



Magdalene College Cambridge

College Rules

Academic Year 2020-21

Issued by the Governing Body of Magdalene College in consultation with the MCR and JCR

Registered Charity Number 1137542

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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. All Students are responsible for familiarising themselves with and following the College Rules. Not knowing or forgetting about the rules or their consequences is not a justification for not following them.

A. General Rules of Behaviour

A1. A Student must

- a. comply with any instruction given by an officer of the College, a University officer, or an officer of another College, or by any person authorised to act on behalf of the University or a college, in the proper discharge of his or her duties;
- b. comply with all health and safety regulations and instructions issued by the College or other associated institution;
- c. comply with the terms of the code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986 regarding meetings and public gatherings on College grounds;
- d. comply with the Statutes and Ordinances of the College and any rules and procedures established under the Statutes and Ordinances as well as obey all orders, rules and regulations as may be made from time to time by the College's Governing Body or by any College Officer duly authorised by that body, whether set out in this document or elsewhere;
- e. apply themselves diligently to their studies.

A2. A Student must not

- a. interfere or attempt to interfere in the Activities of the College, or with any member of the College or College employee acting in the pursuit of their studies or in the performance of their duties, whether on College premises or elsewhere;
- b. obstruct, or improperly interfere with, the functions, duties or activities of any fellow, Student, member or employee of, or authorised visitor to, the College;
- c. damage, misappropriate or occupy without appropriate permission any College property or premises, or any property or premises accessed as a result of or in connection with a College activity;
- d. interfere in the freedom of speech or lawful assembly of any member of the College, Student, fellow, employee or visitor to the College;
- e. damage or misappropriate property belonging to a member of the College or an employee of the College; or belonging to anyone within College grounds or during the course of a University or College activity;
- f. endanger the health and safety of anyone within College grounds or elsewhere in the course of a University or College activity;
- g. forge, falsify or improperly use information, including where the intention is to gain or attempt to gain a personal advantage, whether that advantage be for themselves or another;

- h. use or display abusive or offensive behaviour or language, including verbal, written, digital and online dissemination, including but not limited to publication of the same from or on College premises or elsewhere, or through online social media or mobile phones or apps;
- i. engage in fraud, deception or dishonesty, including in connection with holding any office in a College club or society or in relation to the Activities of the College;
- j. commit improper and/or unlawful discrimination against any person;
- k. harass any member of the College, Student, employee or visitor, whether physically, in writing, verbally, through a mobile phone or app, online, through social media or otherwise;
- l. misuse or make unauthorised use of College or University premises;
- m. misuse or make unauthorised use of the College computer system, wi-fi and online services, including accessing prohibited material;
- n. misuse or make unauthorised use of material provided to the Student in the context of their studies;
- o. engage in misconduct under the College Rules relating to clubs and societies in respect of initiation ceremonies and other prohibited practices;
- p. behave in a disorderly or unruly manner, including but not limited to any anti-social conduct resulting from the consumption of alcohol or drugs;
- q. commit conduct which unjustifiably brings the reputation of the College into disrepute;
- r. make false or malicious allegations or representations against another Student, fellow, member or employee of the College.

A3. Definitions

The following definitions are applied in all sections of the College Rules:

- a. 'Activities of the College' include academic, administrative, sporting, social, pastoral, religious or other activities in which a Student is participating, including those which involve other third party organisations or individuals working in partnership with the College.
- b. 'Instructions issued by any person or body authorised to act on behalf of the University' include but are not limited to requests to attend meetings, to provide identification upon request, and to share primary datasets or data analysis with a supervisor.
- c. A 'College activity' is an academic, sporting, social, pastoral or cultural activity either on College grounds or elsewhere which is connected to a person's membership of the College.
- d. 'The code of practice issued under the provisions of section 43 of the Education (No. 2) Act 1986' relates to meetings and public gatherings on University premises. The Code of Practice is available at: <https://www.cambridgeStudents.cam.ac.uk/new-Students/rules-and-legal-compliance/freedom-speech>.
- e. 'The College Rules' means any rules and procedures established under the Statutes and Ordinances of the College as well as all orders, rules and regulations as may be made from time to time by the College's Governing Body or by any College Officer duly authorised by that body, whether set out in this document or elsewhere;
- f. 'Student' means a Junior member of the College.
- g. 'Respondent' means the Student whose conduct is the subject of a Concern as defined by the Student Disciplinary Procedure set out at the beginning of F. below.

A4. Seriousness of breach

Any breach of any of the College Rules may be considered more serious if:

- a. it took place under the influence of alcohol or illicit substances;
- b. it was motivated by the protected characteristics¹ or perceived protected characteristics of another;
- c. the Respondent has previously been found to have breached the same Rule;
- d. the Respondent has previously not complied with any sanction or measure under the Student Disciplinary Procedure;
- e. the Respondent has breached precautionary action measures whilst the Student Disciplinary Procedure has been ongoing;
- f. the Respondent has not provided the College with sufficient and/or reasonable information upon request including so that it can assess the risk the Respondent may pose to the College community;
- g. the Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, or acted dishonestly in the context of proceedings under the Student Disciplinary Procedure, in relation to that breach;
- h. the Respondent has abused a position of power or trust.

B. Academic Rules

B1. Examinations

All Students 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 set out in F3. below.**

B2. 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

¹ These are listed in the Equality Act 2010 and are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex and sexual orientation.

and other classes given in connection with their courses, in whatever format they are delivered, as recommended by their Director of Studies. Students who fail to engage in their studies to the satisfaction of their Tutor and Directors of Studie 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 set out in F2. and F4. below.

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 www.plagiarism.admin.cam.ac.uk.

B3. 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.

B4. 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 postgraduate 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 at

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.

Postgraduates intending to be absent from College for more than one week should inform the Postgraduate Tutors' Assistant, preferably by emailing gradassist@magd.cam.ac.uk.

C. Rules Concerning Residence

C1. 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 2 p.m. on the first day of Term or remain in residence after 10 a.m. 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 exceptional circumstances: see rule C3. below.

C2. Cambridge Address

Students who are not living in College accommodation are required to inform the Academic 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.

C3. 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.

Postgraduates are normally entitled to occupy the same room for the whole period of their licence. Postgraduate 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 charge to his or her College Bill. The value of any charge is determined by the Assistant Bursar and will be based upon costs incurred to rectify damage, staff costs and any other costs to return accommodation as it was found. 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.

C4. 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.

C5. Bicycles

Students who have a bicycle in Cambridge are required to have it marked with a number allocated by the Head Porter. 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.

C6. 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 Head Porter. 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 Senior Proctor.

C7. 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.

C8. College Lawns

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.

C9. Animals in College

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

C10. 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.

C11. 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.

C12. 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.

C13. Posters, Leaflets and Notices

No posters, leaflets or notices may be displayed within the College without the prior permission of the Head Porter. 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 Head Porter.

C14. 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 concerning use of College computing facilities 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.

C15. 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.

C16. 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 Academic 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 Academic Office in advance.

C17. 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).

D. Financial Rules

D1. 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 [Term Dates](#) page on the College intranet.

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.

D2. Payment of College Fees

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.

Postgraduates 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.

If your College bill payment is more than 14 days overdue, interest will be charged in line with the Bank of England's rate for each day the payment is outstanding. The maximum charge is £100, and no charge will exceed the outstanding College bill balance.

Any Student who thinks they will not 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.

D3. 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.

D4. 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.

D5. 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.

D6. Other Charges

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

- 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 any charge is determined by the Assistant Bursar and will be based upon costs incurred to rectify damage, staff costs and any other costs to return accommodation as it was found.

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.

E. Meetings and Freedom of Speech

E1. 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.

E2. 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 Academic 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 organisers, the name of the organisation 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 E1 of this procedure), to have due regard to the need to prevent people from being drawn into terrorism.

F. Statutes and Procedures Relating to Discipline of Students of the College

Glossary of key terms

In the procedures which follow, the following terms shall have the meanings set out below:

Academic Registrar	A member of College staff and head of the College Academic Office.
Appeal Committee	A panel of three persons, who have not sat on the relevant Discipline Committee, which determines whether an appeal against a decision of the Discipline Committee is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures.
College Rules	The rules established by the College concerning the conduct of Students, whether set out in this document or elsewhere.
Completion of Procedures letter	A letter that confirms the completion of the College's internal procedures, following which a Student may be able to raise a complaint with the Office of the Independent Adjudicator (OIA).
Concern	The description of the behaviour causing concern, reported by the Reporting Person and submitted using a Concern Form.
The College	Magdalene College, Magdalene Street, Cambridge CB3 0AG.
Days	Any reference to Days shall mean a day that is not a Saturday or Sunday, Christmas Day, Good Friday or any day that is a Bank Holiday.
Dean	The College officer with responsibility for determining whether a Concern should be investigated, conducting any investigation and determining the action to be taken following the investigation. Where a Concern is referred to the Discipline Committee, or to the Meeting of the Tutors, the Dean will present the investigation findings to the Discipline Committee or the Meeting of the Tutors. The Dean may delegate functions of their role.
Discipline Committee	A panel of three persons detailed in 8.2 below, which determines whether the College Rules have been breached and, if so, has the authority to impose sanctions or measures.
Governing Body	The Governing Body of the College, as constituted by Statute IV of the College Statutes.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the College Rules.
Investigation Report	The report created by the Dean, or person to who the Dean's function has been delegated to, following an investigation.

Master	The Master of the College, as constituted by Statute III of the College Statutes.
Meeting of the Tutors	A meeting of the Tutors of the College as constituted by Statute XI of the College Statutes, not including the Admissions Tutors or the Rooms Tutor.
President	The President of the College, as constituted by Statute X of the College Statutes.
Reporting Person	A person who is reporting a Concern about a Student.
Respondent	A Student whose conduct is the subject of a Concern.
Review Committee	A panel 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 as set out in Statute XXVIII.5 of the College Statutes 5, and Appendix A below, which determines appeals from decisions of the Governing Body to impose a penalty of final removal from the College, rustication or deprivation of privileges and emoluments, with the authority to amend, quash, refer back or impose sanctions or measures.
Rustication	A penalty requiring a Respondent, for a specified period of time, to take no part in College or University activities, and (unless normally resident in Cambridge) to leave Cambridge.
Senior Member	A fellow of the College.
Student	A junior member of the College.
Supporter	A person who accompanies a Respondent at a meeting convened under this procedure. Supporters may include the Respondent's tutor, another Student, a Student of another college, a College or University Students' union officer, or a friend. Other than in exceptional circumstances a supporter will not be a legal representative.
University	The University of Cambridge.
Witness	A person who has witnessed the Respondent's behaviour or has witnessed (or can otherwise provide evidence relevant to) a matter connected to the Respondent's behaviour as alleged in the Concern. The Witness may be someone to whom the behaviour was directed, or a third party.

F1. Statute XXVIII (as amended by the Higher Education Act 2004) Discipline of Members in statu pupillari (registered Students)

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 authorised 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.

F2. 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 B2. 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, in whatever format they are delivered, 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 ('academic underperformance') may include (but is not limited to):

- a. poor attendance at lectures;
- b. poor attendance at or poor performance in 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 Rule B2;
- 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 Rule B2;
- II. set out the facts which have led to the warning being issued;
- III. make clear that a continuing breach of Rule B2. 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 Rule B2. 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 Where any case of academic underperformance is referred to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3 of the College Statutes, the Academic Registrar shall act as Secretary to the Tutors' Meeting, of which the Tutor of the Student (referred to below as the Respondent) shall not be a member.
- 5.2 The Secretary of the Tutors' Meeting shall organise a date for the meeting either physically or virtually within 3 Days of receiving the referral of the case. The Secretary of the meeting will communicate the membership of the meeting, the date, time and location of the meeting to the Tutors (including the Respondent's Tutor), the Respondent and the Respondent's Director of Studies. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the Respondent's Tutor, by the Deputy Senior Tutor.
- 5.3 The Tutors' Meeting may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- 5.4 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Tutors' Meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so, (b) the supporter's first and last name. Any statement or request from the Respondent to call witnesses must be provided at least 5 Days before the date of the Tutors' Meeting. A request to call a Witness will be considered promptly by the Chair, who shall determine

whether to permit the Witness to attend or provide evidence in an alternative format as outlined in 5.8 of this procedure. The presumption will be against attendance in person, however, the discretion to allow a Witness to attend will be the Chair's. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision to the Review Committee following the Governing Body's decision. A Respondent who wishes to admit the alleged academic under-performance in advance of the Tutors' Meeting may do so in a written statement, in which case the Meeting may focus only on what recommendation to make.

- 5.5 Respondents should attend the Tutors' Meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Tutors' Meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Tutors' Meeting may proceed in the Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.
- 5.6 The Tutors' Meeting, the Respondent's Tutor and Director of Studies, and the Respondent, shall receive a written statement by the Respondent's Tutor, a written statement by the Respondent's Director of Studies, the formal written warnings, all the written evidence compiled at the earlier stages of this procedure, and any written statement provided by the Respondent, at least 7 Days before the Tutors' Meeting.
- 5.7 During the Tutors' Meeting, there shall be the opportunity for the members of the Meeting to ask questions of the Respondent's Tutor and Director of Studies, and of the Respondent. The Respondent (or the Respondent's supporter), the Respondent's Tutor and the Respondent's Director of Studies will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 5.8 It will not normally be necessary for the persons who gave evidence at the earlier stages of this procedure to attend the meeting as their evidence will be provided in the papers. Where the Respondent wishes to challenge any of the evidence, the Chair of the Meeting will determine the most appropriate format for this. Appropriate formats may include those who gave evidence attending the Tutors' Meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair of the Meeting considers those challenges material to the Tutors' Meeting's decision, a further written response will be sought from those who gave evidence. The Tutors' Meeting may be adjourned by the Meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- 5.9 Once the Tutors' Meeting is satisfied that it has received all of the information which it requires, the Respondent (or the Respondent's supporter) shall have the opportunity to make a final statement. All persons except for the members of the Meeting and the Secretary shall withdraw.
- 5.10 The Tutors' Meeting shall consider all the information that has been provided and reach one of the following decisions:
 - a) To dismiss the case;
 - b) To find that there has been a breach of the College Rules concerning academic underperformance.

- 5.11 Where the Tutors' Meeting has found that there has been a breach of the College Rules, the Secretary shall inform the Meeting of any previous breaches of the College Rules concerning academic underperformance. The Respondent (and any supporter), and the Respondent's Tutor and Director of Studies, will be invited back into the meeting and the Respondent (or the Respondent's supporter) will have the opportunity to make a further statement in relation to mitigation regarding the breach of the College Rules and any previous breaches of the College Rules concerning academic underperformance. The Student's Tutor and Director of Studies may provide further information and the members of the Meeting may ask questions. The Respondent (or the Respondent's supporter) shall have the opportunity to make a final statement.
- 5.12 The meeting will end after the Respondent makes their final statement. The Tutors' Meeting will then consider a recommendation to the Governing Body as to the imposition of sanctions or measures, including whether the penalty of final removal from the College, rustication or deprivation of privileges and emoluments should be imposed.
- 5.13 In deciding upon the appropriate recommendation the Tutors' Meeting shall consider each possible recommendation in turn and record the reasons for the recommendation decided upon.
- 5.14 The Secretary of the Tutors' Meeting, within 14 Days of the meeting, shall provide to the Respondent, and to the Respondent's Tutor and Director of Studies, a written document explaining the Tutors' Meeting's decision and the reasons for the decision. The notes of the Tutors' Meeting will be shared with the Respondent, and with the Respondent's Tutor and Director of Studies, within 14 Days of the meeting.

6. Governing Body consideration

- 6.1 Where any case of academic underperformance has been referred to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3 of the College Statutes, at its next meeting following the Tutors' Meeting, the Governing Body, in the absence of the Master and being quorate in accordance with Statute IV.8 of the College Statutes, shall consider the Tutors' recommendation. The meeting shall be chaired by the President, or, in the President's absence by the senior fellow present in accordance with Statute IV.4 of the College Statutes.
- 6.2 The Senior Bursar will communicate the date, time and location of the meeting to the members of the Governing Body, the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies, and the Respondent.
- 6.3 The Governing Body may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- 6.4 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Governing Body meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so, (b) the supporter's first and last name.
- 6.5 Respondents should attend the Governing Body meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Governing Body meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient

reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Governing Body meeting may proceed in the Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.

- 6.6 The Governing Body, the Respondent, and the Respondent's Tutor and Director of Studies, shall receive a copy of all the papers prepared at earlier stages of this procedure, at least 7 Days before the Governing Body meeting.
- 6.7 Should any member of the Governing Body who is eligible to attend the meeting, but who is unable to be present, wish to communicate a view to the Governing Body, that member may provide a written statement to be read out at the meeting. No such statement may be circulated before the meeting.
- 6.8 During the Governing Body meeting, there shall be the opportunity for members of Governing Body to ask questions of the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies and, if in attendance, the Respondent. The Respondent (or the Respondent's supporter), the Respondent's Tutor and Director of Studies shall also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 6.9 It will not normally be necessary for the persons who gave evidence at earlier stages of this procedure to attend the meeting as their evidence will be provided in the papers. Where the Respondent wishes to challenge any of the evidence, the Chair will determine the most appropriate format for this. Appropriate formats may include those who gave evidence attending the Governing Body meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair considers those challenges material to the Governing Body's decision, a further written response will be sought from those who gave evidence. The Governing Body may adjourn the meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- 6.10 Once the Governing Body is satisfied that it has received all of the information which it requires, the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies, the Respondent and the Respondent's supporter shall withdraw. The Governing Body shall then consider all the information that has been provided and decide, by a majority of members present and voting:
 - a) To impose no sanctions or measures;
 - b) To impose one or more of the following sanctions or measures: (i) final removal from the College, (ii) rustication, (iii) deprivation of privileges and emoluments;
 - c) In addition, or in the alternative, to impose such lesser sanctions or measures as the Governing Body shall see fit.
- 6.11 In making its decision the Governing Body shall consider each possible recommendation in turn and record the reasons for the decision reached.
- 6.12 The Senior Bursar, within 7 Days of the meeting, shall provide to the Respondent, and the Respondent's Tutor and Director of Studies, a written document explaining the Governing Body's decision and the reasons for the decision. The notes of the Governing Body meeting will be shared with the Respondent, and the Respondent's Tutor and Director of Studies, within 14 Days of the meeting.

7 The Review Committee

- 7.1 The Academic Registrar shall act as Secretary to the Review Committee. In accordance with Statute XXVIII.5 of the College Statutes and this procedure, the Respondent shall have the right to appeal the decision of the Governing Body within 10 Days of receiving the written decision.
- 7.2 The Review Committee shall consist 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 the Panel appointed by the Governing Body who are available and who are not the Tutor or Director of Studies of the Respondent, who have not had other close involvement with any person concerned with the case, and who have not had prior involvement in the case.
- 7.3 The Review Committee may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- 7.4 The Master, as Chair of the Review Committee, has the authority to extend the appeal deadline, where there is a compelling reason to do so. Any application to extend time shall be made in writing to the Secretary to the Review Committee by the Respondent as soon as possible. Any delay in making the application to extend time is a factor which may be taken into account by the Review Committee. If time is not extended and the appeal is not permitted to proceed, a Completion of Procedures Letter will be issued.
- 7.5 An appeal can only be submitted on the following grounds, that:
- a) The procedures were not followed properly;
 - b) The Governing Body reached an unreasonable decision;
 - c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - d) There was bias or reasonable perception of bias during the procedure;
 - e) The decision was disproportionate, or not permitted under the procedures.
- 7.6 In order to appeal the Governing Body's decision, the Respondent must provide written grounds and reasons for appealing to the Secretary of the Review Committee, which include all evidence the Respondent wishes to be considered as part of the appeal. The Review Committee will normally aim to make a decision whether to allow an appeal to proceed further within 30 Days of the Respondent making the appeal. The appeal will not be allowed to proceed further if has not been made within the appeal deadline or any extended deadline, or if the grounds given for the appeal do not fall within the grounds stated in 7.5 of this procedure. If the appeal is not allowed to proceed further, a Completion of Procedures letter will be issued.
- 7.7 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Chair of the Review Committee, the Secretary of the Review Committee shall organise a date for the meeting of the Review Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the

Review Committee.

- 7.8 The Review Committee shall receive all the papers prepared at earlier stages of this procedure at least 5 Days before the Review Committee meeting.
- 7.9 The Review Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information. Where this happens the Respondent shall be sent a copy of any further information which the Respondent does not already have possession of, and will be given an opportunity to provide a written response to it.
- 7.10 The Review Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal and uphold the decision of the Governing Body;
 - b) To uphold the appeal and refer the case back to the Governing Body for consideration of the imposition of a lesser penalty than that originally imposed by the Governing Body, provided that if the Respondent is dissatisfied with any substituted sanction or measure the Respondent may opt instead to accept the sanctions or measures originally imposed by the Governing Body.
 - c) To substitute its own decision as to sanctions or measures other than final removal from the College, rustication or deprivation of privileges and emoluments for that of the Governing Body, provided that if the Respondent is dissatisfied with any substituted sanction or measure the Respondent may opt instead to accept the sanctions or measures imposed by the Governing Body.
- 7.11 The Secretary of the Review Committee, within 5 Days of the Review Committee reaching a decision (but no later than 30 Days from receiving the Appeal), shall provide to the Respondent, and the Respondent's Tutor and Director of Studies, a written copy of the Review Committee's decision and reasons for the decision.
- 7.12 If the Review Committee has dismissed the appeal under 7.10(a) above, or has substituted its own decision as to sanctions or measures for that of the Governing Body in accordance with 7.10(c) above, this is the final stage of the internal process and the Respondent will be issued with a Completion of Procedures letter. There is no further right of appeal.
- 7.13 If the Review Committee has referred the case back to the Governing Body in accordance with 7.10(b) above, at its next meeting after receiving the referral back, the Governing Body, in the absence of the Master, the Respondent's Tutor and Director of Studies, and any member of the Governing Body who was a member of the Review Committee, shall consider the referral back in accordance with 6 above, provided that the Governing Body may impose no sanction or measure other than as specified in 7.10(b) above. Once the Governing Body has completed its considering of the referral back this is the final stage of the internal process and the Respondent will be issued with a Completion of Procedures letter. There is no further right of appeal.

F3. 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 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 B1 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 Student out of residence following examination failure is subject to the provisions of Statute XXVIII and the accompanying procedure set out in F3. of this procedure.**

1. Initial consideration of the case

1.1. Upon receiving notice of an examination failure as defined in Rule B1, the Student's Tutor shall hold a meeting as soon as possible with the Student concerned, together with the Senior Tutor (or the Deputy Senior Tutor where the Senior Tutor is the Student's own Tutor) and the Student's Director of Studies. The purpose of the meeting is:

- I. to remind the Student of Rule B1;
- 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 Examination Access and Mitigation Committee (EAMC); 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 Examination Access and Mitigation 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 EAMC, he or she shall submit such an application on behalf of the Student. The EAMC will not, except in the most exceptional circumstances, accept an application made directly by 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 EAMC, 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. The EAMC 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. Success of an application to the EAMC is a necessary condition for setting aside College Rule B1, 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 Where any case of examination failure is referred to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3 the Academic Registrar shall act as Secretary to the Tutors' Meeting, of which the Tutor of the Student ('the Respondent') shall not be a member.

3.2 The Secretary of the Tutors' Meeting shall organise a date for the meeting either physically or virtually within 3 Days of receiving the referral of the case. The Secretary of the meeting will communicate the membership of the meeting, the date, time and location of the meeting to the Tutors (including the Respondent's Tutor), the Respondent and the Respondent's Director of Studies. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the Respondent's Tutor, by the Deputy Senior Tutor.

3.3 The Tutors' Meeting may be advised by a clerk who shall be experienced in decision-

making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.

- 3.4 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Tutors' Meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so, (b) the supporter's first and last name. Any statement or request from the Respondent to call witnesses must be provided at least 5 Days before the date of the Tutors' Meeting. A request to call a Witness will be considered promptly by the Chair, who shall determine whether to permit the Witness to attend or provide evidence in an alternative format as outlined at 3.8 below. The presumption will be against attendance in person, however, the discretion to allow a Witness to attend will be the Chair's. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision to the Review Committee following the Governing Body's decision.
- 3.5 Respondents should attend the Tutors' Meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Tutors' Meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Tutors' Meeting may proceed in the Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.
- 3.6 The Tutors' Meeting, the Respondent's Tutor and Director of Studies, and the Respondent, shall receive a written statement by the Respondent's Tutor, a written statement by the Respondent's Director of Studies, all the written evidence compiled at the earlier stages of this procedure, and any written statement provided by the Respondent, at least 7 Days before the Tutors' Meeting.
- 3.7 During the Tutors' Meeting, there shall be the opportunity for the members of the Meeting to ask questions of the Respondent's Tutor and Director of Studies, and of the Respondent. The Respondent (or the Respondent's supporter), the Respondent's Tutor and the Respondent's Director of Studies will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- 3.8 It will not normally be necessary for the persons who gave evidence at the earlier stages of this procedure to attend the meeting as their evidence will be provided in the papers. Where the Respondent wishes to challenge any of the evidence, the Chair of the Meeting will determine the most appropriate format for this. Appropriate formats may include those who gave evidence attending the Tutors' Meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair of the Meeting considers those challenges material to the Tutors' Meeting's decision, a further written response will be sought from those who gave evidence. The Tutors' Meeting may be adjourned by the Meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- 3.9 Once the Tutors' Meeting is satisfied that it has received all of the information which it requires, all persons except for the members of the Meeting and the Secretary shall withdraw. The Tutors' Meeting will then consider a recommendation to the Governing Body as to whether Rule B1. should be set aside.
- 3.10 In deciding upon the appropriate recommendation the Tutors' Meeting shall consider

each possible recommendation in turn and record the reasons for the recommendation decided upon.

- 3.11 The Secretary of the Tutors' Meeting, within 14 Days of the meeting, shall provide to the Respondent, and the Respondent's Tutor and Director of Studies, a written document explaining the Tutors' Meeting's decision and the reasons for the decision. The notes of the Tutor's Meeting will be shared with the Respondent, and the Respondent's Tutor and Director of Studies, within 14 Days of the meeting.

6. Governing Body consideration

- 6.1 Where any case of examination failure has been referred to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3, at its next meeting following the Tutors' Meeting, the Governing Body, in the absence of the Master and being quorate in accordance with Statute IV.8 of the College Statutes, shall consider the Tutors' recommendation. The meeting shall be chaired by the President, or, in the President's absence by the senior fellow present in accordance with Statute IV.4 of the College Statutes.
- 6.2 The Senior Bursar will communicate the date, time and location of the meeting to the members of the Governing Body, the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies, and the Respondent.
- 6.3 The Governing Body may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- 6.4 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Governing Body meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so, (b) the supporter's first and last name.
- 6.5 Respondents should attend the Governing Body meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Governing Body meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Governing Body meeting may proceed in the Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.
- 6.6 The Governing Body, the Respondent, and the Respondent's Tutor and Director of Studies, shall receive a copy of all the papers prepared at earlier stages of this procedure, at least 7 Days before the Governing Body meeting.
- 6.7 Should any member of the Governing Body who is eligible to attend the meeting, but who is unable to be present, wish to communicate a view to the Governing Body, that member may provide a written statement to be read out at the meeting. No such statement may be circulated before the meeting.
- 6.8 During the Governing Body meeting, there shall be the opportunity for members of Governing Body to ask questions of the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies and, if in attendance, the Respondent. The Respondent (or the Respondent's supporter), the Respondent's Tutor and Director of

Studies shall also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.

- 6.9 It will not normally be necessary for the persons who gave evidence at earlier stages of this procedure to attend the meeting as their evidence will be provided in the papers. Where the Respondent wishes to challenge any of the evidence, the Chair will determine the most appropriate format for this. Appropriate formats may include those who gave evidence attending the Governing Body meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair considers those challenges material to the Governing Body's decision, a further written response will be sought from those who gave evidence. The Governing Body may adjourn the meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- 6.10 Once the Governing Body is satisfied that it has received all of the information which it requires, the Tutors (including the Respondent's Tutor), the Respondent's Director of Studies, the Respondent and the Respondent's supporter shall withdraw. The Governing Body shall then consider all the information that has been provided and decide, by a majority of members present and voting whether to set aside Rule B1.
- 6.11 In making its decision the Governing Body shall consider each possible recommendation in turn and record the reasons for the decision reached.
- 6.12 The Senior Bursar, within 7 Days of the meeting, shall provide to the Respondent, and to the Respondent's Tutor and Director of Studies, a written document explaining the Governing Body's decision and the reasons for the decision. The notes of the Governing Body meeting will be shared with the Respondent, and with the Respondent's Tutor and Director of Studies, within 14 Days of the meeting.

7 The Review Committee

- 7.1 The Academic Registrar shall act as Secretary to the Review Committee. In accordance with Statute XXVIII.5 of the College Statutes and this procedure, the Respondent shall have the right to appeal the decision of the Governing Body within 10 Days of receiving the written decision.
- 7.2 The Review Committee shall consider 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 the Panel appointed by the Governing Body who are available and who are not the tutor or Director of Studies of the Respondent, who have not had other close involvement with any person concerned with the case, and who have not had prior involvement in the case.
- 7.3 The Review Committee may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- 7.4 The Master, as Chair Review Committee, has the authority to extend the appeal deadline, where there is a compelling reason to do so. Any application to extend time shall be made in writing to the Secretary to the Review Committee by the Respondent as soon as possible. Any delay in making the application to extend time is a factor which may be taken into account by the Review Committee. If time is not extended and the appeal is not permitted to proceed, a Completion of Procedures Letter will be issued.

- 7.5 An appeal can only be submitted on the following grounds, that:
- a) The procedures were not followed properly;
 - b) The Governing Body reached an unreasonable decision;
 - c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - d) There was bias or reasonable perception of bias during the procedure;
 - e) The decision was disproportionate, or not permitted under the procedures.
- 7.6 In order to appeal the Governing Body's decision, the Respondent must provide written grounds and reasons for appealing to the Secretary of the Review Committee, which include all evidence the Respondent wishes to be considered as part of the appeal. The Review Committee will normally aim to make a decision whether to allow an appeal to proceed further within 30 Days of the Respondent making the appeal. The appeal will not be allowed to proceed further if has not been made within the appeal deadline or any extended deadline, or if the grounds given for the appeal do not fall within the grounds stated in 3.5 of this procedure. If the appeal is not allowed to proceed further, a Completion of Procedures letter will be issued.
- 7.7 If the appeal has been made on the specified grounds and within the timeframe, as determined by the Chair of the Review Committee, the Secretary of the Review Committee shall organise a date for the meeting of the Review Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Review Committee.
- 7.8 The Review Committee shall receive all the papers prepared at earlier stages of this procedure at least 5 Days before the Review Committee meeting.
- 7.9 The Review Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information. Where this happens the Respondent shall be sent a copy of any further information which the Respondent does not already have possession of, and will be given an opportunity to provide a written response to it.
- 7.10 The Review Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal and uphold the decision of the Governing Body;
 - b) To uphold the appeal and set aside Rule B1.
- 7.11 The Secretary of the Review Committee, within 5 Days of the Review Committee reaching a decision (but no later than 30 Days from receiving the Appeal), shall provide to the Respondent, and the Respondent's Tutor and Director of Studies, a written copy of the Review Committee's decision and reasons for the decision. This is the final stage of the internal process and the Respondent will be issued with a Completion of Procedures letter. There is no further right of appeal.

F4. 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:

- I. 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;
- II. to apply themselves diligently to their studies;
- III. to show due respect and obedience to the Master, the Fellows and the College Officers;
- IV. to pay the fees and charges due from them to the College when requested to do so; and
- V. 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 B2. 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, in whatever format they are delivered, 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.**

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 set out in F2. and F4. below.

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 B1, 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.

1. Consideration of the case

1.1. 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 (or the Deputy Senior Tutor where the Senior Tutor is the Student's own Tutor) and the Student's Director of Studies. The purpose of the meeting is:

- I. to remind the Student of Rule B2;
- 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 University's Examination Access and Mitigation Committee (EAMC);
- 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.

2. Application to proceed

2.1. Application to the relevant Faculty or Department

2.1.1. 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.

2.1.2. 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.

2.1.3. 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, under either paragraph 3.1.1. or 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 University's Examination Access and Mitigation Committee

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 EAMC in relation to the Student's examination result, he or she shall submit such an application on behalf of the Student. The EAMC will not, except in the most exceptional circumstances, accept an application made directly by the Student.

3.2.2. If an application to the EAMC 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, or any application fails

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.

F5. 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 postgraduates. 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](#) will be useful, as well as advice from one or more of the following:

College Nurse: Taryn Rothwell. Email: tr409@cam.ac.uk.

University Mental Health Advisor, University Counselling Service:
www.counselling.cam.ac.uk

Cambridge SU: <https://www.cambridgesu.co.uk/yourunion/about/>

Occupational Health: www.oh.admin.cam.ac.uk

Student Advice Service:

<https://www.cambridgesu.co.uk/support/advice/>

Adult Eating Disorder Service: www.cpft.nhs.uk/aeds

CAMEO: www.cameo.nhs.uk

Alcoholics Anonymous: www.alcoholics-anonymous.org.uk

Cocaine Anonymous www.cocaineanonymous.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 recognised that the cause of concern regarding fitness to study may include issues relating to a Student's health and general wellbeing, 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](#) 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. a friend, another 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 behaviour 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 Postgraduate 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 4.1) 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 Examination Access and Mitigation 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 7 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 panel for 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 CambridgeSU 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 authorisation 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 (<https://www.biology.cam.ac.uk/exams/MedVetSTexams/monitor>) for advice as to whether there might be Fitness to Practise issues to consider.

F6. Student Disciplinary Procedure

Procedure to be adopted in cases of alleged misconduct by junior 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').

For the avoidance of doubt, the Schedule to this procedure is for all purposes fully part of this procedure.

1. Scope and Principles

- 1.1 This procedure enables the College to consider whether a Student has breached the College Rules and, if it is found that the Rules have been breached, to impose proportionate sanctions or measures. The procedure enables the College to respond appropriately to breaches of the College Rules, to protect the College and its community. It does not exist to resolve personal disputes or grievances.
- 1.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure other than in exceptional circumstances.
- 1.3 The procedure itself can be stressful for those involved. The Dean and decision-makers will take into account the potential effects upon those engaging with the procedure and, where possible, minimise these effects. All Reporting Persons, Respondents and Witnesses will receive information about how to access support during the process, whether from the College, the University, the Students' Union's Advice Service or external support organisations.
- 1.4. Reasonable adjustments shall be made to the procedure to allow fair access for Students with a disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Investigating Officer at the earliest opportunity so that these can be put in place. The Dean may seek expert opinion regarding reasonable adjustments to ensure appropriate implementation and shall keep a record of any such adjustments.
- 1.5 In order to ensure that a Respondent's views are accurately represented during the process it is preferable for the College to correspond directly with the Respondent. However, it is recognised that sometimes this will not be in the best interests of the Respondent (for example, where a Respondent is reluctant to make or receive decisions about a Concern without support as a result of an underlying medical condition or disability). Where a Respondent would prefer correspondence to be directed through an authorised representative, they should raise this at the earliest opportunity and permission must first be provided by the Respondent in writing or via the Respondent's University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.
- 1.6 It will not normally be possible for the Reporting Person to submit a Concern anonymously, other than in exceptional circumstances where there is a compelling reason as determined by the Dean. Such concerns will need to be supported by evidence in order for the matter to be investigated. Where an anonymous Concern is accepted, it will normally be the expectation that the Concern will be

accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.

- 1.7 It is desirable for Concerns to be submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact have led to a delay in reporting. There is no deadline for the submission of a Concern, however delay in raising it may be relevant to the Dean's decision to carry out an Investigation and the Respondent(s) will need to be a Student at the time the Concern is raised to enable a meaningful investigation to take place and sanctions and measures to be imposed.
- 1.8 Upon a Concern being raised the College shall investigate and consider it in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Respondents, Reporting Persons and Witnesses to provide information. The College normally aims to complete the initial investigation and Discipline Committee decision (where applicable) within 90 Days of informing the Respondent of the Concern. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reason. Respondents and Reporting Persons will be provided with updates where there is a delay.
- 1.9 Witnesses are expected to engage fully with the procedure, as far as is reasonable in the circumstances.
- 1.10 Where reasonable, physically attended meetings may be replaced by virtual meetings. Attendance at a meeting by any participant via video or telephone call will be at the discretion of the Dean or Chair of the relevant Committee or meeting.
- 1.11 All decision-makers and investigators will receive appropriate training to undertake their role and be appropriately resourced and supported. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal knowledge of the Respondent or Reporting Person.
- 1.12 Any reference in this procedure to a named role includes a deputy appointed by the Governing Body who may appoint, on such terms as they think fit, a deputy to discharge the duties of a College Officer if that College Officer is on leave at the relevant time. The Master may appoint a deputy to handle a specific concern if a College Officer is unable to act in relation to that concern for reasons of conflict of interest.
- 1.13 Some breaches of the College Rules could also constitute criminal offences. The College will not normally investigate a matter where criminal proceedings are ongoing (including criminal investigations, legal proceedings and any related appeal processes), pausing any action under this procedure until the criminal proceedings are complete. Following an investigation undertaken by the police, where there are grounds on which to conclude that it is unlikely that further criminal proceedings will take place; or where the behaviour being investigated by the College is different from the behaviour being considered through the criminal proceedings, then the College may take its own action under this or another procedure.
- 1.14 The College will treat relevant police fines, cautions, or criminal convictions received by the Respondent as evidence that the behaviour, on which the offence was based, took place. A 'not guilty' or 'no further action' outcome from the police

or criminal proceedings will not prevent the College from undertaking its own investigation as to whether a breach of the College Rules has occurred.

- 1.15 Sometimes a Concern will be more appropriately investigated under another procedure, for example: the Academic Underperformance Procedure, the Fitness to Study Procedure, if the behaviour has been wholly caused by an underlying medical condition, or the Harassment and Sexual Harassment Policy if an allegation of harassment has been made. It will be at the discretion of the Dean, in consultation with relevant College Officers, to decide which procedure is most appropriate under which to investigate Student conduct. The College reserves the right to refer a matter to another procedure including a University procedure at any time during the application of this procedure. Sometimes a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure.
- 1.16 Some breaches of the College Rules will also amount to a breach of the University's Statutes and Ordinances, and may result in the University taking disciplinary action. The College shall take into consideration any action taken by the University to ensure that the Respondent is not punished twice for the same breach.
- 1.17 Where a Concern is raised against more than one Respondent, it will be at the discretion of the Dean to decide whether the Concern should be separated into separate investigations for some or all of the Respondents. Where an investigation includes more than one Respondent and the Dean has chosen to refer the matter to the Discipline Committee, the Chair of the Discipline Committee shall have the discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Where multiple Respondents appeal the decision of the Discipline Committee, appeals shall usually be considered separately but by the same Appeal Committee.
- 1.18 Where a Concern is raised against more than one Respondent and the matter has been referred to the Meeting of the Tutors by the Discipline Committee, the Chair of the Meeting of the Tutors shall have discretion to decide whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). When the matter is then considered by the Governing Body the President shall have discretion to determine whether there shall be a single hearing for all of the Respondents, or a separate hearing for each Respondent. Where a hearing involving multiple respondents takes place, the personal mitigation of each Respondent, unless it refers to the other Respondent(s), shall not be shared with the other Respondent(s). Appeals from the decision of the Governing Body shall usually be considered separately but by the same Review Committee.
- 1.19 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as decision-makers and investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive, vexatious or disruptive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. The person may be required by a decision-maker to stop

engaging with this procedure or to engage in a limited manner, even if this impacts upon the consideration of the Concern or a subsequent appeal.

- 1.20 The standard of proof used when making determinations under this procedure is on the balance of probabilities. It is for the College to establish, on the best available evidence, that it is more likely than not that a breach of the College Rules has occurred.

2. Information Sharing

- 2.1 The College shall share the information and evidence related to an investigation and outcome with fellows, College officers, members of staff, the Respondent, the Reporting Person and Witnesses where it is strictly necessary and proportionate to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the College Rules, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the College's Data Protection Policy.
- 2.2 The College shall share all evidence considered in reaching a decision (except where the decision-maker determines that there is a compelling reason not to do so), the decision itself, the reasons for the decision and any sanctions or measures, with the Respondent. The evidence considered in reaching a decision may not be shared with the Respondent where the identity of the Reporting Person, or the identity of a Witness, or personal data or special category data belonging to another has been provided, where that person does not wish that data or identity to be shared and there is a compelling case for the matter to be investigated without revealing this information to the Respondent. A compelling case may include where the information is of no relevance to the Concern and therefore it does not need to be relied upon. Any Student affected by such a decision who is dissatisfied can raise a complaint under the Procedure for Dealing with Comments, Suggestions and Complaints from Students. Where information cannot to be shared with the Respondent, this may affect the decision-maker's ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.
- 2.3 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean, Discipline Committee, Meeting of the Tutors or Governing Body, including any sanctions or measures with the University, regulatory bodies (for example, the Disclosure and Barring Service), professional bodies (for example, the General Medical Council), or other organisations with whom the Student may be connected, where it is appropriate to do so (for example, where the Student holds a position of responsibility for children or vulnerable adults). Where formally requested to do so, or where the College considers that someone may be at significant and immediate risk of harm, the College may disclose information received through this procedure to the police. When initiating an investigation, the Dean will inform the Respondent in writing of the circumstances in which the information about the case may be shared.
- 2.4 The College shall share the investigation findings, the reasoned determination of the Dean, Discipline Committee, Meeting of the Tutors or Governing Body, including any sanctions or measures with the Reporting Person and Witnesses, where such information is relevant. 'Relevant' information is that which has a direct impact on the Reporting Person or Witness. The Reporting Person or Witness cannot appeal the outcome of the Dean's investigation or the decisions of the

Discipline Committee, Meeting of the Tutors or Governing Body. However, if there are concerns about how the matter was handled or the process used in reaching an outcome then the Reporting Person or Witness may be able to make a complaint under the Procedure for Dealing with Comments, Suggestions and Complaints from Students

- 2.5 It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, those involved are permitted discuss their personal experience of the procedure with others. However, regardless of the outcome, parties should not without good reason identify or provide details that might identify any individual involved in the investigation or subsequent decision-making process.

3. Submitting a Concern

- 3.1 The College will normally be informed of a potential breach of the College Rules by a Reporting Person. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or become aware of the reported behaviour through other means.
- 3.2 The Reporting Person must submit their Concern in writing, together with any evidence the Reporting Person wishes to provide, to the Dean.
- 3.3 The Dean shall normally communicate with the Reporting Person within 7 Days to acknowledge the Concern that has been received, to request further information if necessary, and to offer the Reporting Person a meeting to discuss the Procedure (though if requested this can take place before a Concern is submitted).
- 3.4 The Dean will determine whether the following criteria are met:
- 3.4.1 there is an allegation that, on the face of it, would appear to amount to a breach the College Rules which warrants further investigation;
 - 3.4.2 this procedure is the most appropriate procedure to use to investigate the matter;
 - 3.4.3 the College is the most appropriate entity to deal with the matter; and
 - 3.4.4 the Concern has not already been investigated using this procedure.
- 3.5 Where all the criteria have been met, the Dean shall investigate the Concern. Where at least one of the criteria has not been met, the Dean shall not investigate the Concern and will, if appropriate, refer the matter to the University to investigate.
- 3.6 Where the Dean considers the Concern to be trivial, such that the use of this procedure is not in the circumstances justified, and/or a full investigation and use of this procedure would be disproportionate to the matter in issue, or where the Concern is capable of informal resolution, the Dean may deal with it themselves on an informal basis.
- 3.7 Where part of the Concern has previously been investigated, it is at the discretion of the Dean to decide whether to investigate any aspect that has not yet been investigated, taking into account why that aspect of the Concern was not previously investigated, the length of time that has elapsed since the investigation, the severity of the misconduct, the impact on the Respondent of undergoing a second discipline

investigation, and any implications regarding the Respondent's fitness to practise a profession, where relevant.

- 3.8 Dean shall give written reasons for the decision about whether to commission an investigation and communicate the decision and the reasons to the Reporting Person in writing, without due delay after acknowledging the Concern. Reporting Persons who are Students and dissatisfied with the outcome may be able to make a complaint under the Procedure for Dealing with Comments, Suggestions and Complaints from Students within 28 Days of being notified of the decision.
- 3.9 Where an investigation is not commissioned and any complaint relating to this decision has been completed, unless the complaint is withdrawn the Respondent shall normally be notified in writing of the Concern, the decision of the Dean, the reasons for the decision, and confirmation that no further action will be taken under this procedure. This notification shall normally be provided to the Respondent within 7 Days of the Dean's decision, or where the Reporting Person is a Student, within 7 Days of the deadline for raising a complaint or, if a complaint is submitted, following the completion of the complaint. However, where sharing this information with the Respondent may impact upon an investigation being undertaken under a different procedure or by an external body, a reasonable delay to informing the Respondent may be necessary.

4. Investigating a Concern

- 4.1 Where an investigation is undertaken, the Dean shall write to the Respondent to state that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant College Rules that have allegedly been breached and that an investigation will be conducted. The Dean will provide a brief summary of the Concern, and inform the Respondent of the avenues of support available to them.
- 4.2 The Dean shall conduct an investigation. The nature of the investigation will be at the Dean's discretion, but may require written statements, meetings and production of evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. The Dean may conduct investigatory meetings remotely by telephone or video link where doing so is necessary or desirable.
- 4.3 The Dean shall conduct an investigation promptly and reach a determination within a reasonable timescale. The Dean will aim to have issued an Investigation Report within 14 Days of providing notice that an investigation will be commenced pursuant to paragraph 3.8 of this procedure, unless the matter is sufficiently complex that it requires an extension of time, or there are other reasons requiring a departure from usual timescales. If that is the case, the Dean will keep all parties informed of the investigation's progress and when a conclusion is likely to be reached.
- 4.4 Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting. Prior to the meeting, the person attending must confirm a) if they are bringing a supporter and, if so, b) the supporter's first and last name. Both the person attending and the supporter will be directed to appropriate sources of support.
- 4.5 At the meeting both the person required to attend the meeting and the supporter can present written information, evidence and the names of any Witnesses. Following the meeting the Reporting Person or the Respondent may provide comments to the Dean in writing on the matters which have been canvassed at the meeting.

- 4.6 The Dean shall normally meet separately with the Reporting Person and with the Respondent to receive an oral account. The Dean may meet with any Witnesses and/or collect information through written statements. The Dean shall give anyone impacted by the alleged behaviour being investigated the opportunity to provide an Impact Statement.
- 4.7 The Dean will give as much notice as possible of desired meeting dates and times and direct when written statements are due. In the interests of carrying out a prompt and thorough investigation, all those involved will cooperate with the Dean's requests and must make reasonable endeavours to attend meetings and complete statements in a timely manner.
- 4.8 The investigation shall include: establishing any relevant facts, gathering information about and investigating the seriousness of the Concern, any mitigation provided by the Respondent, and any relevant previous breaches of the College Rules by the Respondent. During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information which the Dean may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, medical evidence from qualified medical practitioners, and records of online activity. This is a non-exhaustive list and the Dean may request any other material that the Dean considers may be valuable to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Dean shall not normally seek it.

5. Precautionary Action

- 5.1 The Dean shall have power to impose any precautionary measures set out in 5.2 below in relation to a Respondent if the Dean considers that such measures are necessary:
- (a) to ensure that a full a proper investigation can be carried out in relation to the concern (either under a College procedure, or under a University procedure, or by the police); and/or
 - (b) to protect any person while the concern is being dealt with under a College procedure, or under a University procedure, or as part of a criminal investigation or proceeding.

Subject to 6.5 and 5.6 below, the Dean may impose precautionary measures in relation to any matter for an initial specified period of up to 21 days and thereafter for successive specified periods of up to two months.

- 5.2 The precautionary measures which the Dean may impose under 5.1 above are any one or more of the following:
- (a) excluding the Respondent from some or all of the College's facilities and/or premises;
 - (b) imposing conditions on the Respondent (i) in connection with the Respondent's use of the College's facilities and/or premises or the Respondent's contact with other persons, or (ii) in such other ways as may be considered necessary.

- 5.3 In considering whether any precautionary measures are necessary the Dean may seek medical or other expert advice and may require the Respondent to attend an assessment for the purpose of obtaining that advice.
- 5.4 As soon as practicable after the Dean has decided to impose precautionary measures on the Respondent, the Dean shall notify the Respondent in writing as to the measures which have been imposed and the grounds for imposing them, making clear that such measures do not constitute any penalty or sanction or imply any finding of wrongdoing. Except where the Dean provides otherwise, precautionary measures shall take immediate effect as soon as they are communicated to the Respondent.
- 5.5 Before deciding whether or not to impose (or re-impose) any precautionary measures the Dean shall give the Respondent a reasonable opportunity to submit written representations, except that the Dean shall not be obliged to provide such an opportunity where it is not possible or appropriate to do so due to the urgent or sensitive nature of the matter. Where the Respondent has not been given an opportunity to submit representations before the decision to impose the precautionary measures was taken, the notification under 5.4 above shall inform the Respondent that the Respondent may request the Dean to review the decision by submitting written representations to the Dean within 3 days of receiving the notification. On receipt of any request for such a review the Dean will review the decision to impose precautionary measures and will notify the Respondent as to the outcome of the review within 3 days. Whenever the Dean gives the Respondent the opportunity to submit written representations, the Dean shall warn the Respondent that the College may be required to provide in evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the matter, including any admission made in representations regarding the precautionary measures, and that any such admission may also be used as evidence in College disciplinary proceedings.
- 5.6 On the expiry of an initial, or any subsequent, period for which precautionary measures have been imposed, or if the Dean receives evidence of failure to comply with the terms of the precautionary measures, the Dean will review the position to determine whether or not the precautionary measures should be re-imposed for a further period and/or whether their terms should be revised, and the Respondent will be entitled to submit written representations and to be duly notified in accordance with 5.4 and 5.5 above. In addition, the Respondent shall at any stage have the right to request a review of the decision to impose such measures if there is a material change in the circumstances of the case. Such a request should be made in writing to the Dean, who will notify the Respondent as to the outcome of the review within five days of receiving the request.
- 5.7 A Respondent upon whom precautionary measures are imposed may appeal any decision of the Dean in that respect to the Senior Tutor, or, if the Senior Tutor is the Respondent's Tutor, to the Deputy Senior Tutor, provided that all rights provided above to request the Dean to review the decision have first been exhausted. An appeal shall be initiated by sending written grounds of appeal to the Senior Tutor (or, if applicable, Deputy Senior Tutor) within 5 days of notification of the Respondent of the decision. The Senior Tutor (or, if applicable, Deputy Senior Tutor) shall make a decision within 5 days of receiving the written grounds of appeal. The Senior Tutor (or, if applicable, Deputy Senior Tutor) shall have power to confirm, quash, or amend the Dean's original decision, or to refer the decision back to the Dean for further consideration.

- 5.8 In addition to the provisions above, the Dean may, if the Dean considers it necessary, request the University Academic Secretary to consider the imposition of precautionary measures upon the Respondent in respect of University facilities or premises under Special Ordinance D(v) of the University Statutes and Ordinances.

6. The Dean's Decision

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

Where neither (a) nor (b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure; or (iii) refer the matter to the University.

- 6.3 In considering whether to impose a minor sanction or measure, or to refer the case to the Discipline Committee or the University, the Dean shall give consideration to Rule A4. of the College Rules and any guidance in relation to sanctions and measures, as well as the following factors:
- (a) The seriousness of the breach;
 - (b) The harm or damage caused;
 - (c) The advantage gained, or that could have been gained, by the Respondent as a result of the breach;
 - (d) The nature and the degree of the intent and planning involved in the breach;
 - (e) The impact of the breach on the Collegiate University Community and the College Community, including the content of any Impact Statement;
 - (f) Any other Concern about the Respondent previously raised and proved;
 - (g) Whether the Respondent has admitted the breach and when such an admission took place;
 - (h) Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
 - (i) The evidenced personal circumstances of the Respondent;
 - (j) Any other relevant consideration not expressly cited above.
- 6.4 Where the Dean decides to impose a minor sanction or measure, one or more of the following sanctions or measures are available:

- (a) A written warning, which will be placed on the Respondent's record and will make any subsequent breaches of the Rule of Behaviour more serious;
 - (b) A fine up to a maximum of £100 in addition to any payment required for costs of material damages under (c);
 - (c) To require the Respondent to pay the cost of material damages up to the amount of £250;
 - (d) To require the Respondent to provide a written apology;
 - (e) To require the Respondent to engage with an educative or reflective session;
 - (f) To require the Respondent to complete a written reflection;
 - (g) To require the Respondent not to contact a Reporting Person or Witness.
- 6.5 The Dean shall provide the decision and the reasons for it in writing within 14 Days of completing the investigation alongside a copy of the Investigation Report and evidence in line with 2.4-2.5 of this procedure. Where a minor sanction or measure is imposed, the Respondent will have 14 Days from receiving the decision to opt to have the case referred to the Discipline Committee. If the Respondent would like to refer the Dean's decision to the Discipline Committee they must indicate their reasons for doing so.
- 6.6 The Chair of the Discipline Committee, appointed under 7.1-7.2 of this procedure may extend the appeal deadline, where there is a compelling reason to do so. Any application to extend time shall be made in writing to the Secretary to the Discipline Committee by the Respondent as soon as possible. Any delay in making the application to extend time is a factor which may be taken into account by the Chair of the Discipline Committee. If time is not extended and the appeal is not permitted to proceed, a Completion of Procedures Letter will be issued.
- 6.7 The Dean shall refer the case to the Discipline Committee for consideration where the Respondent does not agree with the decision to impose a minor sanction or measure; or where the Respondent does not comply with the minor sanction or measure; or where the Dean considers that a minor sanction or measure is not appropriate.

7. Discipline Committee consideration

- 7.1 Where the Dean refers any case to the Discipline Committee, the Academic Registrar shall act as Secretary to the Discipline Committee and shall assign by lot a Chair and two members to the Discipline Committee from among the members of the Panel appointed by the Governing Body who are available and who are not the Tutor or Director of studies of either the Reporting Person or the Respondent, who have not had other close involvement with any person concerned with the case, and who have not had prior involvement in the case.
- 7.2 The Discipline Committee shall consist of:
- (a) A Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures; and
 - (b) Two Senior Members of the College.

- 7.3 Within 7 days of receiving the referral from the Dean, the Discipline Committee shall consider whether the case is such that should a breach of the College Rules be found to have occurred, the appropriate action may be to impose the penalty of final removal from the College, rustication or deprivation of privileges and emoluments under Statute XXVIII.3 of the College Statutes. If so, the Discipline Committee shall refer the matter to be handled in accordance with the provisions of the Schedule to this Procedure. Should the Discipline Committee decide at this stage to refer the matter to be handled in accordance with the provisions of the Schedule to this procedure the Discipline Committee shall not proceed further with the matter.
- 7.4 Subject to 8.3 above, the Secretary of the Discipline Committee shall organise a date for the meeting either physically or virtually of the Discipline Committee within 10 Days of receiving the referral from the Dean. The Secretary of the Discipline Committee will communicate the membership of the Committee, and the date, time and location of the meeting to the Discipline Committee members, the Dean, the Respondent and the Respondent's Tutor.
- 7.5 The Respondent shall be provided with a copy of the Investigation Report and evidence, have an opportunity to provide a written response and be invited to attend the Discipline Committee meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so (b) the supporter's first and last name. Any response or request from the Respondent to call witnesses must be provided at least 5 Days before the date of the Discipline Committee meeting. A request to call a Witness will be considered promptly by the Chair, who shall determine whether to permit the Witness to attend or provide evidence in an alternative format as outlined at paragraph 8.9 below. The presumption will be against attendance in person, however, the discretion to allow a Witness to attend will be the Chair's. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision to the Appeal Committee following the Discipline Committee's decision on the Concern. A Respondent who wishes to admit the alleged misconduct in advance of the Discipline Committee meeting may do so as part of the written response to the Investigation Report, in which case the meeting may focus only on what, if any, sanction or measure to apply.
- 7.6 Respondents should attend the Discipline Committee in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Discipline Committee meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Discipline Committee meeting may proceed in the Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.
- 7.7 The Discipline Committee, the Respondent and the Dean shall receive a copy of the Discipline Committee papers; the Investigation Report and evidence, and any response provided by the Respondent, at least 7 Days before the Discipline Committee hearing.
- 7.8 During the Discipline Committee meeting, there shall be the opportunity for the Committee members to ask questions of the Dean and, if in attendance, the Respondent. The Respondent (or the Respondent's supporter) and the Dean will

also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.

- 7.9 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) to attend the meeting as their evidence will be provided in the Discipline Committee papers. Where the Respondent wishes to challenge the evidence of a Reporting Person or a Witness, the Chair of the Discipline Committee will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Discipline Committee meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair of the Discipline Committee considers those challenges material to the Discipline Committee's decision, a further written response will be sought from the Reporting Person or Witness. The Discipline Committee may adjourn the meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- 7.10 Once the Discipline Committee is satisfied that it has received all of the information which it requires, all persons except for the members and the Secretary of the Discipline Committee shall withdraw.
- 7.11 The Discipline Committee shall consider all the information that has been provided and reach one of the following decisions:
- (a) To dismiss the case;
 - (b) To refer the case to a Meeting of the Tutors for handling in accordance with the Schedule to this procedure where it appears that a breach of the College Rules may have taken place, and that the appropriate action may be to impose the penalty of final removal from the College, rustication or deprivation of privileges and emoluments under Statute XXVIII.3 of the College Statutes;
 - (c) To refer the matter to the University; or
 - (d) To find that there has been a breach of the College Rules.
- 7.12 Where the Discipline Committee has found that there has been a breach of the College Rules, the Secretary shall inform the Discipline Committee of any previous breaches of the College Rules. The Respondent (and any supporter) and the Dean will be invited back into the meeting and the Respondent (or the Respondent's supporter) will have an opportunity to make a further statement in relation to mitigation regarding the breach of the College Rules and any previous breaches of the College Rules. The Dean may provide further information including in relation to any Impact Statement and the Committee may ask questions. The Respondent (or the Respondent's supporter) shall have the opportunity to make a final statement.
- 7.13 The meeting will end after the Respondent makes their final statement. The Discipline Committee will then consider whether a sanction or measure should be imposed. Consideration shall be given to the factors outlined in Rule A4. of the College Rules and 6.3 of this procedure. The Discipline Committee may consider whether a minor sanction or measure, as outlined in 6.4 of this procedure, should be imposed. Where a minor sanction or measure is not considered to be appropriate, the Discipline Committee may choose from the following further sanctions and measures:

- (a) Restrictions or conditions on the right to use College premises, facilities or services;
 - (b) Any other sanction or measure including, but not limited to the sanctions or measures in 6.2 above, provided that the Discipline Committee may not impose the penalty of final removal from the College, rustication or deprivation of privileges and emoluments.
- 7.14 In deciding upon the appropriate sanction(s) or measure(s), the Discipline Committee shall consider each sanction or measure in turn and record the reasons for the sanctions or measures imposed.
- 7.15 The Secretary of the Discipline Committee, within 14 Days of the meeting, shall provide to the Respondent a written document explaining the Discipline Committee's decision, the reasons for the decision, any sanction or measure applied and the right of appeal. The notes of the Discipline Committee meeting will be shared with the Respondent within 14 Days of the Discipline Committee meeting. The outcome will be shared with others in line with 2.1-2.5 of this procedure.
- 7.16 Where a Respondent subsequently fails to comply with any sanctions or measures imposed by the Discipline Committee, the Respondent will be subject to any action specified by the Discipline Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken consistent with Rule A1(a) of the College Rules.
- 7.17 Any sanction or measure imposed by the Discipline Committee shall take effect upon the expiry of the time limit specified in 8.1 of this procedure. Where the Discipline Committee considers that any precautionary measures as set out in 5.2 of this procedure should be applied to the Respondent in the event of an appeal against its decision for the reasons set out in 5.1 of this procedure, the Discipline Committee may impose such measures. Before imposing such measures the Discipline Committee shall give the respondent a reasonable opportunity to submit written representations. These measures will take effect from the date of an appeal made in compliance with the time limit specified in 8.1 of this procedure. Where no appeal is made in this timescale, the sanction or measure imposed by the Discipline Committee shall take effect without any further prior notice.

8. The Appeal Committee

- 8.1 The Academic Registrar shall act as Secretary to the Appeal Committee. The Respondent shall have the right to appeal the decision of the Discipline Committee. The Appeal Form shall be submitted to the Secretary to the Appeal Committee within 10 Days of the Respondent receiving the Discipline Committee's written decision.
- 8.2 The Chair of the Appeal Committee, appointed under 8.5-8.6 below may extend the appeal deadline, where there is a compelling reason to do so. Any application to extend time shall be made in writing to the Secretary to the Appeal Committee by the Respondent as soon as possible. Any delay in making the application to extend time is a factor which may be taken into account by the Chair of the Appeal Committee. If time is not extended and the appeal is not permitted to proceed, a Completion of Procedures Letter will be issued.
- 8.3 An appeal can only be submitted on the following grounds, that:

- (a) The procedures were not followed properly;
 - (b) The Discipline Committee reached an unreasonable decision;
 - (c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - (d) There was bias or reasonable perception of bias during the procedure;
 - (e) The sanction or measure imposed was disproportionate, or not permitted under the procedures.
- 8.4 In order to appeal the Discipline Committee's decision, the Respondent must provide written grounds and reasons for appealing to the Secretary of the Appeal Committee, which include all evidence the Respondent wishes to be considered as part of the appeal. The Chair of the Appeal Committee, appointed under 8.5-8.6 below will normally make a decision whether to allow an appeal to proceed further within 30 Days of the Respondent making the appeal. The appeal will not be allowed to proceed further if has not been made within the appeal deadline or any extended deadline, or if the grounds given for the appeal do not fall within the grounds stated in 8.3 above. If the appeal is not allowed to proceed further, a Completion of Procedures letter will be issued. Where the Chair of the Appeal Committee decides to allow an appeal to proceed further, the Chair shall consider whether any precautionary measure imposed by the Discipline Committee under 7.17 of this procedure should be maintained in relation to the Respondent pending completion of the appeal procedure.
- 8.5 The Secretary shall assign by lot members of the Appeal Committee from among the members of the Panel appointed by Governing Body who are available and who are not the Tutor or Director of studies of either the Reporting Person or the Respondent, who have not had other close involvement with any person concerned with the case, and who have not had prior involvement in the case.
- 8.6 The Appeal Committee shall consist of:
- (a) A Chair, who shall have judicial experience; and
 - (b) Two Senior Members of College.
- 8.7 The Secretary of the Appeal Committee shall without undue delay organise a date for the meeting of the Appeal Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Appeal Committee.
- 8.8 The Appeal Committee shall receive the Respondent's Appeal Form and evidence, the Discipline Committee outcome, the notes of the Discipline Committee and the material considered by the Discipline Committee at least 5 Days before the Appeal Committee meeting.
- 8.9 The Appeal Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information. Where this happens the Respondent shall be sent a copy of any further information of which the Respondent does not already have possession, and will be given an opportunity to provide a written response to it.

8.10 The Appeal Committee shall consider all the information that has been provided and reach one of the following decisions:

(a) To dismiss the appeal and uphold the Discipline Committee's decision;

(b) To uphold the appeal.

If the appeal is upheld, but the Appeal Committee finds that a breach of the College Rules has occurred, the Appeal Committee may substitute its own decision as to sanctions or measures for that of the Discipline Committee, provided that: (i) any sanction or measure imposed by the Appeal Committee must fall within the provisions of 7.13 of this procedure, and (ii) that if the Respondent is dissatisfied with any substituted sanction or measure the Respondent may opt instead to accept the sanction or measure imposed by the Discipline Committee.

8.11 The Secretary of the Appeal Committee, within 5 Days of the Appeal Committee reaching a decision (but no later than 30 Days from receiving the Appeal), shall provide to the Respondent a written copy of the Appeal Committee's decision, reasons for the decision, and any substituted decision. This is the final stage of the internal process and therefore the Respondent will be issued with a Completion of Procedures letter. There is no further right of appeal.

8.12 Where the Discipline Committee has imposed a sanction or measure and the Respondent has appealed, the sanction or measure will not normally be implemented while the appeal is being considered, or until after the deadline for an appeal has passed in the event that no appeal is made. Following the Appeal Committee's decision, any sanctions or measures shall be implemented, even if the Respondent intends to raise a complaint with an external body.

8.13 Where a Respondent fails to comply with any sanctions or measures imposed by the Appeal Committee, the Respondent will be subject to any action specified by the Appeal Committee to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken consistent with Rule A1(a) of the College Rules.

9. Completion of Procedures Letter

The Completion of Procedures Letter shall be issued to a Respondent not more than 28 Days after the Appeal Committee has reached its decision. The letter will:

(a) explain to the Student, by reference to each relevant procedure, that the College has reached a final decision;

(b) explain to the Student that there is no further right to appeal;

(c) explain there is a 12 month time limit for the Student to appeal to the Office of the Independent Adjudicator for Higher Education (OIA) from the date of the Completion of Procedures letter;

(d) what the deadline is to make a complaint to the OIA.

10. Reporting and Monitoring

10.1 The College shall monitor all Concerns reported made using this procedure and shall produce an annual report summarising the anonymised decisions made by the Dean, the Discipline Committee and the Appeal Committee. The annual report

shall be submitted to the Governing Body.

- 10.2 The purpose of this monitoring shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for Students and staff involved in the procedure.

Schedule

This schedule relates to cases of sufficient seriousness that a penalty, imposed by the Governing Body under Statute XXVIII of the College Statutes, of final removal from the College, rustication, or deprivation of privileges and emoluments may be appropriate.

S1 Tutors' consideration

- S1.1 Where the Discipline Committee refers any case to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3 the Academic Registrar shall act as Secretary to the Tutors' Meeting, from which the Respondent's Tutor shall be absent. The Tutors' Meeting shall not consider the case unless either it is clear that the Respondent will not refer the Discipline Committee's decision to the Appeal Committee, or that any Appeal has been dismissed.
- S1.2 The Secretary of the Tutors' Meeting shall organise a date for the meeting either physically or virtually within 3 Days of receiving the referral from the Discipline Committee. The Secretary of the meeting will communicate the membership of the meeting, the date, time and location of the meeting to the Tutors attending the meeting, the Chair of the Discipline Committee, the Respondent and the Respondent's Tutor. The meeting shall be chaired by the Senior Tutor, or, if the Senior Tutor is the Respondent's Tutor, by the Deputy Senior Tutor.
- S1.3 The Tutors' Meeting may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- S1.4 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Tutors' Meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter and, if so, (b) the supporter's first and last name. Any statement or request from the Respondent to call witnesses must be provided at least 5 Days before the date of the Tutors' Meeting. A request to call a Witness will be considered promptly by the Chair, who shall determine whether to permit the Witness to attend or provide evidence in an alternative format as outlined at S1.8 below. The presumption will be against attendance in person, however, the discretion to allow a Witness to attend will be the Chair's. Where the Respondent is dissatisfied with the Chair's decision, the Respondent can appeal this decision to the Review Committee following the Governing Body's decision. A Respondent who wishes to admit the alleged misconduct in advance of the Tutors' Meeting may do so in a written statement, in which case the Meeting may focus only on what, if any, sanction or measure to apply.
- S1.5 Respondents should attend the Tutors' Meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Tutors' Meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Tutors' Meeting may proceed in the

Respondent's absence. The Respondent will be provided with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.

- S1.6 The Tutors' Meeting, the Respondent, the Chair of the Discipline Committee and the Dean shall receive a copy of the Discipline Committee papers; the Tutors' Meeting papers; the Investigation Report and evidence, and any written statement provided by the Respondent, at least 7 Days before the Tutors' Meeting.
- S1.7 During the Tutors' Meeting, there shall be the opportunity for the Committee members to ask questions of the Chair of the Discipline Committee, the Dean and, if in attendance, the Respondent. The Respondent (or the Respondent's representative), the Chair of the Discipline Committee and the Dean will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- S1.8 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) who gave evidence to the Dean's investigation and/or to the Discipline Committee to attend the meeting as their evidence will be provided in the Discipline Committee papers. Where the Respondent wishes to challenge the evidence of the Reporting Person or a Witness, the Chair of the Meeting will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Tutors' Meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair of the Meeting considers those challenges material to the Tutors' Meeting's decision, a further written response will be sought from the Reporting Person or Witness. The Tutors' Meeting may be adjourned by the Meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- S1.9 Once the Tutors' Meeting is satisfied that it has received all of the information which it requires, all persons except for the members and Secretary shall withdraw.
- S1.10 The Tutors' Meeting shall consider all the information that has been provided and reach one of the following decisions:
- (a) To dismiss the case;
 - (b) To refer the case to the University; or
 - (c) To find that there has been a breach of the College Rules.
- S1.11 Where the Tutors' Meeting has found that there has been a breach of the College Rules, the Secretary shall inform the Meeting of any previous breaches of the College Rules. The Respondent (and any supporter), the Chair of the Discipline Committee and the Dean will be invited back into the meeting and the Respondent (or the Respondent's supporter) will have the opportunity to make a further statement in relation to mitigation regarding the breach of the College Rules and any previous breaches of the College Rules. The Chair of the Discipline Committee or the Dean may provide further information including in relation to any Impact Statement and the Meeting may ask questions. The Respondent (or the Respondent's supporter) shall have the opportunity to make a final statement.
- S1.12 The meeting will end after the Respondent makes their final statement. The Tutors' Meeting will then consider a recommendation to the Governing Body as to the imposition of sanctions or measures, including whether the penalty of final removal from

the College, rustication or deprivation of privileges and emoluments should be imposed.

- S1.13 In deciding upon the appropriate recommendation the Tutors' Meeting shall consider each possible recommendation in turn and record the reasons for the recommendation decided upon.
- S1.14 Where the Tutors' Meeting considers that any precautionary measures as set out in 5.2 of this procedure should be applied to the Respondent pending a decision of the Governing Body, for the reasons set out in 5.1 of this procedure, the Tutor's Meeting may impose such measures. Before imposing such measures the Tutors' Meeting shall give the respondent a reasonable opportunity to submit written representations. These measures will take effect from the date of the communication of the Tutors' Meeting's decision in this respect to the Respondent.
- S1.15 The Secretary of the Tutors' Meeting, within 14 Days of the meeting, shall provide to the Respondent a written document explaining the Tutors' Meeting's decision and the reasons for the decision. The notes of the Tutor's Meeting will be shared with the Respondent within 14 Days of the meeting. The outcome will be shared with others in line with 2.1-2.5 of this procedure.

S2. Governing Body consideration

- S2.1 Where the Discipline Committee has referred any case to a Meeting of the Tutors (the Tutors' Meeting) to decide a recommendation to the Governing Body under Statute XXVIII.3, at its next meeting following the Tutors' Meeting, the Governing Body, in the absence of the Master and being quorate in accordance with Statute IV.8 of the College Statutes, shall consider the Tutors' recommendation. The meeting shall be chaired by the President, or, in the President's absence by the senior fellow present in accordance with Statute IV.4 of the College Statutes.
- S2.2 The Senior Bursar will communicate the date, time and location of the meeting to the members of the Governing Body, the Tutors (including the Respondent's Tutor), the Chair of the Discipline Committee, the Dean, and the Respondent.
- S2.3 The Governing Body may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- S2.4 Where a case is referred to the Governing Body Chair shall consider whether any precautionary measure imposed by the Meeting of the Tutors under S1.14 of this procedure should be maintained in relation to the Respondent pending completion of the Governing Body's consideration of the case.
- S2.5 The Respondent shall have an opportunity to provide a written statement and be invited to attend the Governing Body meeting with a supporter of their choice. Prior to the meeting, the person attending must confirm (a) if they are bringing a supporter, and, if so, (b) the supporter's first and last name.
- S2.6 Respondents should attend the Governing Body meeting in person, where possible. However, where this is impractical, for example, where the Respondent is in another country, the Respondent may attend by video link. If the Respondent is unable to attend the Governing Body meeting, either in person or by video link, but wishes to do so, it shall be at the Chair's discretion as to whether the Respondent has provided a sufficient reason for absence, in which case the meeting date may be re-arranged. Where the Chair considers that it is appropriate in the circumstances to do so, the Governing Body meeting may proceed in the Respondent's absence. The Respondent will be provided

with an opportunity to comment on proceeding on this basis prior to the Chair reaching any confirmed decision.

- S2.7 The Governing Body, the Respondent, the Chair of the Discipline Committee and the Dean shall receive a copy of the Discipline Committee papers; the Tutors' Meeting papers; the Investigation Report and evidence, and any written statement provided by the Respondent, at least 7 Days before the Governing Body meeting.
- S2.8 Should any member of the Governing Body who is eligible to attend the meeting, but who is unable to be present, wish to communicate a view to the Governing Body, that member may provide a written statement to be read out at the meeting. No such statement may be circulated before the meeting.
- S2.9 During the Governing Body meeting, there shall be the opportunity for members of Governing Body to ask questions of the Chair of the Discipline Committee, the Dean and, if in attendance, the Respondent. The Respondent (or the Respondent's supporter), the Chair of the Discipline Committee and the Dean will also have the opportunity to ask questions of each other. The Respondent shall have the opportunity to make a final statement.
- S2.10 It will not normally be necessary for the Reporting Person(s) and/or Witness(es) who gave evidence to the Dean's investigation, Discipline Committee, or Meeting of the Tutors to attend the meeting as their evidence will be provided in the papers. Where the Respondent wishes to challenge the evidence of the Reporting Person or a Witness, the Chair will determine the most appropriate format for this. Appropriate formats may include the Reporting Person or Witness attending the Governing Body meeting in person or by video link, or questions being directed through the Chair. Alternatively, the Respondent may be asked to explain the precise challenges to the evidence and, where the Chair considers those challenges material to the Governing Body's decision, a further written response will be sought from the Reporting Person or Witness. The Governing Body may adjourn the meeting to request further information or where the Chair otherwise deems it appropriate in the circumstances to do so.
- S2.11 Once the Governing Body is satisfied that it has received all of the information which it requires, the Tutors (including the Respondent's Tutor), the Chair of the Discipline Committee, the Dean, the Respondent and the Respondent's supporter, and the Respondent's Director of Studies shall withdraw. The Governing Body shall then consider all the information that has been provided and decide, by a majority of members present and voting:
- (a) To impose no sanctions or measures;
 - (b) To impose one or more of the following sanctions or measures: (i) final removal from the College, (ii) rustication, (iii) deprivation of privileges and emoluments;
 - (c) In addition, or in the alternative, to impose such lesser sanctions or measures as the Governing Body shall see fit.
- S2.12 In making its decision the Governing Body shall consider each possible decision in turn and record the reasons for the decision reached.
- S2.13 The Senior Bursar, within 7 Days of the meeting, shall provide to the Respondent a written document explaining the Governing Body's decision and the reasons for the decision. The notes of the Governing Body meeting will be shared with the Respondent within 14 Days of the meeting. The outcome will be shared with others in line with 2.1-2.5 of this procedure.

S3 The Review Committee

- S3.1 The Academic Registrar shall act as Secretary to the Review Committee. In accordance with Statute XXVIII.5 of the College Statutes and this procedure, the Respondent shall have the right to appeal the decision of the Governing Body within 10 Days of receiving the written decision.
- S3.2 The Review Committee shall consider 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 the Panel appointed by the Governing Body who are available and who are not the tutor or director of studies of either the Reporting Person or the Respondent, who have not had other close involvement with any person concerned with the case, and who have not had prior involvement in the case.
- S3.3 The Review Committee may be advised by a clerk who shall be experienced in decision-making relating to misconduct, either through legal training or training in relation to Student, staff or professional procedures.
- S3.4 The Master, as Chair of the Review Committee, has the authority to extend the appeal deadline, where there is a compelling reason to do so. Any application to extend time shall be made in writing to the Secretary to the Review Committee by the Respondent as soon as possible. Any delay in making the application to extend time is a factor which may be taken into account by the Review Committee. If time is not extended and the appeal is not permitted to proceed, a Completion of Procedures Letter will be issued.
- S3.5 An appeal can only be submitted on the following grounds, that:
- (a) The procedures were not followed properly;
 - (b) The Governing Body reached an unreasonable decision;
 - (c) The Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
 - (d) There was bias or reasonable perception of bias during the procedure;
 - (e) The penalty imposed was disproportionate, or not permitted under the procedures.
- S3.6 In order to appeal the Governing Body's decision, the Respondent must provide written grounds and reasons for appealing to the Secretary of the Review Committee, which include all evidence the Respondent wishes to be considered as part of the appeal. The Master, as Chair of the Review Committee will normally aim to make a decision whether to allow an appeal to proceed further within 30 Days of the Respondent making the appeal. The appeal will not be allowed to proceed further if has not been made within the appeal deadline or any extended deadline, or if the grounds given for the appeal do not fall within the grounds stated in S3.5 above. If the appeal is not allowed to proceed further, a Completion of Procedures letter will be issued. Where the Chair of the Review Committee decides to allow an appeal to proceed further, the Chair shall consider whether any precautionary measure imposed at an earlier stage of this procedure should be maintained in relation to the Respondent pending completion of the appeal procedure.
- S3.7 If the appeal has been made on the specified grounds and within the timeframe, as

determined by the Review Committee, the Secretary of the Review Committee shall organise a date for the meeting of the Review Committee either physically or virtually and communicate the date, time and location for the meeting to members of the Committee. The Respondent will be informed of the members of the Review Committee.

- S3.8 The Review Committee shall receive the Respondent's Appeal Form and evidence, the decision of the Governing Body and the notes of the Governing Body meeting, the recommendation of the Tutors' Meeting and the notes of the Tutors' Meeting, the Discipline Committee outcome, the notes of the Discipline Committee and the material considered by the Discipline Committee at least 5 Days before the Review Committee meeting.
- S3.9 The Review Committee shall normally consider an appeal in private based on the written materials, but has the discretion to request further information. Where this happens the Respondent shall be sent a copy of any further information which the Respondent does not already have possession of, and will be given an opportunity to provide a written response to it.
- S3.10 The Review Committee shall consider all the information that has been provided and reach one of the following decisions:
- a) To dismiss the appeal and uphold the decision of the Governing Body;
 - b) To uphold the appeal and refer the case back to the Governing Body for consideration of the imposition of a lesser penalty than that originally imposed by the Governing Body, provided that if the Respondent is dissatisfied with any substituted sanction or measure the Respondent may opt instead to accept the sanctions or measures originally imposed by the Governing Body.
 - c) To substitute its own decision as to sanctions or measures other than final removal from the College, rustication or deprivation of privileges and emoluments for that of the Governing Body, provided that if the Respondent is dissatisfied with any substituted sanction or measure the Respondent may opt instead to accept the sanctions or measures imposed by the Governing Body.
- S3.11 The Secretary of the Review Committee, within 5 Days of the Review Committee reaching a decision (but no later than 30 Days from receiving the Appeal), shall provide to the Respondent a written copy of the Review Committee's decision and reasons for the decision.
- S3.12 If the Review Committee has dismissed the appeal under S3.10(a) above, or has substituted its own decision as to sanctions or measures for that of the Governing Body in accordance with S3.10(c) above, this is the final stage of the internal process and the Respondent will be issued with a Completion of Procedures letter. There is no further right of appeal.
- S3.13 If the Review Committee has referred the case back to the Governing Body in accordance with S3.10(b) above, at its next meeting after receiving the referral back, the Governing Body, in the absence of the Master and any member of the Governing Body who was a member of the Review Committee, shall consider the referral back in accordance with S.2 above, provided that the Governing Body may impose no sanction or measure other than as specified in S3.10(b) above. Once the Governing Body has completed its considering of the referral back this is the final stage of the internal process and the Respondent will be issued with a Completion of Procedures letter.

There is no further right of appeal.

- S3.14 Where a Respondent fails to comply with any sanctions or measures imposed by the Review Committee, or by the Governing Body upon referral back from the Review Committee, the Respondent will be subject to any action specified by the Review Committee or the Governing Body to be imposed in this circumstance; or, where other action has not been specified, further disciplinary action may be taken consistent with Rule A1(a) of the College Rules.