



# **COLLEGE RULES**

Academic year 2018/19

**MAGDALENE COLLEGE**  
**CAMBRIDGE**

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**ISSUED BY THE GOVERNING BODY OF MAGDALENE COLLEGE  
IN CONSULTATION WITH THE MCR AND JCR**

*Registered Charity Number 1137542*

# Magdalene College Cambridge

## COLLEGE RULES

The following rules should be read in conjunction with the *Guides* and the *Student Accommodation Handbook*, as well as the *Accommodation Licence* issued to, and signed by all students living in College accommodation. In addition, the rules should be understood to fall within the general framework established by the *College Statutes*.

### A. ACADEMIC RULES

#### (A1) EXAMINATIONS:

All students of the College reading for Honours Degrees are required to take the University's prescribed Preliminary, Qualifying and Tripos Examinations. Anyone who fails to obtain Honours, i.e. to be classed or to obtain Honours Standard, in any of these examinations which are Honours examinations, or who fails to be classed in any of these examinations, not being Honours examinations, in which candidates are classed, or who fails to pass in any of these examinations, not being Honours examinations, in which candidates are not classed, shall terminate his or her studies and go out of residence unless the Governing Body in exceptional circumstances (e.g. illness during the examinations) shall decide otherwise. This rule also applies to failure in College Examinations taken in lieu of University Examinations. **Any decision of the Governing Body to send a student out of residence following examination failure is subject to the provisions of Statute XXVIII and the accompanying procedure included in Section 2.6 of the Guides, and also appended hereafter (E(III)).**

#### (A2) ACADEMIC RESPONSIBILITIES AND THE CONSEQUENCES OF UNDER-PERFORMANCE:

Undergraduate attendance at supervisions is compulsory. Anyone who fails to attend a supervision will have the supervision fee charged to his or her College bill unless a satisfactory note of explanation has been received by the Supervisor in good time (preferably at least 24 hours) before the supervision. Students must also attend the lectures and other classes given in connection with their courses, as recommended by their Director of Studies. Students who fail to engage in their studies to the satisfaction of their Tutors and Directors of Studies will be given guidance on how to improve their performance. **Any failure to improve will be followed by written warnings and may lead to a disciplinary hearing and, in the final event, to expulsion from the College.**

Certain subjects which offer a fourth year course have minimum University standards which must be achieved prior to entering the fourth year. **Undergraduates who do not achieve the standard required by the relevant University faculty or department will not be permitted to enter the fourth year and will be required to go out of residence.**

**Any decision of the Governing Body to send a student out of residence, or to impose certain other serious penalties, in consequence of academic under-performance or failure to achieve the minimum University standard which must be achieved prior to entering the fourth year is subject to the provisions of Statute XXVIII and to the applicable accompanying procedures included in Sections 2.6 and 6.3 of the Guides, and also appended hereafter (E(II) and E(IV)).**

Students must not plagiarise in academic work of any type. If plagiarism is detected, whether in supervision work, in dissertations, in examinations or in any other context, disciplinary proceedings may be pursued, as appropriate, by the College or by the University authorities. Plagiarism is defined as submitting as one's own work, irrespective of intent to deceive, that which derives in part or in its entirety from the work of others without due acknowledgement. It is both poor scholarship and a breach of academic integrity. Guidance on plagiarism, and on proper referencing, may be found at <https://www.admin.cam.ac.uk/univ/plagiarism/students/statement.html>.

(A3) **ACADEMICAL DRESS:**

Members of the College must wear a gown in Chapel (unless a surplice is worn), at dinner in Hall and at formal disciplinary meetings. The University regulation regarding academical dress reads:

“Members of the University *in statu pupillari* shall be required to wear their proper academical dress when attending University ceremonies in the University Church or in the Senate House, and at all other times at which the Vice-Chancellor may by public notice direct that academical dress be worn.”

Enquiries concerning academical dress should be addressed to the Praelector.

(A4) **KEEPING TERMS:**

It is a University requirement that procedure to a degree requires not only that the appropriate examinations be passed, but also that a required number of nights be kept. Accordingly, undergraduate and graduate students must be resident in Cambridge for 59 nights in each of the Michaelmas and Lent Terms and for 52 nights in the Easter Term. Further, only nights of residence during Term may be counted for this purpose. Residence in Cambridge for the whole of Full Term (i.e. the period during which formal teaching normally takes place) fulfils the University’s residence requirement. Any person failing to reside for the requisite number of nights is obliged to make up the shortfall by residing for extra nights in Cambridge during those parts of Term which fall outside Full Term.

The dates of both Term and Full Term are available on the College intranet:  
<http://www.magd.cam.ac.uk/term-dates>.

During Term, any undergraduate who wishes to be absent from Cambridge overnight must first obtain the written permission of his or her Tutor.

Graduates intending to be absent from College for more than one week should inform the Graduate Tutors’ Assistant, preferably by emailing [gradassist@magd.cam.ac.uk](mailto:gradassist@magd.cam.ac.uk).

## **B. GENERAL RULES**

### **(B1) UNDERGRADUATE RESIDENCE OUTSIDE TERM:**

**All undergraduate residence outside Term time is conditional upon (a) tutorial consent given by means of a form, (b) the provisions of the *Accommodation Licence*.**

Undergraduates may not come into residence before 2pm on the first day of Term or remain in residence after 10am on the last day of Term without the written consent of their Tutor. Once granted, such permission should be forwarded to the Accommodation Coordinator. The Accommodation Coordinator will not make room bookings for residence outside this period until tutorial permission has been received from the individual Tutor concerned. That consent will be given only in special circumstances - see Rule (B3) below.

### **(B2) CAMBRIDGE ADDRESS:**

Students who are not living in College accommodation are required to inform the Tutorial Office of their Cambridge address **no later than the first day of Michaelmas Full Term**. All students must update their contact details on CamSIS whenever they move residence.

### **(B3) RESIDENCE IN VACATION:**

Undergraduates are not permitted to reside in College accommodation during vacation except with the written permission of their Tutor which will be given only in exceptional circumstances. Applications for such a period of residence must be made to the student's Tutor in writing on a form provided for this purpose. The form must also be countersigned by the student's Director of Studies if the request is for academic purposes.

The Tutor may receive the form at any time during Full Term, but will not process any request received after the exeat meeting date. **Any student found in residence without tutorial permission may incur a fine** and they will also be required to go out of residence immediately. Since rooms in both College and College hostels are used extensively outside of Term for conferences, students in residence with tutorial permission during vacation may be required to move out of their normal room into alternative College property. All undergraduate residency in vacations is subject to availability of rooms, and undergraduates have no standard entitlement in vacations to the room normally occupied during Term.

Graduates are normally entitled to occupy the same room for the whole period of their licence. Graduate students may, however, be required to vacate their rooms in order for necessary repairs and/or redecoration to be undertaken.

Allocation of College accommodation is valid only for one academic year at a time, and there is no entitlement to carry forward occupancy from one year to the next.

During the vacations the College makes extensive use of rooms for conferences and other visitors. Full details on departure requirements are noted in the Student Accommodation Handbook. The Accommodation Coordinator also issues departure notice procedures before the end of each Term. Any student failing to clear his or her room in the appropriate manner at the end of each Term will be liable to have his or her possessions removed and may be subject to a fine charged to his or her College Bill. The value of fine is determined by the Assistant Bursar and will be based upon costs incurred to rectify damage, staff costs and a proportionate administration charge. Once a student room has been vacated, the College may take photographs of the room. In extreme circumstances the Dean may also impose a penalty of a reduction by up to 25 room ballot places in the next room ballot draw.

### **(B4) PARTIES:**

Students wishing to hold parties, of whatever size, in College (whether indoors or in the College grounds), or in College-owned accommodation outside College, are required to

obtain the Dean's permission in advance. Public rooms in College may not be booked for parties until permission has been obtained.

Where permission is granted a deposit is required to be paid. In granting permission, the Dean may impose limits upon the number of guests and the duration of the party, and may require that the organisers arrange, at their own expense, for a College porter to attend. Permission for a party to continue later than midnight will normally be refused. Students organising parties are responsible for the behaviour of those attending the party (including any who were not invited), and for clearing up afterwards to the satisfaction of the Head of Housekeeping or the Head Gardener (as applicable).

Failure to clear up, or causing damage to College property, may result in forfeiture of the deposit. In addition, breach of any of the above provisions, or of any condition imposed by the Dean in granting permission to hold a party, may lead to disciplinary action and may also result in permission being withheld in relation to future parties proposed by the same organiser or organisers (whether personally or on behalf of a club or society).

Consideration must be shown to neighbours, and the organisers of parties which might disturb non-members of the College, including parties held in accommodation not owned by the College, are reminded of their obligation under the College Statutes not to behave in way which brings the College's name into disrepute.

Students wishing to barbecue in the College grounds, whether or not as part of a party, are required to obtain the Dean's permission in advance.

(B6) **BICYCLES:**

Students of the College who have a bicycle in Cambridge are required to have it marked with a number allocated by the College Marshal. Bicycles must not be ridden anywhere in College nor wheeled through the College gardens. No bicycle may be brought into First or Second Court, or stored in rooms, staircases, corridors or College hostels.

Bicycles must be parked neatly in designated College bicycle parks; they must not be left anywhere else, and certainly must not be parked in Magdalene Street.

(B7) **VEHICLES - CARS AND MOTORCYCLES:**

Students are not permitted to keep cars or motorcycles in Cambridge unless they have obtained, through their Tutor, a special University licence. This procedure is administered by the College Marshal. It is prohibited for a student to park a motor vehicle on College property at any time. Students found in breach of this rule will incur a fine imposed by the Motor Proctor.

(B8) **VEHICLES – 'DRONES':**

The use of unmanned aerial vehicles (commonly referred to as 'drones') is prohibited on College property. This prohibition is not limited to cases in which a controller on College property flies a drone over College property, but extends to cases in which a 'drone' is flown over College property by a controller who is not on College property.

(B9) **GENERAL BEHAVIOUR:**

Students should conduct themselves in a fit and proper manner at all times, having consideration for their neighbours, be they Fellows, students, College staff or the local community. No member of the College shall intentionally or recklessly disrupt or impede or attempt to disrupt or impede the activities and functions of the College. Students must not act in any way that brings the College into disrepute. **Such action will entail a severe fine or other penalty at the discretion of the Tutors and/or the Dean.** Disciplinary procedures are given in Appendix E.

Students shall comply with any instruction given by an officer of the College, a University Officer, or an officer of another College, or by any person authorized to act on behalf of the University or a College, in the proper discharge of his or her duties.

All members of the College shall state their names and the College to which they belong when asked to do so by a Proctor, or Pro-Proctor, or other person in authority in the University or in any of the Colleges of the University.

(B10) **COLLEGE LAWN:**

Students must not walk on the grass in the College Courts (except Benson Court 'beach', during the summer months). Games are also prohibited in the College Courts and Gardens with the exception of croquet in the Fellows' Garden and Scholars' Garden which is permitted after the end of summer examinations.

(B11) **ANIMALS IN COLLEGE:**

Students must not bring animals into residence without the prior written permission of the Dean.

(B12) **FIRE PRECAUTIONS:**

All rooms are furnished with a printed notice setting out the action to be taken in the event of fire. These must not be removed or obscured. It is prohibited to tamper with or remove fire extinguishers and other fire-prevention or fire-fighting equipment. Such conduct constitutes a threat to the lives of members of the College and to the safety of the College Buildings. A fine of at least £100 will be levied on anyone improperly discharging a fire extinguisher (in addition to the cost of refilling it), or otherwise tampering with any fire equipment. Oil-heaters, portable gas-heaters, candles, shisha or hookah pipes, incense burners/sticks, and students' own electrical heaters are not allowed because of fire-risk. Further details can be found in the [Accommodation Handbook](#). Rules governing the use of all electrical equipment are set out in the [Guides](#).

(B13) **COOKING IN COLLEGE ROOMS:**

**The use of electrical cooking equipment is strictly prohibited in College rooms** because of the risk of fire as well as the likelihood of damage to decoration and furnishings. A fine of at least £100 will be levied on anyone found cooking in their room. Electric kettles or coffee machines are permitted.

(B14) **CARE FOR ROOMS AND FURNITURE:**

Students are required to keep their rooms clean and maintain them in good order, in accordance with the terms of the Accommodation Licence.

(B15) **POSTERS, LEAFLETS AND NOTICES:**

No posters, leaflets or notices may be displayed within the College without the prior permission of the College Marshal. Subject to considerations of space, permission to display materials on notice boards will normally be refused only where the material sought to be displayed is unlawful or indecent or may lead to unlawful behaviour, or where permitting its display may amount to a breach of any duty imposed upon the College by statute. Students are permitted to display posters, etc. within their own student room using the notice boards provided, but must keep the windows completely clear of posters, leaflets, decorations or other items. No blanket pigeonholing may take place without the prior permission of the College Marshal.

(B16) **USE OF COLLEGE COMPUTING FACILITIES:**

College computing facilities are connected to the outside world through the University Network. Those using College facilities (even if accessed via their own computer) are required to obey not only the College Rules established under Governing Body authority from time to time (as delegated,

for example, to the Chair of the Information Technology Committee and the College Computer Officer) but also to observe University Regulations as formulated by the Information Technology Syndicate. This College has appointed the Dean as the College-authorized Officer under IT Syndicate rules.

As a general principle, the College rules for the use of computer facilities forbid any practice forbidden by the University. These rules also apply to the use of personal computers connected to the University network via the College Local Area Network (CLAN).

The Information Technology (IT) Committee, on the advice of the College Computing Officer, may suspend any member responsible for breaches of College Computer Regulations for a period not exceeding two weeks in the first instance. The IT Committee may refer any apparent breach of College or University regulations to the Dean as College-authorized officer under IT University Syndicate Rules. The Dean shall have power to withdraw access to the CLAN for a Term, to fine the member or members concerned in accordance with IT Syndicate and College Rules, and to require financial restitution.

Where appropriate the Dean shall also have power to refer the matter to the IT Syndicate or the College Governing Body in the case of serious breaches. Appeal against the Dean's finding on a breach of University IT Syndicate rules shall be to the IT Syndicate, and against College Rules to the Governing Body.

Please refer to the [Computing Facilities Guide](#) issued by the Computer Office for further details.

(B17) **SMOKING:**

In compliance with the Health Act 2006 and the Smoke-free (Premises and Enforcement) Regulations 2006, Magdalene College has a [Smoke Free Policy](#). In summary, smoking (including of e-cigarettes and shisha or hookah pipes) is not permitted in any College building at any time. Smoking is permitted in designated outside areas only, as described in the policy.

(B18) **TIER 4 STUDENTS:**

Students subject to the student visa (Tier 4) controls of the UK Visas and Immigration (formerly named UK Border Agency,) are required to visit the Tutorial Office in the first week of residence to have their passport and visa scanned. Such students will also be asked to sign a document to confirm that they are in residence and must make additional further contact at agreed times at the beginning of every Term.

Students on Tier 4 intending to be absent from College for one week or more must inform the Tutorial Administrator in the Tutorial Office in advance

(B19) **NOISE:**

The College designates the hours between midnight and 7 a.m. as 'silent hours'. During these hours noise is strictly prohibited, audio equipment and musical instruments are not to be used (unless sound is fully contained via the use of headphones or permission is obtained from the Dean and the Senior Tutor).

## **C. FINANCIAL RULES**

### **(C1) PAYMENT OF FEES:**

All students who are self-financing are required to pay their course fees **in full** no later than the first day of each academic year. In exceptional circumstances, the College may permit termly payments which must be made by the first day of each term or within seven days of receiving the fees bill, whichever is the later. Term dates are listed on the College intranet: <http://www.magd.cam.ac.uk/term-dates>.

The College reserves the right, after consideration of the circumstances of the matter, to decline to present for any degree, diploma or other qualification any student who is in debt to the College. The circumstances that the College will consider include the nature (academic or non-academic) of the debt; its size; the reason for non-payment; the reasonable practicability of its payment by the student, or on his or her behalf; the likely damage to the student from non-presentation; the likely efficacy of alternative, less damaging sanctions (such as graduating *in absentia*). The College will afford the student the opportunity of commenting on those matters before reaching its decision.

### **(C2) PAYMENT OF COLLEGE BILLS:**

College bills are issued by the College Office at the start of each term and detail the costs and charges for the coming term (such as room rent (including heat and light charges), and Kitchen Fixed Charge) together with any sundries for the previous term (such as College LAN, meal charges, fines for lost keys, etc). College bills must be settled by the middle of each Term. Charges and details can be found in the [Guides](#).

Graduates are permitted to settle their College bill in three instalments. The person from whom bills are sent must be notified that you have chosen this option. The first payment must be made by the bill due date and the final instalment by the last day of the month prior to the next College bill being issued.

Students who do not settle their College bill by the due date will be charged a late payment fine on their next College bill. The fine system operates as follows: any payment received after the due date will incur a £25 fine. If the bill is not settled within 7 days of the due date the fine will rise to £50. If the bill is still not settled within 14 days of the due date the fine will be £100. The maximum fine charged will be the £100, and no fine will exceed the outstanding College bill balance.

Any student who does not think they will be able to settle their bill by the relevant due date should contact their Tutor as soon as possible and definitely before the bill due date.

The College reserves the right, after consideration of the circumstances, to withhold the provision of service(s) to which College bill debts relate, including the termination of an Accommodation Licence and ultimate removal from College residential accommodation in respect of unpaid accommodation rent. The circumstances that the College will consider in reaching a decision as to withholding the provision of service(s) include the nature of the debt; its size; the reason for non-payment; the reasonable practicability of its payment by the student, or on his or her behalf; the likely damage to the student from withholding the provision of service(s); and the likely efficacy of alternative, less damaging sanctions. The College will afford the student the opportunity of commenting on those matters before reaching its decision.

### **(C3) CAUTION MONEY:**

All students are required to pay a deposit to the College of £300. This is known as 'caution money' and is held by the College until students are eligible to graduate or leave College, whichever is the later.

### **(C4) INSURANCE OF PERSONAL GOODS:**

Students are advised to take out private insurance for any personal goods or valuable property which they intend to keep in their College accommodation. The College accepts no responsibility or



liability for the safety of such possessions either in Term or in vacations, whether they are left in rooms or transferred to College storerooms.

(C5) **KITCHEN FIXED CHARGE:**

This termly charge, which is payable by all students, is set at as listed in the Accommodation handbook. The charge is paid regardless of the number of meals taken in College. It contributes to the maintenance and overheads of the College Kitchens, Buttery and Bar, as well as to the costs of hostel kitchen and other kitchen/gyp-room facilities, and allows the College to subsidise significantly the cost of meals taken in College. In certain special circumstances, the Tutor concerned may permit a rebate of the Kitchen Fixed Charge as set out on the College's intranet.

(C6) **OTHER CHARGES:**

The College reserves the right to impose a fine for the following:

- failure to hand in keys
- failure to sign the Redit book
- failure to leave a room in an acceptable condition
- damage caused to a room or its contents
- staying in a room during the vacation period without an OTR (undergraduates only)
- staying in an OTR room outside of the nights granted by College (undergraduates only)
- failure to complete Exeat requirements (undergraduates only)

The value of fine is determined by the Assistant Bursar and will be based upon costs incurred to rectify damage, staff costs and a proportionate administration charge.

Fines may also be imposed by the Dean or a student's Tutor for other infringements of the College Rules.

Once a student room has been vacated, the College may take photographs of the room.

## **D. MEETINGS AND FREEDOM OF SPEECH**

### **(D1) STATEMENT ON FREEDOM OF SPEECH:**

#### Context

1. Colleges are required by law to outline principles for their members in relation to their right to freedom of speech in the context of other legal responsibilities of the College. This Statement takes into account the specific legal responsibilities, as set out in Section 43 of the Education (No 2) Act 1986, the Equality Act 2010 and the Counter-Terrorism and Security Act 2015.
2. This Statement outlines the principles of free speech which apply (i) to all Fellows, staff and students of the College, and (ii), when on College premises or at College events, to Fellows, staff and students of other Cambridge colleges, members and staff of the University of Cambridge, and visiting speakers (i.e. speakers who are not Fellows, staff or students of another Cambridge college, or members or staff of the University of Cambridge).

#### Principles

1. Magdalene College is strongly committed to the principle of freedom of speech and expression. It fosters an environment where all of its Fellows, staff and students can participate fully in the life of the College, and where each individual feels confident and able to research, question and test received wisdom, and to express new ideas and controversial or unpopular opinions, without fear of isolation, marginalisation or discrimination. Equally, the College expects its Fellows, staff and students to receive and respond to intellectual and ideological challenges in a constructive and peaceable way. The College also acknowledges its statutory duties in protecting its Fellows, staff, students and other people from ‘radicalisation’, which in this context means being drawn in by others to support terrorism, or to commit acts of terrorism.
2. Subject to paragraph 3 below, no premises of the College will be denied to any Fellow, member of staff, or student of the College, or to any body of such people, by reason of the beliefs or views of that individual or of that body or the policy or objectives of that body.
3. In holding to these key principles, Magdalene College will take into account its obligations regarding freedom of speech, the management of the health and safety of its Fellows, staff and students, and of the general public, the promotion of equal opportunities and prevention of discrimination on the grounds of belief, race, gender or sexual orientation or other legally-protected characteristics, and its duties associated with preventing people from being drawn into terrorism or the promotion of terrorist activities. As an example of this, the College reserves the right to refuse access to its premises if it is of the opinion that a visiting speaker or the purpose of a meeting is likely to give rise to the incitement of crime and/or is likely to cause a breach of the peace.

### **(D2) RULES FOR STUDENTS GOVERNING MEETINGS AND SPEAKERS:**

As required by Section 43 of the Education (No 2) Act 1986, the College has a *Code of Practice* regarding the holding of meetings and the protection of freedom of speech. Copies of the Code are available in the Tutorial Office and Porters' Lodge. The attention of all students is especially drawn to the following provisions of the Code:

1. Permission is required for all meetings (including dinners) to which speakers who are not resident members of the College are invited, and for all other meetings at which more than ten persons are expected to be present, whether or not the meeting is open to the public. Permission must be obtained from the Dean not less than five days beforehand and if a room is to be reserved, a booking must be made through the Dean. The application for permission should state the name of the member of the College taking responsibility for the meeting, the date and time of the meeting, the place, the names, addresses and Colleges (if any) of the organizers, the name of the organization making the arrangements and the name of any expected speaker(s), whether or not a member or members of the University. This requirement extends to meetings and gatherings in students' own rooms, if more than ten persons are expected to be present.

2. No student shall intentionally or recklessly impede freedom of speech or lawful assembly within the precincts of the College, or when representing the College at an external event, or intentionally or recklessly fail to give such notice of a meeting or other gathering as is required by the College's Code of Practice issued under section 43 of the Education (No.2) Act 1986.
3. In addition to those above, it should be noted that other legal requirements may affect the conduct of meetings, etc., or the granting of withholding of permission to hold meetings, etc. A speaker, for example, who incites an audience to violence or to a breach of the peace or to racial hatred transgresses the bounds of lawful speech. Equally, assemblies of people, even if directed to lawful purposes, cease to be lawful if they cause serious public disorder or breaches of the peace. Furthermore, while having particular regard to the duty to ensure freedom of speech, and to the importance of academic freedom, the College is subject to a duty under the Counter-Terrorism and Security Act 2015 (referred to in D1 above), to have due regard to the need to prevent people from being drawn into terrorism.

## **E. STATUTES AND PROCEDURES RELATING TO DISCIPLINE OF STUDENTS OF THE COLLEGE.**

### **E(I) Statute XXVIII (as amended by the Higher Education Act 2004)**

#### **Discipline of Members *in statu pupillari***

- 1 All persons *in statu pupillari* shall, prior to their admission as members of the College, give a written undertaking:
  - (a) *to observe the College Statutes and obey all orders, rules and regulations as may be made from time to time by the Governing Body or by any College Officer duly authorized by that Body.*
  - (b) *to apply themselves diligently to their studies.*
  - (c) *to show due respect and obedience to the Master, Fellows and the College Officers.*
  - (d) *to pay the fees and charges due from them to the College when requested to do so, and*
  - (e) *to conduct themselves in a quiet and orderly manner.*
- 2 If any person *in statu pupillari* shall fail to behave in the manner prescribed in Section 1 of this **Statute**, or shall act in a manner which is prejudicial to good order or to the good name of the College, the Dean or Tutor may impose such penalty on the person as the offence may in their opinion deserve, save that the penalty of final removal from the College and, in the case of a Scholar or person holding a College prize, sizarship or bursary under **Statute XX**, of deprivation of the privileges and emoluments attaching to any such award, may be imposed by the Governing Body only.
- 3 Consideration of all cases involving the penalty of final removal from the College shall be considered in the first instance by the Tutors at a meeting convened for the purpose. The Tutors shall make available to the person concerned in writing all evidence relevant to the case. Recommendations in all such cases shall be made by the votes of a majority of the Tutors present and voting at the meeting, provided that a recommendation shall not be valid unless a majority of the Tutors excluding the Admissions Tutor(s) and any Tutor on leave of absence under Section 8 of **Statute IX** are present at the meeting.
- 4 The Tutors' recommendation in cases involving the penalty of final removal from the College shall be heard at a meeting of the Governing Body from which the Master shall be absent. Such meetings shall be chaired by the President, failing which the senior member of the Governing Body present at the meeting. The Governing Body shall make available to the person concerned in writing all evidence relevant to the case. The Governing Body's decision shall be made by the votes of a majority of the members present and voting at the meeting, save that the Tutors, and the Director of Studies of the person concerned, shall not vote on the matter and shall withdraw from the meeting after the presentation of the evidence relevant to the case. The Governing Body shall either confirm or reject the Tutors' recommendation for final removal from the College or impose such lesser penalty as the Body may determine.
- 5 A member of the College shall have the right to appeal against the penalty of final removal from the College to a Review Committee consisting of the Master, a Fellow in Class C and another person selected by the Master from a panel of ten persons appointed annually by the Master. A person who shall have taken any part in making a recommendation or a decision in any case to be considered by the Review Committee shall not be eligible to serve on the Review Committee. The Review Committee shall make regulations to govern its own proceedings.
- 6 This section of the **Statute** has been amended by the Higher Education Act 2004, the effect of which is as follows. The decision of the Review Committee shall be final, subject to a right of appeal to the Office of the Independent Adjudicator for Higher Education. There shall be no such right of appeal if the complaint relates to a matter of academic judgement or to any other type of complaint not within the jurisdiction of the Office of the Independent Adjudicator for Higher Education.
- 7 Any person charged with an offence under Section 1 of this **Statute** involving the penalty of final removal from the College shall, at any meeting of the Governing Body and Review Committee

convened to consider that charge, be afforded the opportunity of being heard in his or her own defence and of being accompanied by a friend or advisor. The person charged and his or her friend or advisor shall be entitled prior to the hearing(s) to see all evidence relevant to the case.

- 8 The Tutors and the Governing Body shall severally have the power to forbid any member of the College charged with contravening Section 1 of this *Statute* to enter in or remain within the precincts of the College pending the determination of any charges under this *Statute*.

## **E(II) Academic Underperformance**

*Procedure to be adopted in the case of academic underperformance by undergraduate members of the College, which may result in the penalty of final removal from the College, rustication, or deprivation of privileges and emoluments.*

**The following procedure is subject to, and should be read in the light of, the relevant provisions of Statute XXVIII ('Discipline of Members in statu pupillari'). The procedure is concerned with academic underperformance on the part of undergraduate members of the College following taught courses. Other matters (including examination failure, and failure to obtain the standard required in certain subjects to proceed to a fourth year of study) falling within Statute XXVIII are governed by separate procedures.**

Statute XXVIII provides that:

*1. All persons in statu pupillari shall, prior to their admission as members of the College, give a written undertaking:*

- (a) to observe the College Statutes and to obey all orders, rules and regulations as may be made from time to time by the Governing Body or by any College Officer duly authorised by that body;*
- (b) to apply themselves diligently to their studies;*
- (c) to show due respect and obedience to the Master, the Fellows and the College Officers;*
- (d) to pay the fees and charges due from them to the College when requested to do so; and*
- (e) to conduct themselves in a quiet and orderly manner.*

*2. If any person in statu pupillari shall fail to behave in the manner prescribed in Section 1 of this Statute, or shall act in manner which is prejudicial to good order or to the good name of the College, the Dean or Tutor may impose such penalty on that person as the offence may in their opinion deserve; save that the penalty of final removal from the College and, in the case of a Scholar or a person holding a College prize, sizarship or bursary under Statute XX, of deprivation of the privileges and emoluments attaching to any such award, may be imposed by the Governing Body only.*

College Rule (A2) provides that:

*Undergraduate attendance at supervisions is compulsory. Anyone who fails to attend a supervision will have the supervision fee charged to his or her College Bill unless a satisfactory note of explanation has been received by the Supervisor in good time (preferably at least 24 hours) before the supervision. Students must also attend the lectures and other classes given in connection with their courses, as recommended by their Director of Studies. Students who fail to engage in their studies to the satisfaction of their Tutors and Directors of Studies will be given guidance on how to improve their performance. **Any failure to improve will be followed by written warnings and may lead to a disciplinary hearing and, in the final event, to expulsion from the College.***

*Certain subjects which offer a fourth year course have minimum University standards which must be achieved prior to entering the fourth year. Students who do not achieve the standard required by the relevant University Faculty or Department will not be permitted to enter the fourth year and will be required to go out of residence.*

### *1. Scope of this procedure*

This procedure applies to cases in which undergraduate members of the College fail to engage in their studies to the satisfaction of their Director of Studies and Tutor. It does not include failure to obtain the standard required by the University in certain subjects to proceed to a fourth year of study. Unsatisfactory performance may include (but is not limited to):

- (a) poor attendance at lectures;*
- (b) poor attendance or poor performance at supervisions or seminars, in practical classes, or during fieldwork;*

- (c) failure to submit work of a sufficient standard in relation to any of the above specified teaching activities whether College or University organised;

## 2. *Initial informal guidance*

In cases in which they consider that there is prima facie evidence of academic underperformance the student's Tutor and Director of Studies will hold an informal meeting or meetings with the student. The purpose of the meeting or meetings is:

- (i) to remind the student of College Rule (A2);
- (ii) to explain the concerns of the Tutor and Director of Studies to the student;
- (iii) to ascertain the student's response to those concerns; and
- (iv) to give the student encouragement and guidance, and to attempt to help the student rectify any problems in an informal manner.

If it becomes apparent at this meeting that there are questions concerning the student's fitness to study falling within the scope of the procedure to be adopted in cases in which there are concerns about the fitness to study of members of the College *in statu pupillari*, the provisions of the fitness to study policy shall be followed, and not the provisions of this procedure.

## 3. *First formal warning*

If, following the provision of encouragement, guidance, and help in accordance with clause 2 above, further evidence of academic underperformance is received by the student's Tutor or Director of Studies, the Tutor and Director of Studies shall jointly send the student a formal written warning. This written warning shall:

- (i) draw the student's attention to College Rule (A2);
- (ii) set out the facts which have led to the warning being issued;
- (iii) make clear that a continuing breach of College Rule (A2) may lead to the penalty of final removal from the College, despite the student having failed no examination, or to the penalty of rustication, and/or deprivation of privileges and emoluments; and
- (iv) invite the student to respond to the warning at an interview with the Tutor and Director of Studies.

## 4. *Second formal warning*

If, following the issue of the first written warning as specified in clause 3 above, there is evidence of continuing or further academic underperformance, the student's Tutor and Director of Studies shall jointly send the student a second formal written warning. This written warning shall:

- (i) set out the facts which have led to the warning being issued;
- (ii) make clear that a further or continuing breach of College Rule (A2) will result in the matter being referred to a meeting of the Tutors, which will be asked to consider making a recommendation to the Governing Body that the student be finally removed from the College, rusticated, and/or deprived of privileges and emoluments;
- (iii) invite the student to respond to the warning at an interview with the Tutor and Director of Studies.

## 5. *Consideration of the case by the Tutors*

5.1. If, following the issue of the second written warning as specified in clause 4 above, there is evidence of continuing or further academic underperformance, a meeting of all the Tutors (excluding the Admissions Tutors and the Rooms Tutor) shall be held to consider the matter.

5.2. The time and date of the meeting shall be communicated to the student not less than five days before the meeting. At the same time the student shall be informed of his or her right to present a written statement to the meeting, and of the identity of the chair of the meeting (in accordance with sub-clause 5.4. below). Any written statement by the student shall be provided by the student to the chair of the meeting not less than 24 hours before the meeting. The chair of the meeting shall pass copies of any written statement by the student to the other Tutors who are to be present at the meeting.

5.3. At least five days before the meeting the student shall also be provided in writing with all the evidence relevant to the case.

5.4. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the student's own Tutor, by another Tutor chosen by the Tutors.

5.5. At the meeting the Tutors will consider:

- (i) a written statement by the student's Tutor;
- (ii) a written statement by the student's Director of Studies;
- (iii) a written statement by the student (if any);
- (iv) the formal written warnings issued to the student;
- (v) all written evidence assembled by the Tutor and Director of Studies in their previous consideration of the matter; and
- (vi) any other relevant evidence.

5.6. At the close of the meeting the Tutors shall make a recommendation by the votes of a majority of the Tutors present and voting, provided that a recommendation shall not be valid unless a majority of the Tutors (excluding any on leave) are present.

5.7. The recommendation, which shall be in writing, shall give:

- (i) the Tutors' findings on the evidence relevant to the case; and
- (ii) the Tutors' recommendation as to whether the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, should be imposed by the Governing Body.

The written findings and recommendation shall be given as soon as possible to the student. Should a recommendation of final removal from the College be made, the student shall also be reminded of his or her right to appear in person before the Governing Body, together with a friend or advisor, and to speak in his or her defence, and shall be informed of the time and place of the meeting of the Governing Body.

## *6. Consideration of the case by the Governing Body*

6.1. At its next meeting following the meeting of the Tutors held in accordance with clause 5 above, the Governing Body (in the absence of the Master) shall

- (i) review the written evidence, which shall be circulated before the day of the meeting to all members of the Governing Body;
- (ii) hear any statement(s) made by the student's Tutor, the student's Director of Studies, and the student or his or her friend or advisor; and
- (iii) hear the Tutors' findings and recommendation.

The Governing Body may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

The Tutors, the student (together with his or her friend or advisor), the student's Director of Studies, and the clerk (if any), shall then withdraw from the meeting and the Governing Body shall decide by a majority of members present and voting whether or not to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments. In accordance with Statute IV(8) the quorum shall be a majority of the members entitled to vote (excluding any Fellows on leave). In reaching its decision the Governing Body may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

6.2. Immediately after the end of the Governing Body meeting the student's Tutor shall convey the Governing Body's decision to the student and as soon as possible after the end of the meeting the student shall be given a statement in writing of the Governing Body's decision and the reasons for its decision.

6.3. Should the Governing Body decide not to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, it may nevertheless impose some lesser



penalty, provided that a lesser penalty shall be imposed only in respect of an offence with which the student has been charged, either expressly or by necessary implication, and the commission of which the Tutors, at a meeting held in accordance with this procedure, have found to have been proved beyond reasonable doubt.

6.4. In no case shall a decision of the Governing Body to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, or a lesser penalty in accordance with sub-clause 6.3 above, be reached without the student having had an opportunity to appear in person before the Governing Body, together with a friend or advisor, to speak in his or her defence, either, as the case may be, at the meeting of the Governing Body at which the Tutors' recommendation is first considered, or, where the Governing Body is minded to reject a recommendation favourable to the student and where the student did not appear in person at the meeting of the Governing Body at which the Tutors' recommendation was first considered, at the next subsequent meeting of the Governing Body.

6.5 In a case in which, in accordance with sub-clause 6.4 above, the student has the right to appear in person, together with a friend or advisor, at the next subsequent meeting of the Governing Body after that at which the Tutors' recommendation was first considered, the student shall be reminded of this right immediately after the end of the meeting of the Governing Body at which the Tutor's recommendation was first considered, and shall as soon as possible thereafter be informed of the date and place of the next subsequent meeting. If the student in such a case elects to appear in person at the next subsequent meeting of the Governing Body, the Governing Body (in the absence of the Master) shall

- (i) review the written evidence, which shall be re-circulated before the day of the meeting to all members of the Governing Body;
- (ii) hear any statement(s) made by the student's Tutor, the student's Director of Studies, and the student or his or her friend or advisor; and
- (iii) hear the Tutors' findings and recommendation.

The Governing Body may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

The Tutors, the student (together with his or her friend or advisor), the student's Director of Studies, and the clerk (if any), shall then withdraw from the meeting and the Governing Body shall decide by a majority of members present and voting whether to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments. In accordance with Statute IV(8) the quorum shall be a majority of the members entitled to vote (excluding any Fellows on leave). In reaching its decision the Governing Body may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

6.6. Should the Governing Body in a case in which, in accordance with sub-clause 6.4 above the student has the right to appear in person, together with a friend or advisor, at the next subsequent meeting of the Governing Body after that at which the Tutors' recommendation was first considered, decide not to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, it may nevertheless impose some lesser penalty, provided that a lesser penalty shall be imposed only in respect of an offence with which the student has been charged, either expressly or by necessary implication, and the commission of which the Tutors, at a meeting held in accordance with this procedure, have found to have been proved beyond reasonable doubt.

## *7. Appeal to the Review Committee*

7.1. If the Governing Body decides to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, the student has the right under Statute XXVIII(5), or this procedure, to appeal to a Review Committee consisting of the Master, an Emeritus Fellow (who is not a member of the Governing Body) and one other person selected by the Master from the Review Panel (a standing list of persons who are not members of the Governing Body).

7.2. To initiate the Review Committee procedure the student must write to the Master, within one month of the Governing Body's decision, stating that he or she wishes the Review Committee to consider an appeal and giving his or her reasons for such an appeal. The appeal may be on one or more of the following grounds:

- (i) that there is material evidence now available which was not available at earlier stages of the procedure; or
- (ii) that there has been a material procedural irregularity at an earlier stage of the procedure; or
- (iii) that the Governing Body has failed to take sufficient account of mitigating circumstances.

7.3. Upon receipt of notification of appeal from the student the Master shall, as soon as possible, select the other two members of the Review Committee in accordance with Statute XXVIII(5), and shall communicate the composition of the Committee, and the time and place of its meeting, to the student not less than one week before the meeting. At the same time the student shall be informed of his or her right to be accompanied at the meeting by a friend or advisor.

7.4. Statute XXVIII(5) provides that the Review Committee shall make regulations to govern its own proceedings. The procedure in the remainder of this clause is subject to adoption, amplification, or modification by each Review Committee.

7.5. Before the meeting of the Review Committee the chair of the meeting of the Tutors shall provide all members of the Review Committee with all the written material pertaining to the case (including the written evidence, the Tutors' findings and recommendation, and the written statement of the Governing Body's reasons for its decision).

7.6. The Review Committee may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

7.7. The Review Committee shall be chaired by the Master.

7.8. At the close of the meeting the student, the student's friend or advisor (if present), and the clerk (if any) shall withdraw, and the Review Committee shall reach a decision, if necessary by majority. In reaching its decision the Review Committee may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

7.9. The Review Committee may decide:

- (i) to uphold the Governing Body's decision; or
- (ii) to substitute for the penalty imposed by the Governing Body some lesser penalty as the Review Committee sees fit, provided that the Review Committee may not impose a penalty of deprivation of privileges and emoluments; or
- (iii) to quash the Governing Body's decision.
- (iv) that the decision reached by the Governing Body is in all the circumstances unreasonable.

7.10. As soon as possible after its meeting the Review Committee shall provide the student with a written statement of its decision, and its reasons, including its findings upon any new evidence which may have been adduced.

7.11. Following the decision of the Review Committee there is no further internal procedure in examination failure cases, and the student shall be provided with a completion of procedures letter.

## 8. *Interpretation*

8.1. References to 'the Tutors' or 'all the Tutors' in this procedure in all cases exclude the admissions tutors and the rooms tutor.

8.2 All time limits for the taking of prescribed steps in this procedure may be waived by agreement of all parties involved.

### **E(III) Examination Failure**

*Procedure to be adopted in the case of examination failure by undergraduate members of the College.*

**The following procedure is subject to, and should be read in the light of, the relevant provisions of Statute XXVIII ('Discipline of Members in statu pupillari'). The procedure is concerned with examination failure. Other matters falling with Statute XXVIII (including academic underperformance, and failure to obtain the standard required in certain subjects to proceed to a fourth year of study) are governed by a separate procedure.**

Statute XXVIII provides that:

*1. All persons in statu pupillari shall, prior to their admission as members of the College, give a written undertaking:*

- (a) to observe the College Statutes and to obey all orders, rules and regulations as may be made from time to time by the Governing Body or by any College Officer duly authorised by that body;*
- (b) to apply themselves diligently to their studies;*
- (c) to show due respect and obedience to the Master, the Fellows and the College Officers;*
- (d) to pay the fees and charges due from them to the College when requested to do so; and*
- (e) to conduct themselves in a quiet and orderly manner.*

*2. If any person in statu pupillari shall fail to behave in the manner prescribed in Section 1 of this Statute, or shall act in manner which is prejudicial to good order or to the good name of the College, the Dean or Tutor may impose such penalty on that person as the offence may in their opinion deserve; save that the penalty of final removal from the College and, in the case of a Scholar or a person holding a College prize, sizarship or bursary under Statute XX, of deprivation of the privileges and emoluments attaching to any such award, may be imposed by the Governing Body only.*

College Rule (A1) provides that:

*All members of the College reading for Honours Degrees are required to take the University's prescribed Preliminary, Qualifying and Tripos Examinations. Anyone who fails to obtain Honours, ie. to be classed or to obtain Honours Standard, in any of these examinations which are Honours examinations, or who fails to be classed in any of these examinations, not being Honours examinations, in which candidates are classed, or who fails to pass in any of these examinations, not being Honours examinations, in which candidates are not classed shall terminate his or her studies and go out of residence unless the Governing Body in exceptional circumstances (eg illness during the examinations) shall decide otherwise. This rule also applies to failure in College Examinations taken in lieu of University Examinations. **Any decision of the Governing Body to send a Junior Member out of residence following examination failure is subject to the provisions of Statute XXVIII and the accompanying procedure included in Section 2.6 of the Guide.***

#### *1. Initial consideration of the case*

- 1.1. Upon receiving notice of an examination failure as defined in College Rule (A1), the student's Tutor shall hold a meeting as soon as possible with the student concerned, together with the Senior Tutor (where the Senior Tutor is not the student's own Tutor) and the student's Director of Studies. The purpose of the meeting is:
  - (i) to remind the student of College Rule (A1);
  - (ii) to establish whether there are any circumstances which might mitigate the failure;
  - (iii) to consider whether those circumstances (if any) might constitute reasonable grounds for an application to the University's Applications Committee; and
  - (iv) to explain this procedure to the student.

The student's Tutor shall keep a written record of this meeting, which, when agreed by the Tutor and the student to be an accurate record, shall be signed by the Tutor and the student.

## *2. Application to the University's Applications Committee*

2.1. If, following the meeting held in accordance with sub-clause 1.1. above, the student's Tutor considers that sufficient grounds exist for an application to the University's Applications Committee, he or she shall submit such an application on behalf of the student.

2.2. If, following the meeting held in accordance with sub-clause 1.1. above, the student's Tutor considers that no grounds exist for an application to the University's Applications Committee, and that there are no other mitigating circumstances, he or she shall advise the student to consider withdrawal from the College, and, if the student wishes, will, together with the student's Director of Studies, assist in trying to find the student a place at another university.

2.3. Notwithstanding the provisions of sub-clause 2.2. above, the student may make an application to the University's Applications Committee on his or her own behalf, despite the fact that the student's Tutor does not consider that there are sufficient grounds for such an application.

2.4. The University's Applications Committee normally meets, if possible, in the first half of July and decides any case to be made by the student's Tutor on behalf of the student, or by the student himself or herself. Success of an application to the University's Applications Committee is a necessary condition for setting aside College Rule (A1), but is not a sufficient condition, as the final decision in all cases rests with the Governing Body.

## *3. Consideration of the case by the Tutors*

3.1. A meeting of all the Tutors (excluding the Admissions Tutors and the Rooms Tutor) shall be held to consider each examination failure. This meeting shall be held, if possible, before the St Mary Magdalene meeting of the Governing Body (normally held in the third week of July each year).

3.2. The time and date of the meeting shall be communicated to the student not less than five days before the meeting. At the same time the student shall be informed of his or her right to present a written statement to the meeting, and of the identity of the chair of the meeting (in accordance with sub-clause 3.4. below). Any written statement by the student shall be provided by the student to the chair of the meeting not less than one day before the meeting. The chair of the meeting shall pass copies of any written statement by the student to the other Tutors who are to be present at the meeting.

3.3. At least five days before the meeting the student shall also be provided in writing with all the evidence relevant to the case.

3.4. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the student's own Tutor, by another Tutor chosen by the Tutors (excluding the student's own Tutor).

3.5. At the meeting the Tutors shall consider:

- (i) a written statement by the student's Tutor;
- (ii) a written statement by the student's Director of Studies;
- (iii) a written statement by the student (if any);
- (iv) the student's previous performance (if any) in University examinations;
- (v) the student's supervision reports;
- (vi) relevant medical evidence (if any);
- (vii) the result of the application to the University's Application Committee concerning the student (if any); and
- (viii) the written record of the meeting held in accordance with sub-clause 1.1. above.

3.6. At the close of the meeting the Tutors shall make a recommendation by the votes of a majority of the Tutors present and voting, provided that a recommendation shall not be valid unless a majority of the Tutors (excluding any on leave) are present.

3.7. The recommendation, which shall be in writing, shall give:

- (i) the Tutors' findings on the evidence relevant to the case; and
- (ii) the Tutors' recommendation as to whether College Rule (A1) should be set aside.

The written findings and recommendation shall be given as soon as possible to the student. Should a recommendation that College Rule (A1) not be set aside be made, the student shall also be reminded of his or her right to appear in person before the Governing Body, together with a friend or advisor, and to speak in his or her defence, and shall be informed of the time and place of the meeting of the Governing Body.

#### *4. Consideration of the case by the Governing Body*

4.1. At its next meeting following the meeting of the Tutors held in accordance with sub-clause 3 above, which shall normally be the St Mary Magdalene meeting, the Governing Body (in the absence of the Master) shall

- (i) review the written evidence, which shall be circulated before the day of the meeting to all members of the Governing Body;
- (ii) hear any statement(s) made by the student's Tutor, the student's Director of Studies, and the student or his or her friend or advisor; and
- (iii) hear the Tutors' findings and recommendation.

The Governing Body may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

The Tutors, the student (together with his or her friend or advisor), the student's Director of Studies, and the clerk (if any), shall then withdraw from the meeting and the Governing Body shall decide by a majority of members present and voting whether or not to set aside College Rule (A1). In accordance with Statute IV(8) the quorum shall be a majority of the members entitled to vote (excluding any Fellows on leave). In reaching its decision the Governing Body may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

4.2. Immediately after the end of the Governing Body meeting the student's Tutor shall convey the Governing Body's decision to the student and as soon as possible after the end of the meeting the student shall be given a statement in writing of the Governing Body's decision and the reasons for its decision.

4.3. In no case shall a decision of the Governing Body not to set aside College Rule (A1) be reached without the student having had an opportunity to appear in person before the Governing Body, together with a friend or advisor, to speak in his or her defence, either, as the case may be, at the meeting of the Governing Body at which the Tutors' recommendation is first considered, or, where the Governing Body is minded to reject a recommendation by the Tutors that College Rule (A1) be set aside and where the student did not appear in person at the meeting of the Governing Body at which the Tutors' recommendation was first considered, at the next subsequent meeting of the Governing Body.

4.4. In a case in which, in accordance with sub-clause 4.3. above, the student has the right to appear in person, together with a friend or advisor, at the next subsequent meeting of the Governing Body after that at which the Tutors' recommendation was first considered, the student shall be reminded of this right immediately after the end of the meeting of the Governing Body at which the Tutor's recommendation was first considered, and shall as soon as possible thereafter be informed of the date and place of the next subsequent meeting. If the student in such a case elects to appear in person at the next subsequent meeting of the Governing Body, the Governing Body (in the absence of the Master) shall

- (i) review the written evidence, which shall be re-circulated before the day of the meeting to all members of the Governing Body;
- (ii) hear any statement(s) made by the student's Tutor, the student's Director of Studies, and the student or his or her friend or advisor; and
- (iii) hear the Tutors' findings and recommendation.

The Governing Body may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

The Tutors, the student (together with his or her friend or advisor), the student's Director of Studies, and the clerk (if any), shall then withdraw from the meeting and the Governing Body shall decide by a majority of members present and voting whether or not to set aside College Rule (A1). In accordance with Statute IV(8) the quorum shall be a majority of the members entitled to vote (excluding any Fellows on leave). In reaching its decision the Governing Body may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

#### *5. Appeal to the Review Committee*

5.1. If the Governing Body decides not to set aside College Rule (A1), the student has the right under Statute XXVIII(5), or this procedure, to appeal to a Review Committee consisting of the Master, an Emeritus Fellow (who is not a member of the Governing Body) and one other person selected by the Master from the Review Panel (a standing list of persons who are not members of the Governing Body).

5.2. To initiate the Review Committee procedure the student must write to the Master, within one month of the Governing Body's decision, stating that he or she wishes the Review Committee to consider an appeal and giving his or her reasons for such an appeal. The appeal may be on one or more of the following grounds:

- (i) that there is material evidence now available which was not available at earlier stages of the procedure; or
- (ii) that there has been a material procedural irregularity at an earlier stage of the procedure; or
- (iii) that the Governing Body has failed to take sufficient account of mitigating circumstances.
- (iv) that the decision reached by the Governing Body is in all the circumstances unreasonable.

5.3. Upon receipt of notification of appeal from the student the Master shall, as soon as possible, select the other two members of the Review Committee in accordance with Statute XXVIII(5), and shall communicate the composition of the Committee, and the time and place of its meeting, to the student and to the College Advocate not less than one week before the meeting. At the same time the student shall be informed of his or her right to be accompanied at the meeting by a friend or advisor.

5.4. Statute XXVIII(5) provides that the Review Committee shall make regulations to govern its own proceedings. The procedure in the remainder of this clause is subject to adoption, amplification, or modification by each Review Committee.

5.5. Before the meeting of the Review Committee the chair of the meeting of the Tutors shall provide all members of the Review Committee with all the written material pertaining to the case (including the written evidence, the Tutors' findings and recommendation, and the written statement of the Governing Body's reasons for its decision).

5.6. The Review Committee may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

5.7. The Review Committee shall be chaired by the Master.

5.8. At the close of the meeting the student, the student's friend or advisor (if present), and the clerk (if any) shall withdraw, and the Review Committee shall reach a decision, if necessary by majority. In reaching its decision the Review Committee may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

5.9 The Review Committee may decide:

- (i) to uphold the Governing Body's decision; or
- (ii) to quash the Governing Body's decision.

5.10 As soon as possible after its meeting the Review Committee shall provide the student with a written statement of its decision, and its reasons, including its findings upon any new evidence which may have been adduced.

5.11 Following the decision of the Review Committee there is no further internal procedure in examination failure cases, and the student shall be provided with a completion of procedures letter.

*6. Interpretation*

6.1. References to 'the Tutors' or 'all the Tutors' in this procedure in all cases exclude the admissions tutors and the rooms tutor.

6.2 All time limits for the taking of prescribed steps in this procedure may be waived by agreement of all parties involved.

## **E(IV) Failure in Certain Subjects to Obtain the Required Standard to Proceed to a Fourth Year of Study**

*Procedure to be adopted in the case of failure by undergraduate members of the College to obtain the standard required in certain subjects to proceed to a fourth year of study.*

**The following procedure is subject to, and should be read in the light of, the relevant provisions of Statute XXVIII ('Discipline of Members in statu pupillari'). The procedure is concerned with failure on the part of undergraduate members of the College following taught courses to obtain the standard required by the University to proceed to a fourth year of study. This procedure does not apply to cases of failure to obtain honours or the honours standard. Other matters (including examination failure) falling with Statute XXVIII are governed by separate procedures.**

Statute XXVIII provides that:

*1. All persons in statu pupillari shall, prior to their admission as members of the College, give a written undertaking:*

- (f) to observe the College Statutes and to obey all orders, rules and regulations as may be made from time to time by the Governing Body or by any College Officer duly authorised by that body;*
- (g) to apply themselves diligently to their studies;*
- (h) to show due respect and obedience to the Master, the Fellows and the College Officers;*
- (i) to pay the fees and charges due from them to the College when requested to do so; and*
- (j) to conduct themselves in a quiet and orderly manner.*

*2. If any person in statu pupillari shall fail to behave in the manner prescribed in Section 1 of this Statute, or shall act in manner which is prejudicial to good order or to the good name of the College, the Dean or Tutor may impose such penalty on that person as the offence may in their opinion deserve; save that the penalty of final removal from the College and, in the case of a Scholar or a person holding a College prize, sizarship or bursary under Statute XX, of deprivation of the privileges and emoluments attaching to any such award, may be imposed by the Governing Body only.*

College Rule (A2) provides that:

*Undergraduate attendance at supervisions is compulsory. Anyone who fails to attend a supervision will have the supervision fee charged to his or her College Bill unless a satisfactory note of explanation has been received by the Supervisor in good time (preferably at least 24 hours) before the supervision. Students must also attend the lectures and other classes given in connection with their courses, as recommended by their Director of Studies. Students who fail to engage in their studies to the satisfaction of their Tutors and Directors of Studies will be given guidance on how to improve their performance. **Any failure to improve will be followed by written warnings and may lead to a disciplinary hearing and, in the final event, to expulsion from the College.***

*Certain subjects which offer a fourth year course have minimum University standards which must be achieved prior to entering the fourth year. Students who do not achieve the standard required by the relevant University Faculty or Department will not be permitted to enter the fourth year and will be required to go out of residence*

### *1. Scope of this procedure*

This procedure applies to cases in which undergraduate members of the College fail to obtain the standard required by the University in certain subjects to proceed to a fourth year of study. These standards are available to students from the relevant Faculty or Department. This procedure does not apply to undergraduate members of the College who fail examinations as defined in College Rule (A1), or to academic underperformance which does not involve failure to obtain the standard required by the University in certain subjects to proceed to a fourth year of study.



## *2. Consideration of the case*

2.1. Upon receiving notice of a failure to obtain the standard required by the University in certain subjects to proceed to a fourth year of study, the student's Tutor shall hold a meeting as soon as possible with the student concerned, together with the Senior Tutor (where the Senior Tutor is not the student's own Tutor) and the student's Director of Studies. The purpose of the meeting is:

- (i) to remind the student of College Rule (A2);
- (ii) to establish whether there are any circumstances which might mitigate the failure to obtain the standard required;
- (iii) to consider whether the mitigating circumstances (if any) might constitute reasonable grounds for an application to the relevant Faculty or Department for permission to proceed to a fourth year of study despite failure to achieve the standard required by the Faculty or Department so to proceed.
- (iv) to consider whether grounds exist for an application to be made in respect of the student's examination results to the Applications Committee of the Council;
- (v) to consider whether grounds exist for an application in respect of the student's examination results under the University's review procedure for review of undergraduate examinations and certain other qualifications;
- (vi) to explain this procedure to the student.

The student's Tutor shall keep a written record of this meeting, which, when agreed by the Tutor and the student to be an accurate record, shall be signed by the Tutor and the student.

## *3. Application to proceed*

### *3.1. Application to the relevant faculty or department*

3.1.1. If, following the meeting held in accordance with sub-clause 2.1. above, the student's Tutor considers that sufficient grounds exist for an application to the relevant faculty or department for permission to proceed to the fourth year of study despite failure to achieve the standard required by the faculty or department so to proceed, he or she shall submit such an application on behalf of the student.

3.1.2. Notwithstanding the provisions of sub-clause 3.1.1. above, the student may make an application to the relevant faculty or department on his or her own behalf, if the relevant faculty or department will accept such an application, despite the fact that the student's Tutor does not consider that there are sufficient grounds for such an application.

3.1.3. If an application to the relevant faculty or department for permission to proceed to the fourth year of study despite failure to achieve the standard required by the faculty or department so to proceed is successful, either under paragraph 3.1.1. or under paragraph 3.1.2. above, the student shall be permitted by the College, subject to any other applicable University requirements, to continue in residence for the fourth year of study.

### *3.2. Application to the Applications Committee of the Council*

3.2.1. If, following the meeting held in accordance with sub-clause 2.1. above, the student's Tutor considers that sufficient grounds exist for an application to the Applications Committee of the Council in relation to the student's examination result, he or she shall submit such an application on behalf of the student.

3.2.2. If an application to the Applications Committee of the Council results in the student obtaining the standard required by the relevant faculty or department to proceed to the fourth year of study, the student shall be permitted by the College, subject to any other applicable University requirements, to continue in residence for the fourth year of study.

### *3.3. Application under the University's review procedure for review of undergraduate examinations and certain other qualifications (the review procedure)*

3.3.1. If, following the meeting held in accordance with sub-clause 2.1. above, the student's Tutor considers that sufficient grounds exist for an application under the review procedure, he or she shall submit such an application on behalf of the student.

3.3.2. Notwithstanding the provisions of sub-clause 3.3.1. above, the student may make an application under the review procedure on his or her own behalf despite the fact that the student's Tutor does not consider that there are sufficient grounds for such an application.

3.3.2. If an application under the review procedure results in the student obtaining the standard required by the relevant faculty or department to proceed to the fourth year of study, the student shall be permitted by the College, subject to any other applicable University requirements, to continue in residence for the fourth year of study.

3.4. If no application is made under any of the provisions above, or if any application or applications which are made are unsuccessful, or do not result in the student obtaining the standard required by the faculty or department to proceed to the fourth year of study, the student shall go out of residence with the BA degree.

## **E(V) Fitness to Study**

### **STUDENT HEALTH - PROCEDURE FOR ASSESSMENT OF FITNESS TO STUDY ON THE GROUNDS OF HEALTH AND SAFETY**

#### **WHAT DOES THIS PROCEDURE DO?**

The purpose of this section is to set out the procedures which the College follows when there are concerns about the fitness to study of one of its students. It applies to both undergraduates and graduates. It outlines the steps to be taken by the College when there is concern that a student's behaviour or health has the potential to disrupt or threaten the welfare or academic progress of the student himself or herself or of others in the academic community. Decisions made concerning a student's fitness to study are made through a collective supportive process, after appropriate consultation and after consideration of the student's ability to study, learn effectively and complete his/her course successfully. The procedures described below do not take precedence over the relevant provisions of the College's Statutes and College Rules or, where applicable, the University's Statutes and Ordinances. As a general rule this procedure is only intended for use in cases in which the behaviour, disruption or risk presented by the student is perceived to be of a serious or potentially serious nature. Where possible the tutorial system and other student support services should be used as the first port of call, prior to taking any formal action

#### **WHAT ARE THE BENEFITS?**

Having this procedure set out enables students to have a document they can consult, and provides them with a clear understanding of their full responsibilities and expectations related to their commitment to study and their lives within the College community. If and when a problem arises, those steps taken are limited – and are seen to be limited -- to those necessary to protect the best interests of the student and other members of the College community, and to ensure a consistent and sensitive approach to managing challenging situations. Tutorial, academic or support staff can initiate the procedure when concerns for a student are raised by staff or students, thus allowing for issues to be detected and addressed in a structured manner as early as possible. Shared concerns articulated by different sections of the College and the University community can be formally collated by the use of this process. The problem-solving approach is objective-oriented, allowing a student to focus on agreed actions geared to achievable aims, which are clearly documented and come from a supportive perspective rather than a disciplinary one.

#### **BACKGROUND KNOWLEDGE**

In advance of this procedure being initiated, there are other support services in the College and the University to which students may be directed by Tutors or other support staff. For students with a mental or physical health difficulty the first port of call should be their Tutor. They are also strongly advised to consult all relevant support services available in the College and University, and in particular the College Nurse, the University Counselling Service, the University Mental Health Adviser, their General Practitioner, the Disability Resource Centre. Early intervention and recommendations for support in cases of student ill-health or distress or inappropriate behaviour can prevent a crisis. (For crisis situations see appendix.) Advice available from Tutors and in the self-help leaflets from the University Counselling Service ([www.counselling.cam.ac.uk/leaflets.html](http://www.counselling.cam.ac.uk/leaflets.html)) will be useful, as well as advice from one or more of the following:

University Mental Health Advisor

University Counselling Service: [www.counselling.cam.ac.uk](http://www.counselling.cam.ac.uk)

College Nurse: Taryn Rothwell ([tr409@cam.ac.uk](mailto:tr409@cam.ac.uk))

Cambridge University Students Union: [www.cusu.cam.ac.uk/welfare/](http://www.cusu.cam.ac.uk/welfare/)

Graduate Union: [www.gradunion.cam.ac.uk](http://www.gradunion.cam.ac.uk)

Disability Resource Centre: <http://www.admin.cam.ac.uk/univ/disability/>

Occupational Health: <http://www.admin.cam.ac.uk/offices/oh/>

Student Advice Service: [www.studentadvice.cam.ac.uk](http://www.studentadvice.cam.ac.uk)

Adult Eating Disorder Service [www.cambsadulteds.nhs.uk/](http://www.cambsadulteds.nhs.uk/)

Drinksense [www.drinksense.org/](http://www.drinksense.org/)

CAMEO [www.cameo.nhs.uk/](http://www.cameo.nhs.uk/)

Alcoholics Anonymous [www.alcoholics-anonymous.org.uk/](http://www.alcoholics-anonymous.org.uk/)

Cocaine Anonymous [www.cauk.org.uk/](http://www.cauk.org.uk/)

## **FITNESS TO STUDY PROCEDURE**

### **1. Purpose and scope of the procedure**

1.1 Whilst at University, all students should be able to study and perform to the best of their ability in a safe and comfortable environment. The reality of College and University life means that students not only work but also live in close proximity to each other, and whilst many students find studying and living in such an environment easy and enjoyable, others can find it more challenging. The term 'fitness to study' as used in this document relates to the entire student experience, and not just a student's ability to engage with their studies. For example, the College expects its students to be able to live in harmony with others, and not conduct themselves in ways which have an adverse impact on those around them. This procedure is not designed to address academic performance issues (which should be dealt with under the normal academic assessment and monitoring procedures) except where poor academic performance results from a 'fitness to study' issue.

1.2 In order to maintain and enhance harmony within the College community, students need to conform to certain standards of behaviour. However, it is recognized that the cause of concern regarding fitness to study may include issues relating to a student's health and general well being, where disciplinary action may not be appropriate. The College and University have disciplinary mechanisms in place to deal with students whose behaviour falls outside acceptable standards, see University Regulations:

<http://www.admin.cam.ac.uk/univ/so/2011/chapter02-section17.html#indextermd2e5013>

and the College Rules.

1.3 A student's fitness to study may be brought into question if health problems are disrupting his / her own studies or the studies of others, or are resulting in unreasonable demands being placed on staff or other students. The College has a duty of care to its community and is bound by health and safety legislation and the Equality Act, which means that it is obliged to take action if a student presents a risk to themselves or to others.

1.4 The level of risk to himself / herself, other students or others posed by a student will be measured by the use of a risk assessment process, which should be used throughout the procedure to provide a consistent means of assessing the risk to the student, other individuals and the institution. This process will be led by the Senior Tutor in close collaboration with health professionals. Even when no risk is involved, the fact that a student has a problem does not in itself justify or excuse inappropriate behaviour.

1.5 Once this procedure has been used (at any of the three stages) the behaviour observed will normally be considered under this procedure rather than under a disciplinary procedure.

1.6 If concerns are raised whilst a student is on authorised study away from Cambridge (*e.g.* is on a Year Abroad, has leave to Work Away, or is on a placement) the College will discuss with the other institution and the University Department, where appropriate, alternative arrangements to address such concerns.

### **2. Circumstances under which a student's fitness to study may be brought into question**

2.1 A student's fitness to study may be brought into question as a result of a wide range of circumstances. These include (but are not restricted to) the following: -

- Serious concerns about the student which have emerged from a third party (*e.g.* friend, other student, department, placement provider, member of the public, medical professional *etc*) and which indicate that there is a need to address their fitness to study.
- The student has told a member of the College that he/she has a problem, and/or has provided information which indicates that there is a need to address his / her fitness to study.
- The student's affect is such that it indicates that there may be a need to address an underlying problem because his / her behaviour is causing problems to himself / herself or others, for example if he / she has demonstrated mood swings, shown signs of depression or become withdrawn.
- Behaviour that would otherwise be dealt with as a disciplinary matter, but is considered to be the symptom of an underlying physical or mental health problem.
- The student's academic performance or persistent behaviour is unacceptable and this is thought to be the consequence of an underlying physical or mental health problem.

If Tutorial, Academic or Support Staff have concerns regarding a student's fitness to study they should discuss this with the Senior Tutor and with support services (such as in the University Mental Health Advisor) as a first point of contact if appropriate, and consider implementing Stage 1 of the Procedure.

This Fitness to Study Procedure has three stages depending on the perceived level of risk, the severity of the problem and the student's engagement with efforts to respond to it. When a member of College raises concerns, the relevant member of College staff (usually the Tutor) has a duty to investigate and initiate this policy as part of their larger duty of care to College members.

### **3. Stage 1- Informal action by the College**

3.1 Should preliminary action in terms of support and guidance be unsuccessful, the designated member of College staff should contact the student and explain to him or her in person, in a supportive and understanding manner, that concerns about their fitness to study have emerged. This would ordinarily be their Tutor but might be the College Nurse or another member of the pastoral support team. Should the Tutor or other member of staff require advice or guidance on this they should contact the Senior Tutor.

3.2 The student should be made aware of the precise nature of the behaviour that has caused these concerns to be raised. Normally the Tutor, but on occasions the Director of Studies or other staff member will attempt to resolve the matter by informal discussions with the student. The student should be given the opportunity to explain their own views on the matter, and be encouraged to think about using one or more of the support services offered by the University. It may also be appropriate to look into the possibility of applying for special academic arrangements or support to enable the student to study effectively.

3.3 It is hoped that in most cases issues can be resolved at this level, and that the student will respond positively, co-operating fully with the process and taking advantage of the support available. It may be necessary to obtain independent corroboration as to whether the support offered is being taken up. The responsibility for providing this will lie with the student.

3.4 A review period should be determined by agreement between the Tutor, Director of Studies (if applicable) and the student to allow the student to consider his / her own behaviour and seek advice from the support services available. At the end of this period a meeting should be held to discuss any steps taken by the student to address the concerns. If the concerns have been addressed satisfactorily, this will be noted. Further meetings may be scheduled to continue to monitor the situation/progress and help ensure that continued support is provided to the student to enable them to study effectively. If, however, the concerns have not been addressed, a further review period may be agreed, or the case will move to the next stage of the policy.

3.5 The informal discussions, advice and any undertakings made by the College or University and/or the student should be documented for the benefit of the College, the University and the student, but should be kept confidential. Copies of documents are to be kept by the Tutor and the student. A letter setting out what has been agreed should be given to the student.

3.6 If a student is unable or unwilling to co-operate with the above process or modify their behaviour, they should be informed that more formal action under Stage 2 of this procedure may be considered appropriate.

### **4. Stage 2- Case Review Group**

4.1 If the action taken under Stage 1 has not been successful, or it is felt that the case is too serious to be dealt with informally, Stage 2 of the procedure can be invoked. A meeting of a Case Review Group shall be convened by the Senior Tutor, made up of the student's Tutor and the Senior Tutor and to include if appropriate: the Director of Studies; Supervisor in the case of Graduate Students or Course Director if there is no Supervisor; College Nurse or another member of the College support services. The student may be accompanied to this meeting by a student or other friend or advisor if they so wish. Representatives such as the University Mental Health Advisor or a member of the Disability Resource Centre may also attend to provide information and advice if felt appropriate by the Senior Tutor. In both stage 2 and stage 3 processes the student's Tutor should be the point of contact with the student and should ensure that the Senior Tutor is kept informed of all communications. The Senior Tutor should be the main point of contact with all other agencies and individuals and should keep records of the whole

process. The Senior Tutor should appoint a deputy if unavailable or has become aware of a conflict of interest to act at any stage.

4.2 Before the meeting, a medical assessment may be sought from a qualified practitioner familiar with the Cambridge University system and the spectrum of student difficulties or from the University Occupational Health Service. The student will be encouraged to consent to this, as it will ultimately enable the College to address the student's difficulties in the most effective manner possible and make an accurate assessment of risk. The medical assessment will be used to determine the following matters:

-

- the nature and extent of any medical condition from which the student may be suffering;
- the student's prognosis;
- the extent to which it may affect his/her fitness to study and manage the demands of student life;
- any impact it may have or the risk it may pose to others;
- whether any additional steps should be taken by the College, in light of the medical condition, to enable the student to study effectively;
- whether the student will be receiving any ongoing medical treatment or support.

4.3 The student will be asked to authorise full disclosure to the College of the results of any medical examination. The College recognises that any such information disclosed will constitute "sensitive data" for the purposes of the Data Protection Act 1998 and will be handled, processed and stored accordingly. Should the student refuse to undertake a medical examination, or disclose results, the College may continue this procedure based on the information already in its possession.

4.4 The student will normally be given at least 7 working days' notice of the convening of a Case Review Group and informed of the purpose of the meeting. This period may be shortened in an emergency on the advice of the Senior Tutor. The student will also be provided with any documents that will be considered by the Group, and asked to provide any documentation they may wish the Group to consider, in good time for the meeting.

4.5 The student may be accompanied at the meeting by a Students' Union representative, a fellow student, or other advisor. A support worker, if required, may also accompany disabled students. The student should notify the Senior Tutor at least 24 hours in advance of the meeting if he / she is to be accompanied and by whom.

4.6 The purpose of the meeting will be to ensure that: -

- the student is made fully aware of the nature of the concerns that have been raised;
- the student's views are heard and taken account of and the best way to proceed is agreed upon by all parties present;
- the student is fully aware of the possible outcomes if the situation is not resolved within a specified period of time.

4.7 The Case Review Group will order its proceedings at its own discretion and may call witnesses, including Student Services staff (as in 4.3) working with the student, and/or institute enquiries to assist its deliberations.

4.8 The Case Review Group may decide: -

(a) that no further action is required;

or

(b) to formally monitor the student's progress for a specified period of time.

In this case an action plan will be agreed with the student, outlining any steps which the student will need to take, and/or any support to be provided to the student, to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of College staff, to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided. The student will also need to be informed of the consequences of any breaches of the action plan, which will normally involve their fitness to study being considered at Stage 3;

or

(c) to recommend that special academic arrangements or support are put in place. Such recommendations should be agreed with the student's department and by the student and approved by the relevant University

authority. The student will be informed that unless these arrangements are able to remedy the concerns to the College's satisfaction, their fitness to study may be considered at Stage 3 of these procedures;

or

(d) with the consent of the student, to agree that their studies be suspended for a period of time with appropriate application to the relevant University authority (normally the University's Applications Committee);

or

(e) to refer the case to the appropriate Senior member of the College, to be considered under Stage 3 of this procedure. Action under (e) is likely to be appropriate only in the most serious of cases, where, for example, evidence of a serious risk to either the health and safety of the student or others has been identified, and where it is thought that suspension, exclusion or expulsion of the student may be the appropriate course of action; or where a particular course of action has been recommended but the student does not agree.

4.9 The decision of the Case Review Group, together with a concise record of the meeting, should be sent to the student within seven working days from the date of the meeting, and a copy kept on the student's personal file. A copy of this documentation should be sent to the student's Department where the recommendations reached and any arrangements proposed render this appropriate.

### **5. Stage 3 - College Review Panel**

5.1 This stage of the procedure will only be implemented following a referral from a Stage 2 Case Review Group, or if in the opinion of the Senior Tutor (having consulted as appropriate), initial concerns are raised which are sufficiently serious as to warrant the consideration of the student's suspension, exclusion or expulsion (e.g. if they pose a potential threat to the health and safety of themselves or others, or are likely to cause disruption to the working of the College).

5.2 As a first step in this stage the Senior Tutor shall consider whether interim suspension of the student pending further action is appropriate, including exclusion from College accommodation.

5.3 The Senior Tutor shall then convene a Review Panel, which shall be chaired by a member of the Review Committee with no previous involvement in the case. The Review Panel will normally comprise the Chair, the student's Tutor, the Senior Tutor, and another independent member of the Governing Body, in addition to the Chair, who has had no previous connection with the student.

5.4 The Chair will fix a date for a formal meeting of the College Review Panel to hear the case and invite the student to attend to discuss the concerns and all related issues. A member of the College Tutorial Office staff will act as Secretary to the Panel.

5.5 Wherever possible the student will be given at least 7 working days' notice of the meeting of the College Review Panel. The student will be informed of the purpose of the meeting. The student will also be provided with any documents to be considered at the meeting and asked to provide any documentation he /she may wish the Panel to consider in good time for the meeting. In serious cases the College may temporarily suspend a student, including sending him / her out of residence pending a meeting of the Review Panel.

5.6 The student may be accompanied at the meeting by a CUSU representative, a fellow student or other advisor. Disabled students may also be accompanied by a support worker where required. The student should notify the Senior Tutor at least 24 hours in advance of the meeting if they are to be accompanied and by whom.

5.7 The purpose of the meeting will be to consider the evidence available, including the student's perception of these concerns and to reach an appropriate decision, action plan or other outcome.

5.8 The Review Panel will order its proceedings at its discretion and may call witnesses and institute enquiries to assist its deliberations, including Student Services staff working with the student, in particular the University Mental Health Advisor and which may include requesting further medical assessments of the student's fitness to study. It will also consider any previous risk assessments. The Chair of the Review Panel will ensure that all parties have access to all documents.

5.9 The collective decision that is reached by members of the Review Panel shall be confirmed by the Chair.

5.10 The student shall be notified in writing of the decision, citing reasons, within 14 working days of the meeting of the College Review Panel. It is advisable that the decision is communicated in such a way that support is available to the student at the time, preferably from the student's Tutor or Senior Tutor.

The decision may include one or more of the following actions:

- a) formal monitoring of the student's progress for a specified period of time. In this case the Panel will provide the student with an agreed action plan, outlining any steps which the student will need to take and/or any support to be provided to the student to address the concerns identified. Regular review meetings with the student will need to be arranged with a nominated member of staff (to ensure that the action plan is being appropriately followed and/or that reasonable support to enable the student to study effectively is being provided). The student will also need to be informed of the consequences of any breaches of the action plan.
- b) following consultation with the academic department, and subject to the approval of the relevant University authority, the implementation of special academic arrangements - or an interruption of studies. The student will be informed of the consequences should these arrangements fail to remedy the concerns identified to the College's satisfaction.
- c) the recommendation that the College exercises its statutory power to suspend or exclude the student.
- d) any other action considered to be appropriate and proportionate. Any decision regarding suspension or exclusion should be communicated by the Senior Tutor to the University and to any support services who have been involved with the student.

## **6. Return to Study**

6.1 Not less than a month before the end of an agreed break in study, the student may make a request to the College for permission to return to the course. The decision as to whether to seek the University's permission for the student to be put in standing to return to study will then be made by the Senior Tutor who will request authorization for the student to return from the relevant University authority.

6.2 To this end, the Senior Tutor, in consultation with relevant organisations such as the University Counselling Service, the University Mental Health Advisor, and Disability Resource Centre *etc.*, will identify the issues of concern that the College may have in respect of the student's fitness to study. The Senior Tutor will also contact the relevant medical professional(s) for an assessment of the student's ability to manage the demands of returning to studying at Cambridge University, drawing attention to the nature and extent of the student's previous problems and the College's concerns about them.

6.3 The student will only be permitted to return if, after receiving medical advice, the College and relevant University authority are each satisfied that the individual is fit to study and able to comply with any conditions imposed on their return.

6.4 In cases where the College has any continuing concerns about the individual's fitness to study, it may seek a second medical opinion. In this case a student may be asked to submit himself / herself to a medical assessment, at the College's expense, by doctors / specialists, including the University Mental Health Advisor, nominated by the College, to allow the situation to be properly evaluated.

6.5 In any case where a student returns to study following the implementation of the fitness to study procedure, the College should hold a preliminary meeting with the student to discuss what support measures need to be put into place for the student's return and to establish a Return to Study plan. This initial meeting should include the student's Tutor, the Senior Tutor and the Director of Studies. At this meeting it is recommended that a schedule of regular review meetings with the student be agreed, in order to monitor and support a Return to Study plan. The student must provide their continued cooperation in this respect and such review meetings may continue for part or all of the remainder of his / her course and residency in College. There should be a written record of what is agreed for the Return to Study plan, with a copy given to the student. The Senior Tutor should ensure that, where appropriate, a copy of the plan is sent to any support agencies who have agreed to help implement the plan, and that any necessary support from agencies external to the College is put in place. The Senior Tutor should make arrangements for monitoring the delivery and acceptance of the support plan.



## **7. Right of Appeal**

If the student is not satisfied with any decision made in accordance with the Fitness to Study Procedure, they should follow the College Complaints Procedure within 14 days of the receipt of a letter outlining that decision.

## **8. General Matters**

8.1 The College will take account of relevant legislation such as the Data Protection Act, the Mental Health Act, the Human Rights Act, the Equality Act 2010 and the rights and expectations of a student to the maintenance of confidentiality. In cases where Stages 2 or 3 of the Fitness to Study Procedure have been invoked, the Chair will make a decision about whether the student's emergency contact should be informed, and discuss with the student whether any statutory services should be contacted.

8.2 The College acknowledges that as a result of implementing this procedure it will receive personal sensitive data and data of a confidential nature pertaining to the student and other third parties, and shall ensure that all such data are handled, processed and stored accordingly.

## **APPENDIX**

### **Crisis Situations**

It is possible that a student may pose such an extreme risk to themselves and / or others that they require emergency assistance outside these procedures. In a situation where it is believed that a student's behaviour presents an immediate risk to themselves or others, the Emergency Services should be contacted by dialling 999. The Porters' Lodge should be informed (01223 332100). This should be followed up as soon as possible by notifying the Senior Tutor of the details of the incident and action taken. The person witnessing the student's behaviour should not leave the scene until they have briefed the Emergency Services, bearing in mind the primary necessity to ensure their own safety. The Porters' Lodge will keep a record of the action taken by the Emergency Services and pass this on to the Senior Tutor. The Senior Tutor or nominee will ensure that contact is made at the appropriate level of detail with the student, the student's Tutor and Director of Studies, or Supervisor in the case of graduates, and that appropriate arrangements are made with regard to follow up. In the case of medical and veterinary students, incidents should be reported by the Senior Tutor to the Medical and Veterinary Progress Panel (Secretary Ms Brenda Purkiss [bap11@medschl.cam.ac.uk](mailto:bap11@medschl.cam.ac.uk)) for advice as to whether there might be Fitness to Practise issues to consider.

## **E(VI) Discipline of Students**

### **A. General: the Role of the Student's Tutor**

The procedure below provides in relation to a number of steps for the Dean and the Tutor of a student who is the subject of disciplinary proceedings to act together. If, however, in any case it is the opinion of the student's Tutor that it would be preferable in the circumstances for another Tutor to act in place of the student's Tutor for the purposes of this procedure, this shall be communicated to the Dean, in writing, by the student's Tutor before any formal steps are taken under the procedure below. In such a case the Senior Tutor shall act in place of the student's Tutor, for the purposes of this procedure, unless the Senior Tutor is the student's Tutor, in which case the Deputy Senior Tutor shall act in place of the student's Tutor.

References in this procedure to 'the responsible Tutor' refer to the student's Tutor, or, where applicable, the Senior Tutor, or, as the case may be, the Deputy Senior Tutor, acting in place of the student's Tutor.

In any case in which the student's Tutor has notified the Dean in accordance with the provisions above, unless otherwise indicated: (a) the student's Tutor shall take no further part in this procedure, and (b) references to 'the Tutors' or 'all the Tutors' shall not include the student's Tutor.

### **B. Discipline of Students in Serious Cases**

*Procedure to be adopted in the case of disciplinary offences by members of the College in statu pupillari which may result in the penalty of final removal from the College, rustication, or deprivation of privileges and emoluments.*

**The following procedure is subject to, and should be read in the light of, the relevant provisions of Statute XXVIII ('Discipline of Members in statu pupillari'). The procedure has no application to questions concerning the initiation of criminal proceedings. Questions concerning examination failure under College Rule (A1), academic underperformance under College Rule (A2), and failure to obtain the standard required by the College in certain subjects to proceed to a fourth year of study under College Rule (A2), are governed by separate procedures.**

Statute XXVIII provides that:

1. *All persons in statu pupillari shall, prior to their admission as members of the College, give a written undertaking:*
  - (a) *to observe the College Statutes and to obey all orders, rules and regulations as may be made from time to time by the Governing Body or by any College Officer duly authorised by that body;*
  - (b) *to apply themselves diligently to their studies;*
  - (c) *to show due respect and obedience to the Master, the Fellows and the College Officers;*
  - (d) *to pay the fees and charges due from them to the College when requested to do so; and*
  - (e) *to conduct themselves in a quiet and orderly manner.*
2. *If any person in statu pupillari shall fail to behave in the manner prescribed in Section 1 of this Statute, or shall act in manner which is prejudicial to good order or to the good name of the College, the Dean or Tutor may impose such penalty on that person as the offence may in their opinion deserve; save that the penalty of final removal from the College and, in the case of a Scholar or a person holding a College prize, sizarship or bursary under Statute XX, of deprivation of the privileges and emoluments attaching to any such award, may be imposed by the Governing Body only.*

#### **1. Initial investigation**

1.1. Upon receiving an allegation that a student has been guilty of failing to behave in the manner prescribed in Statute XXVIII(1), or of acting in manner which is prejudicial to good order or to the good name of the College under Statute XXVIII(2), the Dean and the responsible Tutor shall consider:

- (i) whether the alleged offence is sufficiently serious as to raise the possibility that, should the allegation be made out on the evidence, the Governing Body may wish to consider the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments; and
- (ii) whether the allegation is frivolous or vexatious.

In considering these matters, the Dean and the responsible Tutor may make such further enquiries as they see fit.

1.2. If the Dean and the responsible Tutor consider that the allegation is not frivolous or vexatious, and is of the seriousness indicated in sub-clause 1.1.(i) above, they shall hold a meeting with the student as soon as possible. At the meeting they shall:

- (i) remind the student of the provisions of Statute XXVIII and of relevant provisions of the College Rules;
- (ii) explain the allegation to the student;
- (iii) ascertain the student's response to the allegation; and
- (iv) explain this procedure to the student.

The student shall be permitted to have present a friend or advisor if he or she so wishes. The Dean shall keep a written record of this meeting which, when agreed by the Dean and the student to be an accurate record, shall be signed by the Dean and by the student.

1.3. If the Dean and the responsible Tutor consider that the allegation is not frivolous or vexatious, but is not of the seriousness indicated in sub-clause 1.1(i) above, no further steps shall be taken under this Part of this procedure, but the Dean and the responsible Tutor may consider the case further themselves, and, if appropriate, impose a penalty not amounting to final removal from the College, rustication, or deprivation of privileges and emoluments, in accordance with Statute XXVIII(2) and Part B of this procedure below.

1.4. If it appears to the Dean and the responsible Tutor that there is the possibility of a criminal prosecution in consequence of the alleged disciplinary offence, no further steps shall be taken under this procedure until either:

- (i) it becomes clear that there will not be a criminal prosecution; or
- (ii) the student is convicted of a criminal offence.

If the student is prosecuted in consequence of the alleged disciplinary offence and is acquitted, no further steps shall be taken under this procedure in respect of that alleged offence.

## *2. Interim Exclusion from the College*

2.1. If it appears to the Dean and the responsible Tutor that it may be necessary for the protection of others to exclude the student from the College pending either:

- (i) the outcome of possible criminal prosecution; or
- (ii) the completion of this procedure

the Dean and the responsible Tutor shall refer the matter as soon as possible to a meeting of all the Tutors, from which the responsible Tutor shall be absent. At this meeting the Tutors shall consider excluding the student from the College in accordance with Statute XXVIII(8).

The student shall be notified of the time and place of the meeting, and permitted to make representations at the meeting, in person or through a friend or advisor, or, if it is not possible for the student to attend the meeting, he or she shall be permitted to make representations in writing.

2.2. In cases of extreme urgency the Dean or the responsible Tutor may exclude the student from the College with immediate effect, provided that the matter shall be referred as soon as possible thereafter to a meeting of all the Tutors, from which the responsible Tutor shall be absent. The student shall be given the opportunity to make representations at this meeting, in person or in writing.

2.3. If the Tutors resolve to exclude a student from the College in accordance with Statute XXVIII(8) the exclusion shall be reviewed by all the Tutors (excluding the responsible Tutor) every four weeks until the

outcome of possible criminal prosecution is known, or this procedure is completed. At each review the student shall be permitted to make representations in person or through a friend or advisor, or in writing.

### *3. Hearing before the Tutors: no criminal conviction*

This clause shall not apply unless either:

- (i) it appears to the Dean and the responsible Tutor that there is no possibility of a criminal prosecution in consequence of the alleged disciplinary offence; or
- (ii) it has become clear that there will be no criminal prosecution in consequence of the alleged disciplinary offence.

#### 3.1. This sub-clause applies to cases in which the offence is admitted.

3.1.1. If at the meeting held under sub-clause 1.2. above the student admits to having committed the disciplinary offence the matter shall be referred as soon as possible to a meeting of all the Tutors, from which the responsible Tutor shall be absent.

3.1.2. The time and place of the meeting of all the Tutors, and the identity of the chair of the meeting (in accordance with paragraph 3.2.3. below) shall be communicated to the student not less than two weeks before the meeting. At the same time the student shall be informed of his or her right to be accompanied at the meeting by a friend or advisor.

3.1.3. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the responsible Tutor, by another Tutor.

3.1.4. At least five days before the meeting the student shall be provided in writing with all the evidence against him or her.

3.1.5. At the meeting of all the Tutors, the Tutors shall:

- (i) ask the student to confirm his or her admission of having committed the disciplinary offence; and
- (ii) allow the student to speak in mitigation, either in person or through a friend or advisor.

3.1.6. The Tutors may be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

3.1.7. Should the student confirm his or her admission, the Tutors shall make a recommendation to the Governing Body as to whether the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, should be imposed by the Governing Body. The recommendation shall be made by the votes of a majority of the Tutors present and voting at the meeting, provided that a recommendation shall not be valid unless a majority of the Tutors (excluding any on leave) are present at the meeting. Should the student withdraw his or her admission, the matter shall proceed in accordance with sub-clause 3.3. below.

3.1.8. The detailed procedure of the meeting shall be at the discretion of the chair, but shall include: provision for an initial private meeting of the Tutors (and the clerk, if any) to consider the procedure to be followed; an explanation to those present at the meeting of the procedure and powers of the meeting; and statements on behalf of each party. At the close of the meeting all those present other than the Tutors shall withdraw, and the Tutors shall make a recommendation in accordance with clause 3.1.7. above. In reaching their decision the Tutors may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

#### 3.2. This sub-clause applies to cases in which the offence is denied.

3.2.1. If at the meeting held in accordance with sub-clause 1.2. above the student denies having committed the disciplinary offence, the case shall be referred by the Dean and the responsible Tutor to the College Advocate. The College Advocate shall determine whether a prima facie case that the student has committed the disciplinary offence has been made out on the evidence.

3.2.2. Should the College Advocate determine that no prima facie case has been made out on the evidence no further steps under this procedure shall be taken.

3.2.3. Should the College Advocate determine that a prima facie case has been made out on the evidence, he or she shall draft the relevant charge(s), and the case shall be referred as soon as possible to a meeting of all the Tutors, from which the responsible Tutor shall be absent.

3.2.4. The time and place of the meeting of all the Tutors, and the identity of the chair of the meeting (in accordance with paragraph 3.2.13. below) shall be communicated to the College Advocate and to the student not less than two weeks before the meeting. At the same time the student shall be informed of his or her right to be accompanied at the meeting by a friend or advisor.

3.2.5. At least ten days before the meeting the student shall be provided in writing with the charge(s) and all the evidence against him or her. The charge(s) and the evidence shall also be provided to the chair of the meeting, who shall pass copies to the other Tutors who are to be present at the meeting. It shall be the responsibility of the College Advocate to prepare the evidence against the student, to provide it to the student and the chair of the meeting, and to arrange for the attendance of witnesses in support of the charge(s) at the meeting of the Tutors.

3.2.6. At least one week before the meeting the student shall provide the College Advocate in writing with any evidence to be used at the meeting in the student's defence. The evidence shall also be provided by the student to the chair of the meeting, who shall pass copies to the other Tutors who are to be present at the meeting. The student, in person or through his or her friend or advisor, shall be responsible for preparing the evidence in the student's defence, and for arranging the attendance of witnesses in the student's defence at the meeting of the Tutors.

3.2.7. After the exchange of evidence and not less than three days before the meeting of the Tutors, the College Advocate and the student (in person or through his or her friend or advisor) may agree as to any written evidence which will not be contested at the hearing. The College Advocate and the student or his or her friend or advisor shall together notify the chair of the meeting of any such uncontested evidence not less than three days before the meeting, provided that the chair of the meeting may nevertheless give notice not less than two days before the meeting that the witness or witnesses providing the evidence in question are required to be present at the meeting.

3.2.8. If any evidence, which has not been agreed as uncontested in accordance with paragraph 3.2.7. above, is presented in writing only, without the attendance of the relevant witness(es) at the meeting of the Tutors, the Tutors shall take into account the lack of opportunity for questions upon that evidence in assessing the weight to be attached to it.

3.2.9. At the meeting of the Tutors the case against the student shall be presented by the College Advocate. The student shall be present at the meeting, and may present his or her own case, or may speak through a friend or advisor. If the student fails to attend the meeting the Tutors may proceed in his or her absence, provided that they are satisfied that proper notice of the meeting has been given.

3.2.10. All witnesses attending the meeting, including any alleged victim of the alleged disciplinary offence, may be accompanied by a friend or advisor (who shall not speak or provide the witness with advice during the hearing).

3.2.11. If at the meeting of the Tutors they are informed of any further witnesses whose evidence they consider may be significant, the meeting may be adjourned for a reasonable period to enable such evidence to be obtained. When the meeting is reconvened it shall be attended by all those who attended the initial meeting (excluding any witnesses whose further attendance is agreed by the student, the College Advocate, and the chair of the meeting to be unnecessary). The time and place of the reconvened meeting shall be communicated to the College Advocate and to the student not less than two weeks before the meeting, and the further evidence shall be communicated, as applicable, in accordance with paragraphs 3.2.5. and 3.2.6. above.

3.2.12. The Tutors may be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

3.2.13. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the responsible Tutor, by another Tutor.

3.2.14. The detailed procedure of the meeting shall be at the discretion of the chair, but shall include: provision for an initial private meeting of the Tutors (and the clerk, if any) to consider the procedure to be followed; an explanation to those present at the meeting of the procedure and

powers of the meeting; statements on behalf of each party; and presentation of evidence, including reciprocal questioning upon the evidence by the other party and by the Tutors.

3.2.15. At the close of the meeting all those present other than the Tutors shall withdraw, and the Tutors shall make a recommendation by the votes of a majority of the Tutors present and voting, provided that a recommendation shall not be valid unless a majority of the Tutors (excluding any on leave) are present. In reaching their decision the Tutors may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

3.2.16. The recommendation, which shall be in writing, shall give:

- (i) the Tutors' findings, with reasons, as to whether the truth of the allegations against the student has been established by the College Advocate beyond reasonable doubt; and,
- (ii) if the allegations have been so established, either completely or in part, the Tutors' recommendation as to whether the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, should be imposed by the Governing Body.

In making their recommendation as to penalty, but not otherwise, the Tutors may take into account the student's previous disciplinary record, if any.

The written findings and recommendation shall be given as soon as possible to the student. Should a recommendation of final removal, rustication, and/or deprivation of privileges and emoluments, be made, the student shall also be reminded of his or her right to appear in person before the Governing Body, together with a friend or advisor, and to speak in his or her defence.

#### *4. Hearing before the Tutors following a criminal conviction*

This clause shall apply where a student has been convicted of a criminal offence.

4.1. In any case in which the Dean and the responsible Tutor have not already proceeded in accordance with sub-clauses 1.1. and 1.2. above, and upon learning of the conviction are of the view that it demonstrates a disciplinary offence which is sufficiently serious as to raise the possibility that the Governing Body may wish to consider the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, they shall hold a meeting with the student as soon as possible. At the meeting they shall:

- (i) remind the student of the provisions of Statute XXVIII and of relevant provisions of the College Rules;
- (ii) explain to the student that they have learnt of the conviction;
- (iii) ascertain the student's response; and
- (iv) explain this procedure to the student.

The Dean shall keep a written record of this meeting which, when agreed by the Dean and the student to be an accurate record, shall be signed by the Dean and by the student.

4.2. If the Dean and the responsible Tutor consider that the conviction does not demonstrate a disciplinary offence which is of the seriousness indicated in sub-clause 4.1. above, no further steps shall be taken under this Part of this procedure, but the Dean and the Tutor may consider the case further themselves, and, if appropriate, impose a penalty not amounting to final removal from the College, rustication, or deprivation of privileges and emoluments, in accordance with Statute XXVIII(2) and Part B of this procedure, below.

4.3. Following the meeting held in accordance with sub-clauses 1.1 and 1.2, or sub-clause 4.1, as applicable, the College Advocate shall draft the relevant charge(s), and the case shall be referred as soon as possible to a meeting of all the Tutors, from which the responsible Tutor shall be absent.

4.4. The time and place of the meeting of all the Tutors, and the identity of the chair of the meeting (in accordance with sub-clause 4.6. below) shall be communicated to the College Advocate and to the student not less than two weeks before the meeting.

4.5. At least five days before the meeting the student shall be provided in writing with the charge(s) and all the evidence against him or her.

4.6. At the meeting of the Tutors the case against the student shall be presented by the College Advocate. The student shall be present at the meeting, and may present his or her own case, or may speak through a friend or advisor. If the student fails to attend the meeting the Tutors may proceed in his or her absence, provided that they are satisfied that proper notice of the meeting has been given.

4.7. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the responsible Tutor, by another Tutor.

4.8. The Tutors may be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

4.9. The detailed procedure of the meeting shall be at the discretion of the chair, but shall include: provision for an initial private meeting of the Tutors (and the clerk, if any) to consider the procedure to be followed; an explanation to those present at the meeting of the procedure and powers of the meeting; and statements on behalf of each party.

4.10. At the close of the meeting all those present other than the Tutors shall withdraw, and the Tutors shall make a recommendation by the votes of the majority of the Tutors present and voting, provided that a recommendation shall not be valid unless a majority of the Tutors (excluding any on leave) are present. In reaching their decision the Tutors may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

4.11. The recommendation, which shall be in writing, shall give:

- (i) the Tutors' findings, with reasons, as to whether the conviction demonstrates beyond reasonable doubt the commission of a disciplinary offence; and
- (ii) if so, the Tutors' recommendation as to whether the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, should be imposed by the Governing Body.

In making their recommendation as to penalty, but not otherwise, the Tutors may take into account the student's previous disciplinary record, if any.

The written recommendation shall be given as soon as possible to the student. Should a recommendation of final removal, rustication, and/or deprivation of privileges and emoluments, be made, the student shall also be reminded of his or her right to appear in person before the Governing Body, together with a friend or advisor, and to speak in his or her defence, and shall be informed of the time and place of the meeting of the Governing Body.

## *5. Hearing before the Governing Body*

5.1. At its next meeting following the meeting of the Tutors held in accordance with clauses 3 or 4 above, as applicable, the Governing Body (in the absence of the Master) shall

- (i) review the written evidence, which shall be circulated before the day of the meeting to all members of the Governing Body;
- (ii) hear any statement(s) made by the student's Tutor and by the student and his or her friend or advisor; and
- (iii) hear the Tutors' findings and recommendation.

The Governing Body may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified, and the College Advocate may be asked to outline the case to the Governing Body.

Should any member of the Governing Body who is eligible to attend the meeting, but who is unable to present at the meeting, wish to communicate his or her view to the Governing Body this may be done by means of a written statement read out at the meeting. No such statement may be circulated in advance.

The Tutors (including the student's own Tutor), the Dean, the student (together with his or her friend or advisor), the student's Director of Studies, and the clerk (if any), shall then withdraw from the meeting and

the Governing Body shall decide by a majority of members present and voting whether or not to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments. In accordance with Statute IV(8) the quorum shall be a majority of the members entitled to vote (excluding any Fellows on leave). In reaching its decision the Governing Body may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

5.2. Immediately after the end of the Governing Body meeting the responsible Tutor shall convey the Governing Body's decision to the student and as soon as possible after the end of the meeting the student shall be given a statement in writing of the Governing Body's decision and the reasons for its decision.

5.3. Should the Governing Body decide not to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, it may nevertheless impose some lesser penalty, provided that a lesser penalty shall be imposed only in respect of an offence with which the student has been charged, either expressly or by necessary implication, and the commission of which the Tutors, at a meeting held in accordance with this procedure, have found to have been proved beyond reasonable doubt. Alternatively, the Governing Body may remit the case to the Tutors with instructions to them to impose such lesser penalty as the Tutors think fit.

## *6. Appeal to the review committee*

6.1. If the Governing Body decides to impose the penalty of final removal from the College, rustication, and/or deprivation of privileges and emoluments, the student has the right under Statute XXVIII(5), or this procedure, to appeal to a Review Committee consisting of the Master, an Emeritus Fellow (who is not a member of the Governing Body) and one other person selected by the Master from the Review Panel (a standing list of persons who are not members of the Governing Body).

6.2. To initiate the Review Committee procedure the student must write to the Master, within one month of the Governing Body's decision, stating that he or she wishes the Review Committee to consider an appeal and giving his or her reasons for such an appeal. The appeal may be on one or more of the following grounds:

- (i) that there is material evidence now available which was not available at earlier stages of the procedure;
- (ii) that there has been a material procedural irregularity at an earlier stage of the procedure;
- (iii) that the evidence as set out in the Tutors' findings does not warrant the conclusion that the case against the student has been made out beyond reasonable doubt; or
- (iv) that the penalty imposed by the Governing Body is in all the circumstances unreasonable.

6.3. Upon receipt of notification of appeal from the student the Master shall, as soon as possible, select the other two members of the Review Committee in accordance with Statute XXVIII(5), and shall communicate the composition of the Committee, and the time and place of its meeting, to the student and to the College Advocate not less than one week before the meeting. At the same time the student shall be informed of his or her right to be accompanied at the meeting by a friend or advisor.

6.4. Statute XXVIII(5) provides that the Review Committee shall make regulations to govern its own proceedings. The procedure in the remainder of this clause is subject to adoption, amplification, or modification by each Review Committee.

6.5. Before the meeting of the Review Committee the chair of the meeting of the Tutors shall provide all members of the Review Committee with all the written material pertaining to the case (including the charge(s), the written evidence, the Tutors' findings and recommendation, and the written statement of the Governing Body's reasons for its decision).

6.6. At the meeting of the Review Committee the case for allowing the appeal shall be presented by the student, in person or through a friend or advisor. The case against allowing the appeal shall be presented by the College Advocate. The Review Committee may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

6.7. The Review Committee shall be chaired by the Master.



6.8. At the end of the meeting the student, the student's friend or advisor (if present), the clerk (if any), and the College Advocate shall withdraw, and the Review Committee shall reach a decision, if necessary by majority. In considering any new evidence, the Review Committee shall apply a standard of proof beyond reasonable doubt. In reaching its decision the Review Committee may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

6.9. The Review Committee may decide:

- (i) to uphold the Governing Body's decision; or
- (ii) to substitute for the penalty imposed by the Governing Body some lesser penalty as the Review Committee sees fit, provided that the Review Committee may not impose a penalty of deprivation of privileges and emoluments, and may impose a lesser penalty only in respect of an offence with which the student has been charged, either expressly or by necessary implication, and the commission of which has been found to have been proved beyond reasonable doubt; or
- (iii) to quash the Governing Body's decision and to impose no lesser penalty.

6.10. As soon as possible after its meeting the Review Committee shall provide the student with a written statement of its decision, and its reasons, including its findings upon any new evidence which may have been adduced.

6.11. Following the decision of the Review Committee there is no further internal procedure in disciplinary cases, and the student shall be provided with a completion of procedures letter.

## *7. Interpretation*

7.1. References to 'the Tutors' or 'all the Tutors' in this part in all cases exclude the admissions tutors and the rooms tutor.

7.2 All time limits for the taking of prescribed steps in this part may be waived by agreement of all parties involved.

## **C. Discipline of Students in Less Serious Cases**

1. Where, in accordance with clauses 1.3, or 4.2, of Part A above, the Dean and the responsible Tutor consider that the allegation is not frivolous or vexatious, but is not of the seriousness indicated in sub-clauses 1.1 (i), or 4.1 of Part A above, they shall consider the case further themselves in accordance with the provisions of this Part, and, if appropriate, impose a penalty not amounting to final removal from the College, rustication, or deprivation of privileges and emoluments, in accordance with Statute XXVIII(2).

2. In considering the case further in accordance with clause 1 above, the Dean and the responsible Tutor shall inform the student of the potential charges, take the student's account relating to the allegations, and, if necessary, gather information about the alleged offence.

3. Should the Dean and the responsible Tutor conclude from this process set out in clause 2 above that the imposition of a penalty may be warranted, they shall inform the student of the charge(s). If the student admits the charges the Dean and the responsible Tutor shall consider the penalty to be imposed.

4. If the student denies the charges, wholly or in part, the Dean and the responsible Tutor shall conduct a hearing, either on paper, or, where appropriate, orally. In each case the student shall be permitted to submit evidence, and shall be provided in writing before the hearing with the charge(s) and all the evidence against him or her. In the case of an oral hearing, the student may be accompanied by a friend or advisor, in which case the College Advocate shall present the case against the student.

5. Following a hearing held in accordance with clause 4 above, the Dean and the responsible Tutor shall determine whether the truth of the charge(s) against the student has been proved on the balance of probabilities. The more serious the charge the stronger should be the evidence before the Dean and the responsible Tutor conclude that the charge(s) is established on the balance of probabilities.

6. Should the charge(s) be found to be proved on the balance of probabilities, the Dean and the responsible tutor shall invite the student to set out any mitigating circumstances (including financial circumstances) which he or she wishes to have taken into account. The Dean and the responsible Tutor shall then determine the penalty. Within seven days of the hearing the Dean and the responsible Tutor shall provide the student with a written statement of the reasons for their decision.

7. Following a determination that the truth of the charge(s) against the student has been proved on the balance of probabilities, the student may appeal, against the finding of guilt, or against the penalty or both, to a meeting of all the Tutors (excluding the responsible Tutor).

8. If the student wishes to appeal, he or she shall write to the Senior Tutor (or, if the Senior Tutor is the responsible Tutor, another Tutor nominated for the purpose by the Senior Tutor (the nominated Tutor)) within fourteen days of the decision of the Dean and the responsible Tutor, stating that he or she wishes to appeal, and giving his or her reasons for the appeal. The appeal may be on one or more of the following grounds:

- (i) that there is material evidence now available which was not available at the earlier stages of the procedure.
- (ii) that there has been a material procedural irregularity at an earlier stage of the procedure;
- (iii) that the evidence does not warrant the conclusion that the case against the student has been made out on the balance of probabilities; or
- (iv) that the penalty imposed by the Dean and the responsible Tutor is in all the circumstances unreasonable.

9. Upon receipt of notification of appeal from the student, the Senior Tutor, or the nominated Tutor, as the case may be, shall arrange a meeting of the Tutors, excluding the responsible Tutor, to hear the appeal. The student shall be notified of the time and place of the meeting not less than one week before the meeting. At the same time the student shall be informed of his or her right to be present at the meeting, and to be accompanied at the meeting by a friend or advisor.

10. Before the meeting of the Tutors, the Dean shall provide the chair of the meeting (who shall be the Senior Tutor or the nominated Tutor) with all the written evidence, the findings and decision of the Dean and the responsible Tutor, and the written statement of the Dean and the responsible Tutor's reasons for their decision.

11. At the meeting of all of the Tutors the case for allowing the appeal shall be presented by the student, in person or through a friend or advisor. The case against allowing the appeal shall be presented by the College Advocate. The meeting of the Tutors may arrange to be advised as to questions of law or procedure at the meeting by a clerk, who may be legally qualified.

12. At the end of the meeting the student, the student's friend or advisor (if present), the clerk (if any), and the College Advocate shall withdraw, and the Tutors shall reach a decision, if necessary by majority. In considering any new evidence, the meeting of all the Tutors shall apply a standard of proof on the balance of probabilities.. The more serious the charge the stronger should be the evidence before the meeting of all the Tutors concludes that the charge(s) is established on the balance of probabilities. In reaching their decision the Tutors may ask the clerk (if any) to return to give advice on questions of law or procedure, but for no other purpose.

13. The Tutors may decide:

- (i) to uphold the decision of the Dean and the responsible Tutor; or
- (ii) to substitute for the penalty imposed by the Dean and the responsible Tutor some lesser penalty as the tutors see fit, provided that the Tutors may impose a lesser penalty only in respect of an offence with which the student has been charged, either expressly or by necessary implication, and the commission of which has been found to have been proved beyond reasonable doubt; or
- (iii) quash the decision of the Dean and the responsible Tutor and impose no lesser penalty.

14. As soon as possible after their meeting the Tutors shall provide the student with a written statement of their decision, and of their reasons, including their findings upon any new evidence which may have been adduced.

15. Following the decision of the Tutors there is no further internal procedure in disciplinary cases which will not result in the penalty of the final removal from the College, rustication, or deprivation of privileges and emoluments, and the student shall be provided with a completion of procedures letter.

*16. Interpretation*

16.1. References to 'the Tutors' or 'all the Tutors' in this part in all cases exclude the admissions tutors and the rooms tutor.

16.2 All time limits for the taking of prescribed steps in this part may be waived by agreement of all parties involved.