching the outcome of an investigation, the Investigator shall notify the Dean of Discipline of their findings in writing, summarising the facts found and the considerations which led them, on the balance of probabilities, to reach that decision.
- 1.12.5 If the Dean of Discipline decides that the allegation remains one of Serious Concern then they shall refer the matter to the College Council for determination and shall notify the Respondent (and, where relevant, the Reporting Person) of that referral within 5 working days of that decision.
- 1.12.6 If the Dean of Discipline decides that there is insufficient evidence of any alleged breach of the Code of Conduct required under this Procedure then they shall write to the Respondent (and, where relevant, the Reporting Person) within 5 working days of that decision to advise them that no further action shall be taken.
- 1.12.7 If the Dean of Discipline decides that following investigation the alleged Concern is appropriate to be addressed as a Standard Concern under this Procedure then they shall refer the matter back to be considered under the procedure for Standard Concerns and write to the Respondent (and, where relevant, the Reporting Person) within 5 working days of that decision to advise them.

#### **College Council composition and consideration**

- 1.12.8 A disciplinary meeting of the College Council shall be convened. The meeting shall be chaired by the President (if a member of Council) or in the absence of the President, the senior Fellow on the roll of Fellows who is elected to the College Council at the time. Members of the College Council shall receive training on bias in decision making. The Master shall neither receive papers nor participate in a disciplinary meeting of the College Council. References to the College Council in this Procedure should be read as excluding the Master.
- 1.12.9 Each member of the College Council shall, before sitting on a case, confirm for the minutes of any meeting connected with the matter that they shall keep the matters to be discussed confidential and that they have not previously been involved in the allegations being considered and have no conflict of interest that may preclude them from making an impartial and unbiased judgment. In the case of such previous involvement or conflict of interest, the Fellow concerned shall not receive papers or participate in the meeting(s) of the College Council connected with the matter.
- 1.12.10 Where in any case the President considers that there is good cause why they personally should not or cannot sit in that case, then the senior Fellow on the roll of Fellows who is elected to the College Council and able to act shall act as Chair for all purposes in connection with that case.
- 1.12.11 The Secretary to the College Council shall provide the usual administrative support for the proceedings of the College Council and, where required, shall attend the meeting. The Dean's Assistant shall prepare the necessary papers for the meeting and shall retain the record of the meeting and decision.
- 1.12.12 The Chair may, at their discretion, arrange for the attendance at the hearing of the Dean's Assistant, for the purpose of making a record of the meeting and the College Council's decision. Otherwise, the Secretary to the College Council shall make a record of the meeting and the College Council's decision.

- 1.12.13 The Chair shall determine the date and time for any hearing by the College Council, which shall be held as soon as practicable. The Secretary to the College Council shall give the Respondent and the Dean of Discipline 14 working days' notice in writing of the time, date, and venue of the hearing and of the allegations being considered, and shall also notify the Respondent's Tutor.
- 1.12.14 The notice shall:
- (a) Be accompanied by copies of any documents, including those that have been obtained in the course of the investigation, that are to be submitted by the Dean of Discipline to the College Council as evidence, a copy of the Procedure, and details of the support available to the Respondent in preparing their case (including through the Cambridge Student Union Advisory Service);
  - (b) Ask the Respondent to provide details of any reasonable adjustments they require;
  - (c) Provide the Respondent with the opportunity to notify the Chair whether they admit the alleged misconduct. If they do not intend to admit the alleged misconduct, the Respondent must submit any written representations on which they rely to the College Council and the names of any Witnesses to be called and any written statements from those Witnesses within 7 days of the notice.
  - (d) Ask the Respondent whether they intend to be accompanied at the hearing by a Representative and their identity and details. This information must be supplied at least 5 working days before the hearing. Any request to be accompanied by a legal representative should also be made by the Respondent at this time in order to allow the College sufficient time to consider this request.
- 1.12.15 Where the Reporting Person is a Student, they should be informed at the same time as the Respondent about the date and time when the hearing before the College Council will be held and whether the Reporting Person is permitted or required to provide oral evidence at the hearing.
- 1.12.16 A Respondent whose case is before the College Council must attend the hearing at the date and time notified unless, on the prior application of their Tutor, the Chair is satisfied that attendance at that date and time would cause unreasonable hardship, in which case another date and time for a hearing shall be arranged.
- 1.12.17 Disciplinary proceedings before the College Council shall be private save that the Respondent shall normally be entitled to be accompanied by a Representative chosen from among the following:
- (a) their Tutor, or for postgraduate Students their Supervisor or Advisor or (with approval from the Chair) a member of the Faculty;
  - (b) the other Fellows;
  - (c) the Chaplain; or
  - (d) the resident Students of the College.
- 1.12.18 The Respondent may ask a person chosen under 1.12.17 above to exercise the rights set out below on their behalf. If the Respondent chooses a senior member of the College or University under 1.12.17(a)-(c) above, they may also be accompanied by a resident Student of the College who shall not take any part in the proceedings.

- 1.12.19 Instead of one of the persons listed in paragraph 1.12.17 above, the Respondent may request to be accompanied instead by a legal representative. The legal representative can make representations on the Respondent's behalf and advise the Respondent during the hearing.
- 1.12.20 If the Respondent elects to be accompanied by a legal representative, the Chair may also choose to have the College Council advised and represented by a legal representative, who may make representations during the hearing.
- 1.12.21 If the Respondent elects to be accompanied by a legal representative, the Dean of Discipline may also choose to be advised and represented by a legal representative.
- 1.12.22 Where the Dean of Discipline has previously appointed an Investigator, both the Dean of Discipline and the Investigator shall be entitled to appear in person and shall collaborate to provide an account of the investigation and findings.
- 1.12.23 At least 5 working days before the hearing, the Respondent shall inform the Secretary to the College Council whether they intend to be accompanied at the hearing and, if so, of the full name of the accompanying individual. The Respondent shall forward to the Secretary to the College Council by this time any documents which they wish to submit to the College Council as evidence. The Secretary to the College Council shall provide these documents to members of the College Council and to the Dean of Discipline (and to the Investigator if appropriate). If the Respondent requests legal representation the Chair shall confirm 2 days before the hearing if the request has been approved or not and if not, give written reasons why.
- 1.12.24 If either the Respondent or the Dean of Discipline does not attend the hearing and fails to submit in advance an explanation for their non-attendance which, in the opinion of the Chair, is reasonable, then the College Council may at its discretion proceed with the hearing in either party's absence, provided it is first satisfied that due notice of the meeting was given to the absent party.
- 1.12.25 If the Respondent has admitted the misconduct then the hearing shall be limited to a consideration of sanction and only hear any evidence or Witnesses relevant to mitigation.
- 1.12.26 The procedure before the College Council shall be subject to the discretion of the Chair, but shall typically include the following stages:
- (a) The Dean of Discipline shall be called first to present (on behalf of the College) an account of the investigation, state the case for disciplinary action and call Witnesses (if appropriate).
  - (b) The Respondent shall (ideally and where practicable) appear in person to state their case in response and call Witnesses (if appropriate).
  - (c) The Dean of Discipline and then the Respondent shall each have an opportunity to sum up their case. The Respondent shall have the last word.
  - (d) If Witnesses are called by either the Dean of Discipline or the Respondent, they may be asked questions by members of the College Council, the Dean of Discipline, and the Respondent respectively. Where appropriate, any questions put to Witnesses (which may include the Reporting Person) shall be asked through the Chair.
  - (e) In cases of a particularly sensitive nature the College Council shall at its discretion consider making appropriate adjustments for Witnesses, e.g. rather than attend

the hearing a Witness may be able to respond to questions in writing, or provide their evidence remotely or in a separate room.

- (f) A written record shall be kept of the College Council hearing.
  - (g) The parties shall withdraw and the College Council shall deliberate and, if necessary, reconvene to reach its decision on whether, on the balance of probabilities, a breach of the Code of Conduct has taken place.
- 1.12.27 Where, after hearing a case, the College Council concludes that on the balance of probabilities any alleged breach of the Code of Conduct is not established, the College Council shall find that the Respondent did not breach the Code of Conduct.
- 1.12.28 Where, after hearing a case, the College Council concludes that on the balance of probabilities a breach of the Code of Conduct is established then the College Council may impose such sanction or make such further order as the College Council sees appropriate in the terms set out in the Procedure.
- 1.12.29 The Respondent and the Dean of Discipline shall be informed in writing of the College Council's decision, and the reasons for it, within 5 working days of the hearing.
- 1.12.30 In the event that the College Council finds that a breach of the Code of Conduct has taken place, and that some form of sanction is merited, the Respondent when informed of the College Council's decision shall be invited to submit any (additional) mitigations in writing to the College Council within 5 working days.
- 1.12.31 The College Council shall convene to deliberate and determine its decision on an appropriate sanction, having taken into account any mitigations.
- 1.12.32 The sanctions available to the College Council may include:
- (a) a Standard Sanction as set out in the Glossary above; and/or
  - (b) the temporary or permanent Expulsion from the College; and/or
  - (c) the Removal of membership of the College; and/or
  - (d) Forfeiture.
- 1.12.33 The Respondent and the Dean of Discipline shall be informed in writing of the sanction(s) the College Council has determined to impose, and the reasons, within 5 working days of the College Council's decision on sanctions.
- (a) The Respondent may appeal against the College Council's decision as well as the recommended sanction(s) as set out below.
  - (b) Where a Reporting Person is a Student, the Dean of Discipline shall inform the Reporting Person of the outcome of the College Council hearing, within 5 working days of the Respondent having been informed of the conclusion of the case (being the communication under paragraph 1.12.29 above or, if sanctions are to be imposed, under paragraph 1.12.33 above).

## **1.13 Appeals**



- 1.13.1 Appeals against decisions reached under the Student Disciplinary Procedure are made to the Disciplinary Appeals Committee (DAC). The DAC is a Standing Committee of the College chaired by the Master of the College. Its membership comprises Fellows and, from time to time, may include external members.
- 1.13.2 The only grounds for appeal are:
- (a) That there has been a procedural error;
  - (b) That the finding of fault was unreasonable;
  - (c) That the penalty imposed was disproportionate under the circumstances or not permitted under the Procedure; and/or
  - (d) That there is fresh evidence, which was not reasonably available for presentation to the Dean of Discipline, the Dean's Delegate or the College Council at the time when their decisions were being made and could have materially affected the outcome, and there are good reasons why the evidence could not be submitted at an earlier stage.
- 1.13.3 If the Respondent gives notice of appeal from a decision of the Dean of Discipline, Dean's Delegate, or the College Council against a particular sanction imposed or order made then that sanction or order shall normally be suspended pending the determination of the appeal.
- 1.13.4 Where a Reporting Person is a Student, they will be informed that the Respondent has appealed.
- 1.13.5 Appeals must be submitted in writing to the Master (as Chair of the DAC), whether in hard copy or electronically, within 7 working days of receiving the written decision being appealed. Respondents must specify which of the above grounds for appeal are being raised, and clearly explain why there are grounds for appeal.
- 1.13.6 Where the Chair of the DAC believes that the permitted grounds for appeal have been met, appeals shall normally be considered within 21 working days of the appeal being received. The appeal shall be considered by way of a review and not a re-hearing.
- 1.13.7 Where the Chair of the DAC does not believe the permitted grounds for appeal have been met, the appeal shall be dismissed and the decision shall be communicated to the Respondent in writing within 7 days of the Chair's decision. A Respondent who is dissatisfied with the request for or handling of an appeal can raise a complaint under the College's Code of Practice for Student Complaints, which is set out in the Student Handbook.
- 1.13.8 Appeals relating to findings of Standard Misconduct shall be heard by one member of the DAC appointed by the Chair. The DAC member shall decide whether the appeal is upheld or dismissed. If an appeal is upheld by the DAC member, the case may be referred to the Dean of Discipline for reconsideration or the DAC member can decide to substitute or repeal the sanction imposed.
- 1.13.9 For appeals relating to a finding of Serious Misconduct, the Master shall appoint a Panel of the DAC to convene to decide whether the appeal is upheld or dismissed. The DAC Panel shall comprise the Chair and at least 2 other members of the Committee. While a DAC hearing shall ideally be held in person, the DAC Panel has the option of considering an appeal relating to a finding of Serious Misconduct on papers, with the opportunity for representations from the Dean of Discipline and the Respondent. When a DAC Panel hearing

is called, the Dean of Discipline or the Chair of the College Council hearing can be invited to explain their decision with the Respondent there to present their appeal. The DAC Panel hearing shall observe the same procedural requirements (including with respect to timing and notice) and shall have the same powers as in a hearing before the College Council. In a DAC Panel hearing, the Dean of Discipline, Respondent, and Reporting Person(s) shall have the same rights as are specified above for hearings before the College Council.

- 1.13.10 The Master's Office shall organise a meeting of the DAC Panel and communicate the date, time, and location for the meeting to the DAC Panel members. The Respondent shall be informed of the membership of the DAC Panel appointed to hear the appeal. A member of Staff from the Master's Office shall provide administrative support for the appeal process and take notes of the proceedings. This member of Staff is not a member of the DAC and shall not participate in the deliberations of the DAC.
- 1.13.11 Records of decisions of the DAC shall be forwarded to the Dean's Assistant for record keeping purposes.
- 1.13.12 If any of the following Fellows are members of the DAC, they shall withdraw from the deliberations of the DAC:
  - (a) the Tutor of the Respondent or Reporting Person(s);
  - (b) any Fellow accompanying and advising the Respondent or Reporting Person(s) in the hearing by the College Council;
  - (c) any member of the College Council who was involved in the hearing by the College Council.
- 1.13.13 The DAC Panel:
  - (a) shall receive the Respondent's appeal and evidence, the College Council's outcome, the notes of the College Council and the material considered by the College Council at least 5 days before the DAC Panel hearing.
  - (b) 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.
- 1.13.14 The DAC 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.
- 1.13.15 Where the DAC has upheld an appeal on the grounds of new material evidence relating to a breach of the Code of Conduct, it shall normally send the matter back for reconsideration by the College Council (if the breach of the Code of Conduct was decided by the College Council) or by the Dean of Discipline (if the breach of the Code of Conduct was decided by the Dean of Discipline or Dean's Delegate).
- 1.13.16 Where the DAC has upheld an appeal on any other ground(s), it can choose to send the matter back for reconsideration by the College Council (if the breach of the Code of Conduct was decided by the College Council) or by the Dean of Discipline (if the breach of the Code

of Conduct was decided by the Dean of Discipline or Dean's Delegate), or alternatively it has the power to impose its own decision, including sanctions or measures.

- 1.13.17 The DAC can impose any sanction or measure outlined in this Procedure, including more or less significant sanctions or measures than were imposed by the College Council, the Dean of Discipline or Dean's Delegate for the same breach, but excluding sanctions relating to Removal, Expulsion, and Forfeiture.
- 1.13.18 The Master, within 7 days of the appeal hearing decision, shall provide to the Respondent and to the Dean of Discipline a written copy of the DAC's decision, reasons for the decision, and any substituted decision.
- 1.13.19 Where the Dean of Discipline, Dean's Delegate, or the College Council has imposed a sanction or measure and the Respondent has appealed, the sanction or measure shall not normally be implemented while the appeal is being considered. Precautionary Action may still be kept in place. Following the DAC's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 1.13.20 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the DAC, the Respondent shall be subject to any action specified by the DAC to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under the Procedure.
- 1.13.21 The decision of the DAC shall be final and subject to no further appeal under this Procedure.
- 1.13.22 A Completion of Procedures Letter shall be issued by the College on the final decision, as in 1.13.21 being communicated.
- 1.13.23 Where a Reporting Person is a Student, the Dean of Discipline shall inform the Reporting Person of the outcome of an appeal to the DAC within five working days of the Respondent having been informed under paragraph 1.13.22 above.

#### **1.14 Referral to the Office of the Independent Adjudicator (OIA)**

- 1.14.1 Once all internal processes have been exhausted and where a Respondent is not satisfied with the outcome of this Procedure, they may request a review by the OIA. The OIA provides an independent scheme to enable the review of unresolved Student complaints, including appeals.
- 1.14.2 The Respondent must refer their case to the OIA within 12 months of receiving the College's Completion of Procedures Letter. An appeal to the OIA can be made by completing an application form, which can be downloaded from the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)) or requested via email to [enquiries@oiahe.org.uk](mailto:enquiries@oiahe.org.uk).

#### **1.15 Confidentiality, information sharing and data protection**

- 1.15.1 The College is committed to dealing with alleged breaches of the Code of Conduct sensitively and with due respect for the privacy of all parties involved. All parties must treat as confidential any information communicated to them in connection with a matter that is subject to this Procedure, subject to the need to seek appropriate advice and guidance.

- 1.15.2 The College shall share the information and evidence relating to an investigation and outcome with members of Staff, the Respondent, the Reporting Person and Witnesses where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Code of Conduct, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness, or Staff shall be handled sensitively and in accordance with the College's Data Protection Policy.
- 1.15.3 The College shall share the outcome of an investigation, the reasons for the decision and any sanctions or measures, with the Respondent.
- 1.15.4 Where the Respondent appeals a decision by the Dean of Discipline or the Dean's Delegate, and in any hearing before the College Council, the Respondent shall also receive all evidence considered in reaching that decision (except where the decision-maker determines that there is a compelling reason not to do so). The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any Student affected by such a decision who is dissatisfied can raise a complaint under the College's Code of Practice for Student Complaints. 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 shall be specified in the reasons for the decision.
- 1.15.5 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean of Discipline, Dean's Delegate, or the College Council, including any sanctions or measures, with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the Student may be connected, where it is appropriate to do so (for example, where the Student holds a relevant position of responsibility). Where formally requested to do so by an appropriate body, or where the College considers that someone may be at significant risk of harm, the College may disclose information received through this Procedure to the Police. Where an investigation finds that a Student has engaged in acts of egregious or repeat violence, or engaged in misconduct that may also constitute a serious criminal offence, the Police will ordinarily be informed.
- 1.15.6 The College shall share the outcome of an investigation, a brief reasoned explanation, and any sanctions or measures imposed with the Reporting Person (if and when it is appropriate to do so). A Reporting Person cannot appeal the outcome of any investigation or hearing. However, if there are concerns about how the matter was handled or the process used in reaching an outcome, then the Reporting Person may be able to make a complaint under the College's Code of Practice for Student Complaints.
- 1.15.7 It is necessary that all parties feel able to engage fully with the Procedure without concern for the wider sharing of information disclosed within any investigation process. Following the conclusion of the Procedure, those involved may discuss their personal experience of the Procedure with others. Regardless of the outcome, parties should not identify or provide details that might identify any individual involved in the investigation or subsequent decision-making process.

1.15.8 In cases where the College holds personal data relating to individuals as a result of this Procedure, the College shall comply with the provisions of the Data Protection Act 2018, and all associated legislation at all times. This includes, but is not limited to, ensuring that any personal data held on such individuals is:

- (a) not excessive but relevant and limited to the purpose for which it is held;
- (b) held securely (and in accordance with the College's policies);
- (c) not shared with any other third parties (unless this can be lawfully shared in accordance with data protection legislation); and
- (d) not held for longer than is necessary and in line with the College's retention schedules.

#### **1.16 Home Office compliance**

1.16.1 The College reserves its right to make such reports as is necessary to meet any obligation to report to the University of Cambridge or to the Home Office any circumstance that may affect a Student's right to legally remain in the United Kingdom, including possible criminal offences and periods of suspension from the College.

#### **1.17 Fines and sanctions**

1.17.1 A tariff of sanctions (Section I of this Procedure) is proposed by the Dean of Discipline and approved by the College Council annually. These shall be applied in accordance with this Procedure.

1.17.2 Non-payment of fines required to be made under this Procedure shall be treated as a further disciplinary offence, which the College has discretion to address through this Procedure.

#### **1.18 Record Keeping**

1.18.1 At the conclusion of a disciplinary matter, a formal record of the sanction imposed on the Student for Standard Misconduct and/or Serious Misconduct offences shall be retained. This record shall be held by the Dean's Assistant in accordance with the College's policies on data protection and in accordance with the College's retention schedules. This information may also be shared with relevant College Staff when necessary and in accordance with section 1.15.2 of this Procedure.

#### **1.19 Audio and/or Visual Recordings**

1.19.1 It is not the College's standard procedure for meetings or hearings to be recorded by any party unless there are exceptional reasons why this should be considered in the circumstances. However, from time to time there may be a request to record a meeting or hearing (whether by audio or visual recording). The decision to do so shall be taken by the Dean of Discipline, Dean's Delegate, Chair of a disciplinary hearing of the College Council, the Master, and/or the Chair of DAC (where appropriate) in advance of the meeting or hearing. A recording may be made only where all parties to the meeting or hearing agree to the use of recording.

**1.20 Review and updating**

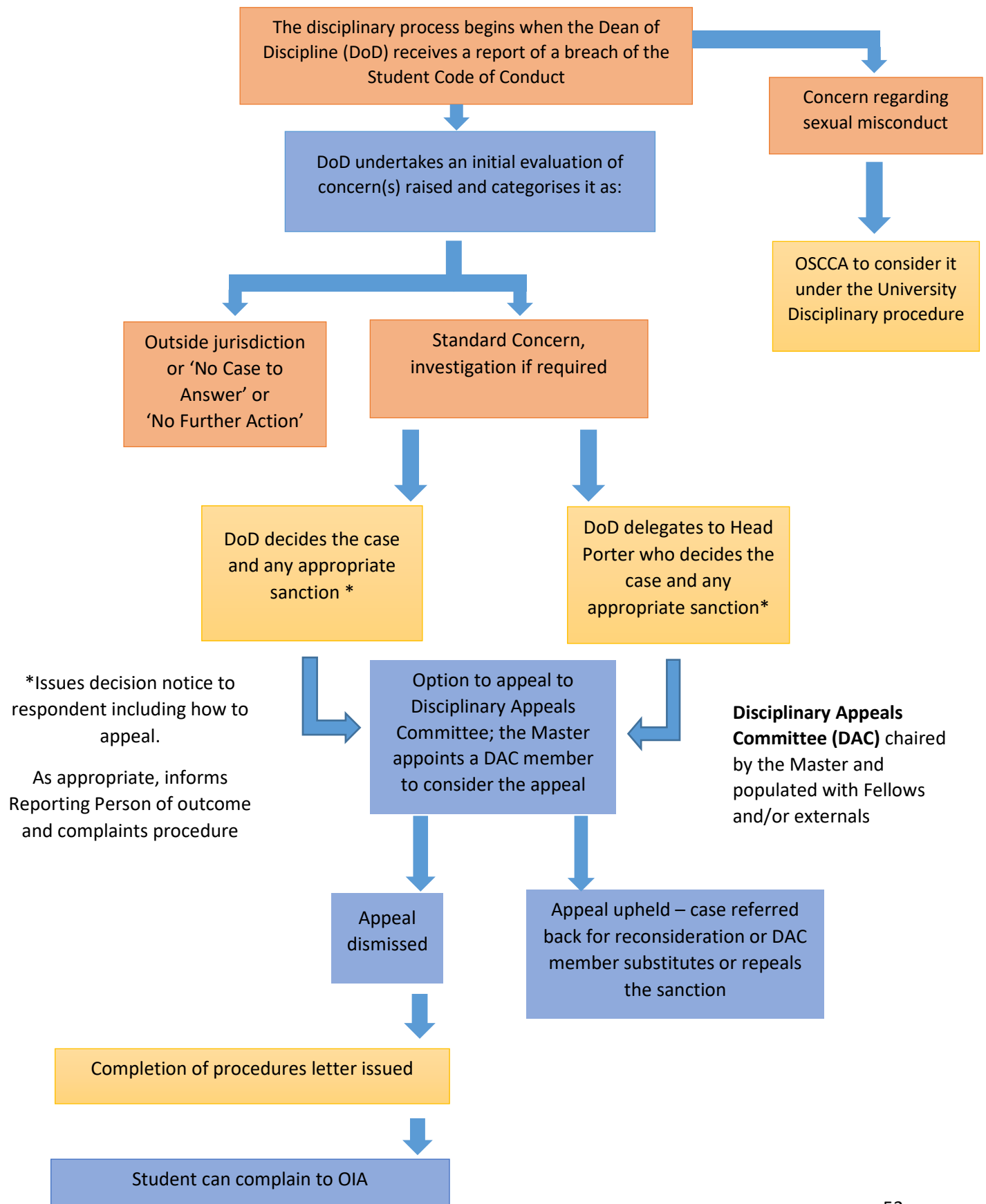
1.20.1 This Procedure shall be reviewed annually.

1.20.2 The College reserves its right to update this Procedure from time to time outside the usual annual review timeframe and without the need to undertake a consultation process in order to comply with regulatory guidance and/or changes in law.

## H. Explanatory flow charts:

### (i) Standard Concerns

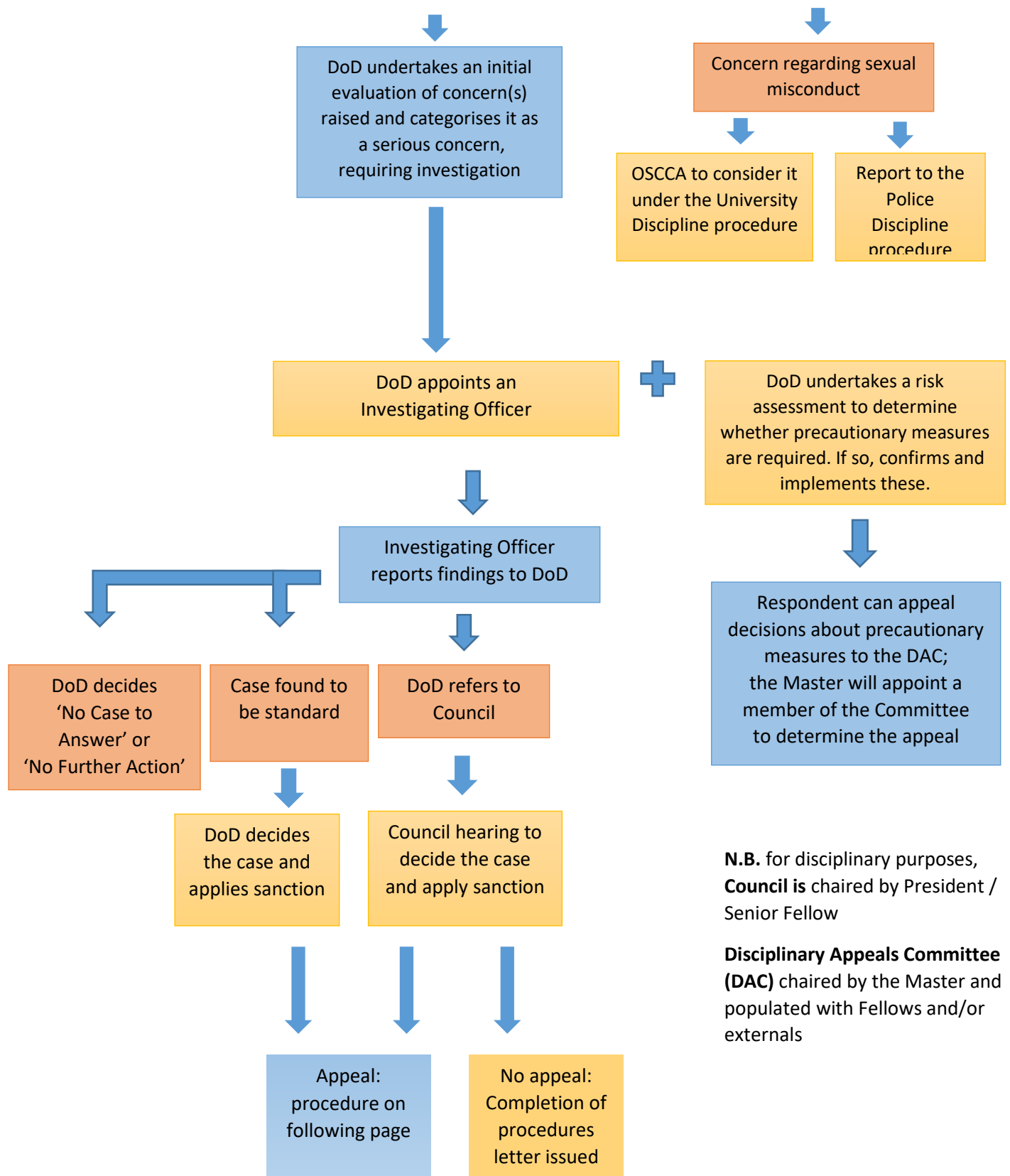
Student Disciplinary Procedure for reported straightforward breaches of the College's Student Code of Conduct



## (ii) Serious Concerns

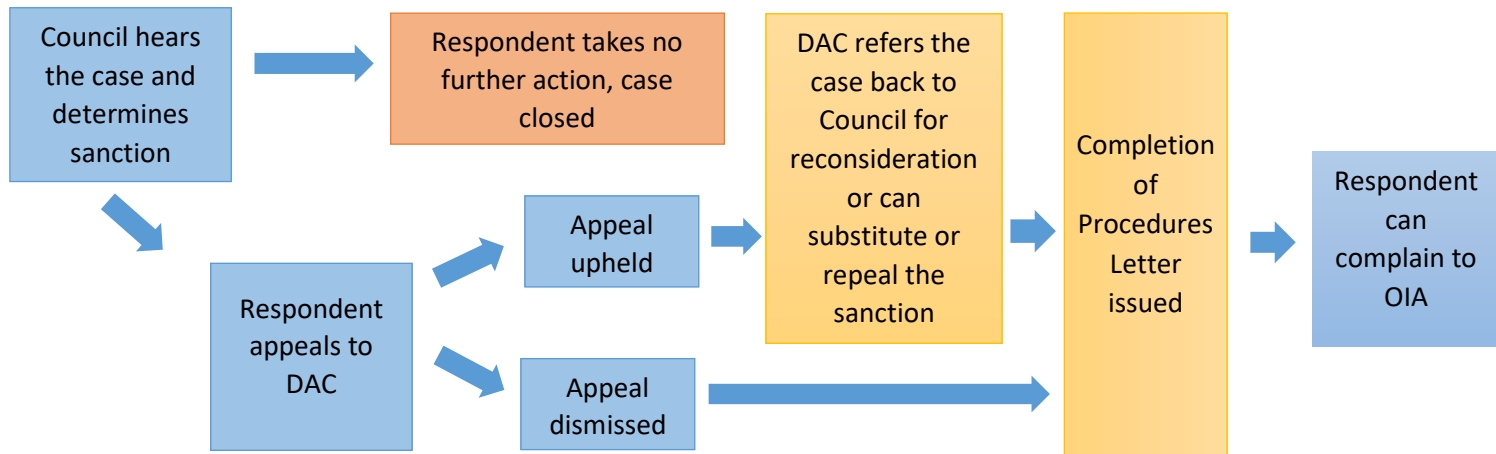
### Student Disciplinary Procedure for reported serious breaches of the College's Student Code of Conduct

The disciplinary process begins when the Dean of Discipline (DoD) receives a report of a breach of the Student Code of Conduct





## Appeals after a Council decision



## I. Guidance on sanctions for breaching the Student Code of Conduct

The table overleaf is provided to help Students understand the usual starting point and the range of sanctions that may be imposed in relation to a breach of the Code of Conduct.

When considering the likely penalty for a breach of the Code of Conduct, consideration will be given to the circumstances of the misconduct, including any aggravating or mitigating factors. The aggravating and mitigating factors that will be considered are set out in sections 1.8.1 and 1.9.1 of the Student Disciplinary Procedure. The final sanction(s) imposed may be more, or less, severe depending on the considerations of the specific incident, any aggravating and/or mitigating factors taken into account, and any personal circumstances taken into account. The table merely provides some illustrative examples.

Frequently, more than one sanction is imposed in relation to a breach of the Code of Conduct. The College may also impose sanctions on the basis of findings made by the University or the Police.

The disciplinary procedure will always take a Respondent's personal circumstances into account; the effect that this will have upon the sanction depends on the circumstances. A Respondent will be expected to provide evidence of the personal circumstances they wish to have considered. Some examples of personal circumstances include:

- Illness, a longstanding medical condition, or a disability that is likely to have impaired a Student's judgment
- Feeling under pressure because of financial, family, or personal circumstances, including bereavement, the illness of another person, or threats made by another person

The most serious sanctions imposed by the College include:

- being banned from College facilities or events;
- being required to leave College accommodation;
- losing awards from the College (such as scholarships, grants and other awards);
- being expelled from the College; and
- having a Student's membership of the College permanently ended.

Separately from the College process, the College may take the decision to notify OSCCA of a breach of its Code of Conduct and Students may also face separate University of Cambridge disciplinary action for breaches of its behavioural rules, and the sanctions imposed by the University can include expulsion from the University. Where there are alleged breaches of the College's Code of Conduct which may also constitute criminal offences the College may also take the decision to refer the matter to the Police.

Expulsion from the College is not the same as expulsion from the University. Expulsion from the University is a sanction that can only be imposed by OSCCA and not at the conclusion of a College disciplinary process.

### Notes in relation to the table

- Community service for the College can include dishwashing, cleaning, or housekeeping duties.
- Gating means having to report to the Porters at fixed times, usually in the morning and at night, for a period of time.
- For misconduct that includes concerns related to IT, representatives of the College have the right to be given access to your devices and machines, and to the information stored on them, and may inspect a Student's computer hardware.

Example of a breach of the Code of Conduct	Example sanctions <i>Multiple sanctions may be imposed at one time</i>
Smoking in your room; making noise late at night; leaving your room or communal area seriously unclean; violating health or safety protocols.	<ul style="list-style-type: none"> <li>• 3-6 hours of community service</li> <li>• Requirement to provide an apology to those affected</li> <li>• An educative session</li> <li>• A fine to cover the costs of cleaning or repair</li> <li>• Restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities</li> <li>• Termination of a room licence</li> </ul>
Hosting unauthorized gatherings; being drunk and disorderly.	<ul style="list-style-type: none"> <li>• 6-12 hours of community service</li> <li>• Requirement to provide an apology to those affected</li> <li>• Appropriate educative intervention or counselling</li> <li>• A ban on hosting guests</li> <li>• An alcohol ban</li> <li>• Restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities</li> <li>• Imposition of a curfew and/or gating</li> <li>• Termination of a room licence</li> <li>• Forfeiture of award(s) from the College and its emoluments/benefits</li> </ul>
Harassment or abusive behaviour where the activity is brief, unplanned and the level of physical or emotional harm to the victim is low with no previous concerns	<ul style="list-style-type: none"> <li>• 12+ hours of community service</li> <li>• Where this is wanted by the victim, a written or other form of apology</li> <li>• Educative session or other intervention intended to change behaviour</li> <li>• Imposition of a curfew and/or gating</li> <li>• Restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities</li> <li>• Alcohol ban/counselling where relevant.</li> </ul>
Damage to College property or someone else's property	<ul style="list-style-type: none"> <li>• An order to pay compensation to the College or a person for the damage caused and its consequences</li> <li>• Temporary seizure of items in the Respondent's possession (for example, where an item has been used to cause the damage)</li> <li>• A written warning</li> <li>• Restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities</li> <li>• Termination of a room licence</li> <li>• Forfeiture of award(s) from the College and its emoluments/benefits</li> <li>• Temporary or permanent expulsion</li> <li>• Removal of membership of the College</li> </ul>
Serious physical misconduct or abusive behaviour	<p>Sanctions will usually be imposed at the most severe end of this range:</p> <ul style="list-style-type: none"> <li>• Where this is wanted by the victim, a written or other form of apology</li> <li>• Educative session, counselling, or other intervention intended to change behaviour</li> <li>• Written reflection</li> <li>• Imposition of a curfew and/or gating</li> <li>• Restriction of access to specified College properties, facilities, buildings, services, events, societies, and/or activities</li> <li>• Termination of a room licence</li> <li>• Forfeiture of award(s) from the College and its emoluments/benefits</li> <li>• Temporary or permanent expulsion</li> <li>• Removal of membership of the College</li> </ul>