**Selwyn College**

**Rules of Behaviour for Students**

All Selwyn College students are responsible for following the College’s Rules of Behaviour. Not knowing or forgetting about the rules is not a justification for not following them.

**1.** Students must:

1. behave considerately towards other members of the College, College staff or visitors;
2. comply with instructions issued by any person or body authorised to act on behalf of the College, in the proper discharge of their duties;
3. comply with all health and safety regulations and instructions issued by the College or another associated institution;
4. 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;
5. comply with the Statutes, Ordinances and Regulations of the College, and any rules, procedures or policies established by the College under its Statutes and Ordinances.

**2.** Students must not:

1. engage in violent or anti-social behaviour in the College;
2. behave abusively towards any other member of the College, member of the College staff or visitor;
3. engage in behaviour prejudicial to the good order of the College or liable to cause a disturbance in the College;
4. engage in behaviour liable to bring the College’s name into disrepute;
5. disrupt or attempt to disrupt the activities of the College, or the pursuit by any member of the College of their studies or the performance of their duties;
6. damage, misappropriate or occupy without appropriate permission any College property or premises, or any property or premises accessed as a result of a College activity;
7. interfere in the freedom of speech or lawful assembly of a member of the College or visitor to the College;
8. damage or misappropriate property belonging to a member of the College; or belonging to anyone within College grounds or during the course of a College activity;
9. endanger the health and safety of anyone within College grounds or in the course of a University or College activity;
10. forge, falsify or improperly use information to gain or attempt to gain a personal advantage in the College.

**3.** The following definitions are applied under the Rules of Behaviour:

1. ‘Activities of the College’ include activities that involve other organisations working in partnership with the College.
2. ‘Instructions issued by any person or body authorised to act on behalf of the College’ include requests to attend meetings and to provide identification upon request.
3. A ‘College activity’ is an academic, sporting, social or cultural activity either on College grounds or elsewhere in the context of a person’s membership of the College.
4. ‘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>.

**5.** Any breach of the Rules of Behaviour may be considered more serious if:

1. it took place under the influence of alcohol or illicit substances;
2. it was motivated by the protected characteristics[[1]](#footnote-2) or perceived protected characteristics of another;
3. the Respondent has previously been found to have breached the same rule of behaviour, or other rules of behaviour on more than one occasion;
4. the Respondent has not complied with any sanction or measure under the Student Disciplinary Procedure;
5. the Respondent has breached precautionary action measures whilst the Student Disciplinary Procedure has been ongoing;
6. the Respondent has not provided the College with reasonable information upon request so that it can assess the risk the respondent may pose to the College community;
7. the Respondent has attempted to conceal or destroy evidence, or coerce or intimidate officers, Reporting Persons or Witnesses, in relation to that breach;
8. the Respondent has abused a position of power or trust.

**Student disciplinary procedure**

**1. Glossary of key terms**

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

Appeals Body A panel composed according to the College Statute governing the convening of a Board of Discipline , which determines whether an appeal against a decision of the Dean or a Tutor is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures

Completion of A letter that confirms the completion of the College’s internal

Procedures letter procedures, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator

Concern The description of the behaviour causing concern, reported by the Reporting Person

Dean A person with responsibility for determining whether a Concern should be investigated, conducting any investigation and determining the action taken following the investigation. Where a Concern is referred to the Board of Discipline, the Dean will present their investigative findings to the Board

Board of Discipline A panel that considers serious disciplinary cases (i.e. a case potentially requiring disciplinary action above and beyond community service, a fine, an alcohol ban or a curfew) and has the authority to impose sanctions or measures including fines, removal from College for a limited period or expulsion. The constitution and powers of a Board of Discipline are laid down in College Statute 24)

Impact Statement A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the Rules of Behaviour

Investigation Report The report created by the Investigating Officer following an investigation

Student Junior member of the College

Reporting Person A person who is reporting a Concern about a Student

Respondent A student whose conduct is the subject of a Concern

Rules of Behaviour The rules established by the College concerning the conduct of Students

Witness A person who has witnessed the Respondent’s behaviour or has witnessed a matter connected to the Respondent’s behaviour as alleged in the Concern. The Witness may be someone to whom the behaviour was directed, or a third party

**2. Scope and Principles**

2.1 This procedure enables the College to consider whether a Student has breached the Rules of Behaviour and, if it is found that the Rules have been breached, to impose proportionate sanctions or measures. The procedure enables the College to respond appropriately to breaches of the Rules of Behaviour, and to protect the College and its community. It does not exist to resolve personal disputes.

2.2 This procedure is an internal process and does not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for a Respondent or the College to be legally represented at any meetings that form part of the procedure apart from in exceptional circumstances.

2.3 The procedure itself can be stressful for those involved. The Dean and Board of Discipline will take into account the potential effects upon those engaging with the procedure and, where appropriate and possible, minimise these effects. All members of the College who are Reporting Persons, Respondents and Witnesses will receive information about how to access support during this process. The appropriate support will depend on the circumstances of the case, but may be delivered by a College, the University, the Students’ Unions’ Advice Service or external support organisations.

2.4 Reasonable adjustments shall be made to the procedure to allow fair access for students with a disability. Respondents, Reporting Persons and Witnesses are requested to make any reasonable adjustments known to the Investigating Officer 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.

2.5 In order to ensure that a Respondent’s views are accurately represented during the process it is preferable for the College to correspond directly with the Respondent. However, it is accepted that sometimes this will not be in the best interests of the Respondent, for example, where a Respondent is reluctant to make or receive decisions about a Concern without support, as a result of an underlying medical condition or disability. Where a Respondent would prefer correspondence to be directed through an authorised representative, permission needs to be provided by the Respondent in writing or via the Respondent’s University email account. Where this is appropriate, the Respondent will be given reasonable time to arrange this support.

2.6 It will not normally be possible for the Reporting Person to submit a Concern anonymously, apart from in exceptional circumstances where there is a compelling case as decided by the Dean, supported by evidence, for the matter to be investigated. Where an anonymous Concern is accepted, the Concern will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.

2.7 Concerns are ideally submitted in a timely manner, so that matters can be dealt with effectively. However, it is accepted that this is not always possible, for example where evidence of misconduct only becomes apparent after a significant period of time, or where a matter has significantly impacted an individual and the effects of this impact has led to a delay in reporting. There is no arbitrary deadline for the submission of a Concern, although Respondents will need to be students at the time the Concern is raised to enable meaningful sanctions and measures to be imposed.

2.8 The College shall investigate and consider Concerns in a timely manner, providing reasonable deadlines at each stage of the process for decision-makers to provide decisions and for Respondents, Reporting Persons and Witnesses to provide information. The College normally aims to complete the initial investigation and Discipline Committee decision within 60 days of informing the Respondent of the Concern. However, delays may occur where the case is complex, the Reporting Person, Respondent or Witnesses are not available to attend meetings, or where the procedure has been suspended for good reason. Respondents and Reporting Persons will be provided with updates where there is a delay.

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

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

2.11 All decision-makers and investigators will receive appropriate advice, guidance and support. No decision-maker or investigator will have any previous involvement with the matter that they are considering, or personal (as opposed to professional) knowledge of the Respondent or Reporting Person.

2.12 Any reference in this procedure to a named role includes a deputy appointed by that role-holder to exercise the functions assigned to that role-holder under this procedure.

2.13 Some breaches of the Rules of Behaviour could also constitute criminal offences. The College will not normally investigate a matter where criminal proceedings are ongoing (including criminal investigations and appeal processes), pausing any action under this procedure until criminal proceedings are complete. Following an investigation undertaken by the police and any subsequent criminal proceedings, where it appears unlikely that criminal proceedings will take place or continue, or where the behaviour being investigated by the College is different to the behaviour being considered through criminal proceedings, the College may take its own action under this or another procedure.

2.14 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 in and of itself prevent the College from undertaking its own investigation as to whether a breach of the Rules of Behaviour has occurred.

2.15 Sometimes a Concern will be more appropriately investigated under another procedure, for example, the College’s Student Harassment and Sexual Misconduct procedure or a University procedure. It will be at the discretion of the Dean, in consultation with the Senior Tutor and taking legal advice as appropriate, to decide which procedure is most appropriate to investigate student behaviour. The College reserves the right to refer a matter to another procedure at any time during this procedure. Sometimes a Concern will be appropriately investigated under this procedure but nonetheless, following the outcome, it will be necessary to refer the matter to another procedure.

2.16 Some particularly serious Concerns are entirely beyond the forensic and procedural capacity, resources and expertise of the College to investigate. Examples of this type of case would include, but not be limited to, serious sexual offences, serious fraud and serious and complex misuse of IT resources. It will be at the discretion of the Dean, in consultation with the Senior Tutor and taking legal advice as appropriate, to decide which Concerns should be so treated.

2.17 Some breaches of the Rules of Behaviour will also be in breach of the University’s Statutes and Ordinances and may result in the University taking disciplinary action. The College shall take into consideration any action taken by the University.

2.18 Where a Concern involves 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 Board of Discipline, the Chair of the Board 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 Board of Discipline, decision appeals shall usually be considered separately but by the same Student Appeals Committee.

2.19 In cases where the Dean (in consultation with the Senior Tutor) assesses that there is a need to put in place precautionary action whilst an investigation is ongoing, the Dean will liaise with the Senior Tutor to take such action, and/or with the University to initiate the process outlined in the University’s Statutes & Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I).

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

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

2.22 Respondents, Witnesses, Reporting Persons and their supporters and representatives, as well as decision-makers and investigators, are required to communicate and act respectfully and reasonably at all times whilst using the procedure and to treat the processes with respect. Abusive behaviour will not be tolerated. If, following a warning, someone continues to behave in an unacceptable manner, that person may be subject to separate disciplinary action. The person may be required by a decision-maker to stop engaging with this procedure or engage in a limited manner, even if this impacts upon the consideration of the Concern or a subsequent appeal.

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

*Information sharing*

2.24 The College shall share the information and evidence related to an investigation and outcome with members of staff, the Respondent, the Reporting Person and Witnesses where it is strictly necessary to do so in order to process, investigate, and/or determine the outcome of an alleged breach of the Rules of Behaviour, or to implement any sanctions or measures following a finding. All information received from a Reporting Person, Respondent, Witness or staff member will be handled sensitively and in accordance with the College’s Data Protection Policy.

2.25 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 College Complaints Procedure. Where information is unable to be shared with the Respondent, this may affect the decision-maker’s ability to rely on this evidence in reaching a decision. Where evidence is not relied upon by the decision-maker, this will be specified in the reasons for the decision.

2.26 Where relevant, the College shall share the initiation of an investigation, the investigation findings and the reasoned determination of the Dean or Board of Discipline, 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 by which the information about the case will be shared.

2.27 The College shall share investigative findings, the reasoned determination of the Dean or the Board of Discipline, and sanctions or measures with the Reporting Person and Witnesses, where such information is relevant. ‘Relevant’ information is that which has a direct impact on the Reporting Person or Witness. The Reporting Person or Witness cannot appeal the outcome of any investigation or hearing. However, if there are concerns about how the matter was handled or the process used in reaching an outcome then the Reporting Person or Witness may be able to make a complaint under the College Complaints Procedure.

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

**3. Submitting a Concern**

3.1 The College will normally be informed of a potential breach of the Rules of Behaviour by a Reporting Person. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour or became aware of the reported behaviour through other means.

3.2 To submit a Concern, the Reporting Person must submit relevant information or evidence to the Dean or Senior Tutor.

3.3 The Dean shall communicate with the Reporting Person to acknowledge the Concern that has been received, to request further information where necessary, and to offer the Reporting Person a meeting to discuss the Procedure, though this can take place before a Concern is submitted.

3.4 The Dean will determine whether the following criteria are met:

1. there is an allegation that, on the face of it, would appear to breach the Rules of Behaviour;
2. this procedure is the most appropriate procedure to use to investigate the matter; and
3. 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.

3.6 Where part of the Concern has previously been investigated, it is at the discretion of the Dean to decide whether to investigate the aspect that has not yet been investigated, taking into account why the matter was not previously fully investigated, the length of time that has elapsed since the investigation, the severity of the misconduct, the impact on the Respondent of undergoing a second discipline investigation, and whether there would be repercussions for the Respondent’s fitness to practise were the decision taken not to investigate the matter.

3.7 The Dean shall give written reasons for the decision about whether to commission an investigation and communicate the decision and the reasons to the Reporting Person in writing, within 7 days of making the decision. Reporting Persons who are students of the College and dissatisfied with the outcome may be able to make a complaint under the College Complaints Procedure within 28 days of being notified of the decision.

3.8 Where an investigation is not commissioned and any complaint relating to this decision has been completed, the Respondent shall normally be notified in writing of the Concern, the decision of the Dean, the reasons for the decision, and confirmation that no further action will be taken under this procedure, unless the complaint is withdrawn by the Reporting Person. 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 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 confirm that a Concern naming the Respondent has been received, the nature of the alleged behaviour, the relevant Rules of Behaviour that have allegedly been breached and that an investigation shall be conducted. The Dean will provide a brief summary of the Concern, name the Reporting Person (unless, exceptionally, an anonymous Concern has been accepted), and describe the investigation process, the possible outcomes, including referral to other procedures, for example fitness to practise, and who may need to be informed of these outcomes. The Dean will inform the Respondent of the avenues of support available to them and the potential consequences if the Concern relates to alleged misconduct that may constitute a criminal offence.

4.2 The Dean shall conduct an investigation which may require written statements, meetings and evidence relevant to the investigation. Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of any Witnesses and shall have the opportunity to comment on the Dean’s written notes of any meeting that they have attended.

4.3 The Dean shall normally meet with the Reporting Person and with the Respondent to receive an oral account. The Dean may meet with any Witnesses or instead collect information through written statements. The Dean shall give anyone impacted by the alleged behaviour being investigated the opportunity to make an impact statement.

4.4 In addition to investigating the Concern itself, the investigation shall include gathering information about and investigating the seriousness of the Concern, any mitigation provided by the Respondent and any relevant previous breaches of the Rules of Behaviour by the Respondent. During the investigation, it may be necessary to request further information and responses from those who have already provided oral or written accounts. Information the Dean may consider collecting, where relevant and available, includes validating information that has been provided by others, records of correspondence, CCTV evidence, door-locking 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 will provide value to the investigation. The College does not have the resources to undertake its own forensic investigation and therefore, unless this type of information already exists, the Dean shall not normally seek it.

**5. Dean Decision**

5.1 The Dean shall produce an investigative report, outlining the findings of the investigation.

5.2 Following the investigation, the Dean shall reach one of the following decisions:

1. To impose a minor sanction or measure where a breach of the Rules of Behaviour has occurred and where it is considered that a minor sanction or measure is appropriate; minor sanctions ordinarily include a written warning; community service, a fine, an alcohol ban; a curfew; or a lesser sanction;
2. To refer the case to the Board of Discipline where it appears that a breach of the Rules of Behaviour may have taken place and a minor sanction or measure may not be an appropriate action; more serious sanctions could include suspension or deprivation of membership of the College, temporary or permanent removal from College accommodation, or deprivation of any award of its emoluments.
3. Where neither a) nor b) is appropriate: (i) to take no further action; (ii) to refer the matter for decision under another procedure.

5.3 In considering whether to impose a minor sanction or measure, or refer the case to the Board of Discipline, the Dean shall give consideration to the following factors:

1. The seriousness of the breach;
2. The harm or damage caused;
3. The advantage gained or the advantage that could have been gained by the Respondent as a result of the breach;
4. The intent and planning involved in the breach;
5. The impact on the Collegiate University Community, including the content of any Impact Statement;
6. The frequency with which other Concerns about the Respondent have been raised and especially proved;
7. Whether the Respondent has admitted to the breach and when such an admission took place;
8. Whether the Respondent has expressed remorse and/or shown insight into the impact of the breach;
9. The evidenced personal circumstances of the Respondent.

5.4 The Dean shall provide the decision and the reasons for the decision in writing within 7 days of reaching a decision alongside a copy of the Investigation Report. Where a minor sanction or measure is imposed, the Respondent will have 7 days from receiving the decision to appeal the decision to the Student Appeals Committee. Appeals should be submitted to the Senior Tutor.

5.5 The Dean may refer the case to the Board of Discipline for consideration 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.

**6. Board of Discipline consideration**

6.1 The actions and procedures of the Board of Discipline are specified in Statue 24 and Section 6 of the Undergraduate and Postgraduate Student Guides.

**7. Student Appeals**

7.1 Any appeal under these Rules shall be considered under the Procedures described in Section 6 of the Undergraduate and Postgraduate Student Guides.

7.2 Grounds for appeal are:

 a) That there has been a material breach of the College’s procedures;

 b) That the finding of fault was not reasonable;

 c) That the penalty imposed was unreasonable under the circumstances;

d) That there is fresh evidence, which was not reasonably available for presentation to the Dean or Board of Discipline at the time when their decisions were being made.

7.2 Appeals, which must be submitted to the Senior Tutor in writing, whether in hard copy or electronically, must specify which of the above grounds for appeal are being raised, and clearly explain why there are grounds for appeal.

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. [↑](#footnote-ref-2)