

STUDENT DISCIPLINARY PROCEDURE

I. Glossary of key terms

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

Appeal Committee	A panel of three trained persons, which determines whether an appeal against a decision of the Discipline Committee is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures
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	The description of the behaviour causing concern, reported by the Reporting Person and submitted to Dean via dedicated email address (Disciplineconcern@girton.cam.ac.uk)
Dean of Discipline	A person with responsibility for determining whether a Concern should be investigated, conducting any investigation or delegating a complex investigation where appropriate and determining the action taken following the investigation. Where a Concern is referred to the Discipline Committee, the Dean will present the investigation findings to a Discipline Committee. The Dean may decide an investigation is more appropriately investigated via the university procedures.
Decision makers	The Dean of Discipline or any member of the Discipline Committee or Appeals Committee
Discipline Committee	A panel of three trained persons, which determines whether the Rules of Behaviour have been breached and, if so, has the authority to impose sanctions or measures.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of these Rules of Behaviour
Investigation Report	The report created by the Dean of Discipline or nominated investigating officer following an investigation
Investigator	The Dean of Discipline or nominated deputy to investigate

Registered Student	All matriculated students who have come in to residence in Cambridge
Reporting Person	A person who is reporting a Concern about a Student
Respondent	A student whose conduct is the subject of a Concern
Rules of Behaviour	The rules established by the College concerning the conduct of Students
Rustication	To be sent out of College accommodation or to be suspended from the College and University for a defined period of time
Student	Members of college in statu pupillari ¹ of the College
Witness	A person who has witnessed the Respondent's behaviour or has witnessed a matter connected to the Respondent's behaviour as alleged in the Concern. The Witness may be someone to whom the behaviour was directed, or a third party

2. Scope and Principles

- 2.1 This procedure enables the College to consider whether a Student has breached the Rules of Behaviour and, if it is found that the Rules have been breached, to impose proportionate sanctions or measures. The procedure enables the College to respond appropriately to breaches of the Rules of Behaviour, to protect the College and its community. It does not exist to resolve personal disputes.
- 2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.
- 2.3 The procedure itself can be stressful for those involved. The Dean of Discipline and decision-makers will take into account the potential effects upon those engaging with the procedure and, where possible, minimise these effects. All Reporting Persons, Respondents and Witnesses will receive information about how to access support during this process. The appropriate support will depend on the circumstances of the case, but may be delivered by a College, the University, the Students' Unions' Advice Service or external support organisations.
- 2.4 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Respondents, Reporting Persons and Witnesses are

¹ Council agreed at its meeting on 14 June 2019 that the term person 'in statu pupillari' shall mean all JCR and MCR members for the purposes of College.

requested to make any reasonable adjustments known to the Dean of Discipline so that these can be put in place. The Dean of Discipline may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.

- 2.5 In order to ensure that a Respondent's views are accurately represented during the process it is preferable for the College to correspond directly with the Respondent. However, it is accepted that sometimes this will not be in the best interests of the Respondent, for example, where a Respondent is reluctant to make or receive decisions about a Concern without support, as a result of an underlying medical condition or disability. Where a Respondent would prefer correspondence to be directed through an authorized representative, permission needs to be provided by the Respondent in writing or via the Respondent's University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.
- 2.6 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in exceptional circumstances where there is a compelling case as decided by the Dean of Discipline, supported by evidence, for the matter to be investigated. Where an anonymous Concern is accepted, the Concern will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.
- 2.7 Concerns are ideally submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary deadline for the submission of a Concern, although Respondents will need to be students at the time the Concern is raised to enable meaningful sanctions and measures to be imposed.²
- 2.8 The College shall investigate and consider Concerns in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Respondents, Reporting Persons and Witnesses to provide information. The College normally aims to complete the initial investigation and Discipline Committee decision within 60 days of informing the Respondent of the Concern. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reason. Respondents and Reporting Persons will be provided with updates where there is a delay.

² In the case of intermitting students if the alleged misconduct had occurred before they had begun intermission then we would be able to investigate it whilst they were on intermission (although we may choose not to do so if the intermission was for health grounds). If the misconduct had occurred whilst they were on intermission then they would be considered a formerly registered student for such purposes - an intermitting student should not be using any of the facilities/premises of the University or College or studying/engaging with students or staff in a way that would mean that the disciplinary regulations should apply, except those relating to formerly registered students.

- 2.9 Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances.
- 2.10 Where reasonable, physical meetings can be replaced by virtual meetings, where a Respondent, Reporting Person or Witness may attend a meeting by video or telephone call at the discretion of the Dean of Discipline or Chair of the Committee.
- 2.11 All decision-makers and investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal knowledge of the Respondent or Reporting Person.
- 2.12 Any reference in this procedure to a named role includes a deputy appointed by that role-holder to exercise the functions assigned to that role-holder under this procedure.
- 2.13 Some breaches of the Rules of Behaviour could also constitute criminal offences. The College will not normally investigate a matter where criminal proceedings are ongoing (including criminal investigations and appeal processes), pausing any action under this procedure until criminal proceedings are complete. Following an investigation undertaken by the police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place, or where the behaviour being investigated by the College is different to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.
- 2.14 The College will treat relevant police fines, cautions, reprimands, final warnings³ or criminal convictions received by the Respondent as evidence that the behaviour, on which the offence was based, took place. A ‘not guilty’ or ‘no further action’ outcome from the police or criminal proceedings will not prevent the College from undertaking its own investigation as to whether a breach of the Rules of Behaviour has occurred.
- 2.15 Sometimes a Concern will be more appropriately investigated under another procedure, for example, the Fitness to Study Procedure, if the behaviour has been wholly caused by an underlying medical condition, or a University procedure. It will be at the discretion of the Dean of Discipline, in consultation with relevant College Officers to decide which procedure is most appropriate to investigate student behaviour. The College reserves the right to refer a matter to another procedure at any time during this procedure. Sometimes a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure.

³ Reprimands and final warnings are no longer issued by the police but are noted here to provide a complete list of the types of warnings that are covered by this paragraph.

- 2.16 Some breaches of the Rules of Behaviour will also be in breach of the University's Statutes and Ordinances and may result in the University taking disciplinary action. The College shall take into consideration any action taken by the University to ensure that the Respondent is not punished twice for the same breach. Where the concern involves students at different colleges the case would normally be referred to the University Procedure
- 2.17 Where a Concern involves more than one Respondent, it will be at the discretion of the Dean of Discipline to decide whether the Concern should be separated into separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and the Dean of Discipline has chosen to refer the matter to the Discipline Committee, the Chair of the Discipline Committee shall have the discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal the decision of the Discipline Committee decision appeals shall usually be considered separately but by the same Appeal Committee.
- 2.18 In cases where the Dean of Discipline assesses that there is a need to put in place precautionary action whilst an investigation is on-going, the Dean will liaise with the University to initiate the process outlined in the University's Statutes and Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D 1)⁴
- 2.19 While the procedure is ongoing, a Respondent must not contact or attempt to contact the Reporting Person or any other Respondent(s) or Witness(es) to the alleged misconduct either directly or via another person. Except where precautionary action precludes it, Respondents may continue to pursue and complete their studies, including graduating, unless informed otherwise by the Dean of Discipline.
- 2.20 The College owes a duty of care to all members, including Reporting Persons, Witnesses and Respondents, to safeguard the interests and safety of the College.
- 2.21 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as decision-makers and investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, 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

⁴ <https://www.admin.cam.ac.uk/univ/so/pdfs/speciald.pdf>

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

- 2.22 The standard of proof used when making determinations under this procedure is *on the balance of probabilities*. The burden of proof rests with the College; it is for the Dean of Discipline to prove that a breach of the Rules of Behaviour has occurred. This means that the Dean of Discipline will have to prove that it is more likely than not that a breach of the Rules of Behaviour occurred before any sanctions or measures can be imposed on the Respondent. Decisions must be supported by evidence; it is not enough to simply believe that something is likely to have happened.

Information sharing

- 2.23 The College shall share the information and evidence related to an investigation and outcome with members of staff, the Respondent, the Reporting Person and Witnesses where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules of Behaviour, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the College's Data Protection Policy⁵.
- 2.24 The College shall share all evidence considered in reaching a decision (except where the decision-maker determines that there is a compelling reason not to do so), the decision itself, the reasons for the decision and any sanctions or measures, with the Respondent. The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any student affected by such a decision who is dissatisfied can raise a complaint under the Student Complaints Procedure. Where information is unable to be shared with the Respondent, this may affect the decision-maker's ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.
- 2.25 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean of Discipline or Discipline Committee, including any sanctions or measures with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the student may be connected, where it is appropriate to do so (for example,

⁵ <https://www.girton.cam.ac.uk/wp-content/uploads/2018/05/2018MayDataProtectionPolicyFinal.pdf>

where the student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the College considers that someone may be at significant and immediate risk of harm, the College may disclose information received through this procedure to the police. When initiating an investigation, the Dean of Discipline will inform the Respondent in writing of the circumstances by which the information about the case will be shared.

- 2.26 The College shall share investigation findings, the reasoned determination of the Dean of Discipline or the Discipline Committee, and sanctions or measures with the Reporting Person and Witnesses, where such information is relevant. 'Relevant' information is that which has a direct impact on the Reporting Person or Witness. The Reporting Person or Witness cannot appeal the outcome of the Dean of Discipline or Discipline Committee. However, if there are concerns about how the matter was handled or the process used in reaching an outcome then the Reporting Person or Witness may be able to make a complaint under the Student Complaints Procedure.
- 2.27 It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, those involved may discuss their personal experience of the procedure with others. However, regardless of the outcome, parties should not identify or provide details that might identify any individual involved in the investigation or subsequent decision-making process.

3. Submitting a Concern

- 3.1 The College will normally be informed of a potential breach of the Rules of Behaviour by a Reporting Person. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or became aware of the reported behaviour through other means.
- 3.2 To submit a Concern, the Reporting Person must submit a Concern together with any evidence the Reporting Person wishes to provide, to the Dean of Discipline, via the email address disciplineconcern@girton.cam.ac.uk.
- 3.3 The Dean of Discipline shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information where the Concern Form is incomplete, and to offer the Reporting Person a meeting to discuss the Procedure, though this can take place before a Concern is submitted.
- 3.4 The Dean of Discipline will determine whether the following criteria are met:
- a) there is an allegation that, on the face of it, would appear to breach the Rules of Behaviour;
 - b) this procedure is the most appropriate procedure to use to investigate the matter; and
 - c) the Concern has not already been investigated using this procedure.

- 3.5 Where all the criteria have been met, the Dean of Discipline shall investigate the Concern. Where at least one of the criteria has not been met, the Dean of Discipline shall not investigate the Concern. Where the procedure is not the most appropriate procedure the Dean may advise referring the case to another procedure.
- 3.6 Where part of the Concern has previously been investigated, 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 misconduct, the impact on the Respondent of undergoing a second discipline investigation, and whether there would be repercussions for the Respondent's fitness to practise were the decision taken not to investigate the matter.
- 3.7 The Dean of Discipline shall give written reasons for the decision about whether to commission an investigation and communicate the decision and the reasons to the Reporting Person in writing, within 7 days of making decision. Reporting Persons who are students and dissatisfied with the outcome may be able to make a complaint under the Student Complaints Procedure within 28 days of being notified of the decision.
- 3.8 Where an investigation is not commissioned 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.

4. Investigating a Concern

- 4.1 Where an investigation is undertaken, the Dean of Discipline shall write to the Respondent to confirm that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been breached and that an investigation shall be conducted. The Dean of Discipline will provide a brief summary of the Concern, name the Reporting Person (unless, 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 will 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.

- 4.2 The Dean of Discipline shall conduct an investigation which may require written statements, meetings and evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing 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 and shall have the opportunity to comment on the Dean of Discipline's written notes of any meeting that they have attended.
- 4.3 The Dean of Discipline shall normally meet with the Reporting Person and with the Respondent to receive an oral account. The Dean of Discipline may meet with any Witnesses or instead collect information through written statements. The Dean of Discipline shall give anyone impacted by the alleged behaviour being investigated the opportunity to provide an Impact Statement.
- 4.4 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 relevant previous breaches of the Rules of Behaviour by the Respondent. During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Dean of Discipline may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Dean of Discipline may request any other material that the Dean 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 Dean of Discipline shall not normally seek it.

5. Dean of Discipline Decision

- 5.1 The Dean of Discipline shall produce an Investigation Report, outlining the findings of the investigation.
- 5.2 Following the investigation, the Dean of Discipline shall reach one of the following decisions:
 - a) To impose a minor sanction or measure where a breach of the Rules of Behaviour has occurred and where it is considered that a minor sanction or measure is appropriate;
 - b) To refer the case to the Discipline Committee where it appears that a breach of the Rules of Behaviour may have taken place and a minor sanction or measure may not be an appropriate action;

- c) Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure.
- 5.3 In considering whether to impose a minor sanction or measure, or refer the case to the Discipline Committee, the Dean of Discipline shall give consideration to Regulation 4 of the Rules of Behaviour and any guidance in relation to sanctions and measures, as well as the following factors:
- a) The seriousness of the breach;
 - b) The harm or damage caused;
 - c) The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
 - d) The intent and planning involved in the breach;
 - e) The impact on the Collegiate University Community, including the content of any Impact Statement;
 - f) Whether the Respondent has admitted to the breach and when such an admission took place;
 - g) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
 - h) The evidenced personal circumstances of the Respondent.
- 5.4 Where the Dean of Discipline decides to impose a minor sanction or measure, one or more of the following sanctions or measures are available:
- a) A written warning, which will be placed on the Respondent's record and will make any subsequent breaches of the Rule of Behaviour more serious;
 - b) To require the Respondent to pay the cost of material damages or cleaning charge up to the amount of £300;
 - c) To require the Respondent to provide a written apology;
 - d) To require the Respondent to engage with an educative or reflective session;
 - e) To require the Respondent to complete a written reflection;
 - f) To require the Respondent not to contact a Reporting Person or Witness.
 - g) To require the Respondent to pay a fine e.g insert penalty for letting off a fire extinguisher
- 5.5 The Dean of Discipline shall provide the decision and the reasons for the decision in writing within 7 days of reaching a decision alongside a copy of the Investigation Report and evidence in line with 2.24-2.27 of this procedure. Where a minor sanction or measure is imposed, the Respondent will have 7 days from receiving the decision to confirm whether to accept this outcome or have the case referred to the Discipline Committee.
- 5.6 The Dean of Discipline shall refer the case to the Discipline Committee for consideration where the Respondent does not agree with the decision to impose a minor sanction or measure; or where the Respondent does not comply with the minor sanction or measure; or where the Dean of Discipline considers that a minor sanction or measure is not appropriate.

6. Discipline Committee consideration

- 6.1 Where the Dean of Discipline refers any case to the Discipline Committee, the Head of Tutorial and Admissions shall act as Secretary to the Discipline Committee and shall assign a Chair and 4 members to the Discipline Committee from among the members of Augmented Council and Junior Trustees who are available and have not had prior involvement in the case.
- 6.2 The Discipline Committee shall consist of:
- a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A Senior Member of College who is or has been a Tutor for not less than three years;
 - c) Two Senior Member of College from Augmented Council. In the case of academic discipline at least one of these members should have not less than three years experience of acting as a Director of Studies
 - d) A student of College., normally one who has had trustee training, normally an MCR member for a JCR issue and JCR member for MCR issue.
- 6.3 The Secretary of the Discipline Committee shall organise a meeting of the Discipline Committee and will communicate the membership of the Committee, date, time and location of the meeting to the Discipline Committee members, the Dean of Discipline, the Respondent and the Respondent's Senior Tutor.
- 6.4 The Respondent shall be provided with a copy of the Investigation Report and evidence, have an opportunity to provide a written response and be invited to attend the Discipline Committee meeting with a supporter and/or representative of their choice. This would often be a tutor but another supporter can be chosen. Any response or request to call witnesses from the Respondent must be provided at least 10 days before the date of the Discipline Committee meeting. A request to call a Witness will be considered by the Chair, who shall determine whether to permit the Witness to attend or provide evidence in an alternative format at outlined at paragraph 7.8. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision following the Discipline Committee's decision on the Concern to the Appeal Committee. A Respondent who wishes to admit the alleged misconduct in advance of the Discipline Committee meeting may do so as part of the written response, in which case the meeting may focus only on what, if any, sanction or measure to apply.
- 6.5 Respondents should attend the Discipline Committee in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Discipline Committee meeting and wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for

absence, in which case the meeting date should be re-arranged. The Discipline Committee meeting may proceed in the Respondent's absence.

- 6.6 The Discipline Committee, the Respondent and the Dean of Discipline shall receive a copy of the Discipline Committee papers; the Investigation Report and evidence, and any response provided by the Respondent, at least 7 days before the Discipline Committee hearing.
- 6.7 During the Discipline Committee meeting, there shall be the opportunity for the Committee members to ask questions of the Dean of Discipline and, if in attendance, the Respondent. The Respondent (or the Respondent's representative) and the Dean of Discipline will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 6.8 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) to attend the meeting as their evidence will be provided in the Discipline Committee papers. Where the Respondent wishes to challenge the evidence of a Reporting Person or a Witness, the Chair of the Discipline Committee will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Discipline Committee meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges and, where the Chair of the Discipline Committee considers those challenges material to the Discipline Committee's decision, a further written response will be sought from the Reporting Person or Witness. The Discipline Committee may pause the meeting to request further information where the Chair deems it appropriate to do so.
- 6.9 Once the Discipline Committee is satisfied that it has received all of the information, all persons except for the members, Secretary and note taker (the Secretary would normally act as note-taker) of the Discipline Committee shall withdraw.
- 6.10 The Discipline Committee shall consider all the information that has been provided and reach one of the following decisions:
 - a) To dismiss the case;
 - b) To find that there has been a breach of the Rules of Behaviour.
- 6.11 Where the Discipline Committee has found that the Rules of Behaviour have been breached, the Secretary shall inform the Discipline Committee of any previous breaches of the same Rule. The Respondent (and any supporter or representative) and the Dean of Discipline will be invited back into the meeting and the Respondent (or the Respondent's representative) will have an opportunity to make a further statement in relation to mitigation regarding the breach of the Rules of Behaviour and any previous breaches of Rules of Behaviour. The Dean of Discipline may provide further information including in relation to any Impact Statement and the Committee may ask questions. The Respondent (or the Respondent's representative) shall have the opportunity to make a final statement.

- 6.12 The Discipline Committee will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in Regulation 4 of the Rules of Behaviour and paragraph 5.3 of this procedure. The Discipline Committee can consider whether a minor sanction or measure, as outlined in paragraph 5.4, should be imposed. Where a minor sanction or measure is not considered to be appropriate, the Discipline Committee can choose from the following further sanctions and measures:
- a) Restrictions or conditions on the right to use College premises, facilities or services;
 - b) Temporary or permanent exclusion from membership of the College;
 - c) Any penalty considered by the Discipline Committee to be lighter.
- 6.13 In deciding upon the appropriate sanction(s) or measure(s), the Discipline Committee shall consider each sanction or measure in turn and record the reasons for the sanctions or measures imposed.
- 6.14 The Secretary of the Discipline Committee, within 7 days of the Discipline Committee reaching a decision, shall provide to the Respondent a written document explaining the Discipline Committee's decision, reasons for the decision, any sanction or measure applied and the right of appeal. The notes of the Discipline Committee meeting will be shared with the Respondent within 14 days of the Discipline Committee meeting. The outcome will be shared with others in line with 2.25-2.27 of this procedure.
- 6.15 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Discipline Committee, the Respondent will be subject to any action specified by the Discipline Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under Regulation 1(a) of the Rules of Behaviour.

7. The Appeal Committee

- 7.1 The Respondent shall have the right to appeal the decision of the Discipline Committee within 14 days of receiving the written decision. Secretary to Council shall act as Secretary to the Appeal Committee. The Secretary to the Appeal Committee has the authority to extend the appeal deadline, where there is a compelling reason to do so.
- 7.2 An appeal can be submitted on the following grounds, that:
- a) The procedures were not followed properly;
 - b) The Discipline Committee reached an unreasonable decision;
 - c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - d) There is bias or reasonable perception of bias during the procedure;

- e) The penalty imposed was disproportionate, or not permitted under the procedures.
- 7.3 In order to appeal the Discipline Committee's decision, the Respondent will need to complete and submit an appeal to the Secretary of the Appeal Committee, which includes all evidence the Respondent wishes to be considered as part of the appeal. The University will normally aim to make a decision regarding an appeal within 30 days of the Respondent making the appeal.
- 7.4 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Secretary of the Appeal Committee, the Secretary shall assign a Chair from the panel approved by Council and members of the Committee from among Augmented Council and Junior Trustees who are available and have not have prior involvement in the case.
- 7.5 The Appeal Committee shall consist of:
- a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff or professional procedures;
 - b) A Senior member of College;
 - c) A Member of college in statu pupillari of College, normally one who has had trustee training, normally an MCR member for a JCR issue and JCR member for MCR issue.
- 7.6 The Secretary of the Appeal Committee shall organise a meeting of the Appeal Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Appeal Committee.
- 7.7 The Appeal Committee shall receive the Respondent's Appeal Form and evidence, the Discipline Committee outcome, the notes of the Discipline Committee and the material considered by the Discipline Committee at least 7 days before the Appeal Committee meeting.
- 7.8 The Appeal Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information; where this happens the Respondent shall be sent a copy of any further information and be given an opportunity to provide a written response.
- 7.9 The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal;
 - b) To uphold the appeal.

- 7.10 Where the Appeal Committee has upheld an appeal, it can choose to send the matter back for re-consideration by a Discipline Committee, or alternatively it has the power to impose its own decision, including sanctions or measures. Where the Appeal Committee considers a breach of the Rules of Behaviour has taken place, it can impose any sanction or measure outlined in paragraphs 5.4 and 6.12 of this procedure, including more or less significant sanctions or measures than were imposed by the Discipline Committee for the same breach.
- 7.11 The Secretary of the Appeal Committee, within 7 days of the Appeal Committee reaching a decision, shall provide to the Respondent a written copy of the Appeal Committee's decision, reasons for the decision, and any substituted decision. This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter.
- 7.12 Where the Discipline Committee has imposed a sanction or measure and the Respondent has appealed, the sanction or measure will not normally be implemented while the appeal is being considered. Following the Appeal Committee's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.
- 7.13 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken under Regulation 1(a) of the Rules of Behaviour.

8 Reporting and Monitoring

- 8.1 The College shall monitor all Concerns reported made using this procedure and shall produce an annual report summarizing the anonymised decisions made by the Dean of Discipline, the Discipline Committee and the Appeal Committee. The annual report shall be submitted to College Council.
- 9.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for students and staff involved in the procedure.

This policy will be accompanied by guidelines for respondents and reporting students as to where to get help and support.

Flow chart for Girton College Student Discipline Procedure

