

# UNIVERSITY STUDENT DISCIPLINARY PROCEDURE:

## Non-Academic Misconduct



### 1. Introduction

- 1.1 This procedure covers reports about student behaviour which breaches the University's Code of Discipline and which occurs in the University Context. Reports may be brought by students, staff or members of the public. There is a separate procedure for academic misconduct ([available here](#)).
- 1.2 This procedure interacts with other procedures, including:
  - the [Harassment Policy](#) – the [Staff Procedure](#),
  - Fitness to Practice procedures for [Medical Students](#) and [PGCE Students](#),
  - Departmental procedures (for example in relation to access to buildings and facilities).
  - The University's [Whistle-Blowing Policy](#)
- 1.3 Complaints about supervision, teaching or other University services should be pursued under the [Complaints Procedure](#).
- 1.4 Complaints about misconduct by staff should be pursued under the [Harassment Policy or, in other cases, made to the relevant Head of Department](#).
- 1.5 There are separate powers under the University's statutes allowing the Proctors:
  - to impose no contact restrictions on students where no disciplinary investigation is being undertaken and on the basis of no admission of fault, where the Proctors consider that it is appropriate in all the circumstances to do so. Such measures will be neutral in effect and impose the minimum impact reasonably possible on all students involved ;
  - to impose temporary precautionary measures, including suspension, while criminal proceedings are ongoing; and
  - to refer a student to the Student Disciplinary Panel where that student has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed.
- 1.6 Further advice can be found on the Oxford University Student Conduct page<sup>1</sup> or informal advice about procedural aspects of the disciplinary process can be sought from the Proctors' Office at [casework@proctors.ox.ac.uk](mailto:casework@proctors.ox.ac.uk).
- 1.7 Advice and support are also available from:
  - for students: [Student Welfare and Support Services](#), [Oxford SU advice service](#) or, for students who are members of colleges, from your college welfare team
  - for staff: from line managers/other managers/HR contacts, or from the [harassment advisor network](#)
- 1.8 In this procedure the person making the report is referred to as the "reporter" and the person who is alleged to have breached the Code of Discipline is referred to as the "subject".

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<sup>1</sup> <https://www.ox.ac.uk/students/academic/conduct>

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1.9 This procedure is intended to guide the reporter and the subject through the University's disciplinary procedures. It sits under the University's statutes and regulations which include greater detail on the technicalities of each stage. If there is any conflict between this procedure and the statutes and regulations, then the statutes and regulations take precedence. In particular:

- [Statute XI](#) on University Discipline
- [Council Regs 2 of 2006](#) on Disciplinary Investigations by the Proctors
- [Council Regs 3 of 2006](#) on the Student Disciplinary Panel
- [Council Regs 6 of 2006](#) on Fines imposed under Statute XI
- [Council Regs 4 of 2006](#) on the Student Appeal Panel

## 2. Expected standard of behaviour

- 2.1 Students are expected to act as responsible members of the University's community, including treating other members of the University and the public with courtesy and respect.
- 2.2 The purpose of this disciplinary procedure is to address misconduct by students, rather than to resolve disputes between individuals. As such, students can only be disciplined where their behaviour breaches the University's Code of Discipline as set out in Statute XI and where it occurs in a University Context, or where they fail to comply with precautionary measures or penalties imposed under this procedure. Appendix A contains a summary of the Code of Discipline and includes a table explaining the kinds of penalties that may be imposed for different breaches of the Code of Discipline.
- 2.3 Appendix B explains the definition of the University Context.
- 2.4 Appendix C sets out special arrangements that may be put in place where the report is of sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence.

## 3. General principles

- 3.1 Reports will usually be dealt with confidentially by all parties involved and details will not be disclosed except where it is necessary to do so to carry out a fair investigation, to effect an interim measure or the outcome, to protect members of the University community and/or to comply with the University's legal obligations (e.g. the reporter's identity will usually be disclosed to the subject, the college and department will be informed where a student is suspended and Personnel will usually be informed where a report is made by a member of staff).
- 3.2 All University staff involved in this procedure will be trained appropriately and will act with impartiality and discretion.
- 3.3 All parties involved in this procedure are required to act reasonably and fairly towards each other and to respect the University's procedures.
- 3.4 All reports will be dealt with promptly. Any time-critical factors set out in the Report Form will be taken into account.

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- 3.5 Time limits should usually be met by all parties. Time limits may only be extended by the relevant decision-maker where it is necessary to do so in order to ensure a fair outcome. It will usually be necessary to extend time limits for complex cases and/or where external specialists are required. Where time limits are extended, the subject (and reporter where appropriate) should be kept updated about the progress of the case. Where there is an urgent need to do so the relevant decision-maker at each stage will consider whether it is appropriate to expedite this procedure as much as possible while ensuring that the fairness of the process is maintained.
- 3.6 If any member of staff has concerns that a student involved in this procedure is suffering health problems or other difficulties, the student should be directed to their college and Student Welfare and Support Services. If the health problem is considered serious and relevant to the alleged breach of the Code of Discipline, the member of staff should consider recommending that the student is referred to the University's Fitness to Study panel.<sup>2</sup>
- 3.7 Anonymous reports will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action because of the need to allow the subject to respond to the report.
- 3.8 Malicious or vexatious allegations may result in disciplinary action against the reporter.
- 3.9 Students who are the subject of criminal proceedings (ie from the point of arrest onwards) where there is a possibility of a sentence involving immediate imprisonment, or who are convicted of such an offence, are required to inform the Proctors of this in writing and may be subject to disciplinary action.<sup>3</sup>
- 3.10 Individuals involved in reports may be accompanied by a student member or a member of University, college or Oxford University Student Union staff to meetings, interviews or hearings for support or, in the case of hearings, representation, so long as the relevant university casehandler is informed in advance and the appropriate procedural requirements are met, as set out below. Individuals involved in reports are not normally allowed to have legal representation.
- 3.11 Meetings and hearings may take place via video link where this is reasonably necessary, including to avoid undue delay, because of the location of the individuals involved or to protect individuals involved.
- 3.12 If a report falls across more than one University procedure, the University will deal with the matter as flexibly, fairly and proportionately as possible.
- 3.13 Where there are more than one reporter and/or more than one subject the University will seek to deal with the case consistently and fairly. It will normally be appropriate for all the subjects to hear the other subjects' evidence, and also to be given an opportunity to address the relevant decision-maker in private.
- 3.14 The standard of proof is "on the balance of probabilities" (ie whether it is more likely than not that the action or event occurred). The burden of proof will usually be on the University. In

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<sup>2</sup><https://governance.admin.ox.ac.uk/legislation/statute-xiii-student-members-other-provisions#collapse1383176>

<sup>3</sup> See sections 46 and 47 of Statute XI

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certain circumstances there may be a burden on the subject to provide evidence or when setting out mitigating factors.

- 3.15 Non-compliance with a penalty imposed under this procedure may result in further penalties, including additional fines, suspension and/or expulsion.
- 3.16 Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for misconduct.
- 3.17 No member of University staff involved in this procedure should have any conflict of interest in the matter or should act if there is any reasonable perception of bias. If all of the Proctors and/or the SDP and/or the SAP are unable to act, the Vice-Chancellor will appoint (an) appropriate substitute(s).
- 3.18 A reference to a "Proctor" means a Proctor, an Independent Reviewer (in cases of sexual misconduct), a Pro-Proctor or an appointed substitute. A reference to a member of the SDP or SAP means a member of that panel or an appointed substitute.
- 3.19 Records will be kept at all stages of the process in accordance with University policy.

## 4. Initial considerations

- 4.1 For straightforward, minor matters it may be possible for the report to be resolved at a local level, for example by departmental staff. This should be attempted where possible and appropriate records kept of the incident.
- 4.2 Reporters who are students can also consider using the [Student Resolution Service](#) which is a free mediation service for students who find themselves in conflict with another student. The Service is not appropriate for reports of serious criminal conduct.
- 4.3 The Proctors' Office can also liaise between reporting students and subjects where there has been a relationship breakdown to put in place a no contact agreement on the basis of no admission of fault. Such agreements will be neutral in effect and impose the minimum impact reasonably possible on all students involved.
- 4.4 For certain types of report, steps may be taken under other procedures before the matter is referred to the Proctors. In particular:
  - a) Reports about harassment including sexual misconduct (but excluding serious criminal conduct) can be addressed under the [Harassment Policy](#), before being referred for formal consideration by a Proctor (see the [Harassment Policy](#) for more information about where this is appropriate);
  - b) Reports about medical students and PGCE students may be subject to preliminary consideration by the relevant Department under Fitness to Practice procedures. The Department may impose precautionary measures pending the outcome of the Proctors' investigation.
  - c) Reports relating to use of particular University land, buildings, facilities or services may be subject to preliminary consideration by the relevant Head of Department or equivalent under Section 49 of Statute XI. The Head of Department may ban the student for up to 21 days pending the outcome of the Proctors' investigation.

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### 5. First Stage: Formal Consideration by a Proctor

- 5.1 If the Report is not successfully resolved locally, or if local resolution is not appropriate, it can be referred for investigation by a Proctor. Special arrangements apply for reports of sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence, as set out in Appendix C. The Proctor may accept reports made by a third party on a reporter's behalf where the reporter consents<sup>4</sup>, the third party provides evidence of that consent, and there are good reasons to do so (for example reports made by specialist sexual violence support services).
- 5.2 The reporter should complete and submit a Report Form ([available here](#)) to the Proctors' Office ([casework@proctors.ox.ac.uk](mailto:casework@proctors.ox.ac.uk)). A group of students making a joint report must nominate one student as their spokesperson in the Report Form. Exceptionally, the Proctor may consider a report that is made in another format where it is fair to do so.
- 5.3 The reporter should submit the Report Form as soon as possible and at the latest within 6 months of when the matters complained about occurred.
- 5.4 The Proctors' Office will confirm receipt of the Report Form within 2 working days.
- 5.5 The day-to-day running of the report and any investigation may be delegated to a caseworker in the Proctors' Office and/or an external investigator and/or interviewer. Queries about this stage of the process should be addressed to the Proctors' Office at [casework@proctors.ox.ac.uk](mailto:casework@proctors.ox.ac.uk).

#### *Behaviour after exams*

- 5.6 If a Proctor or a person authorised by the Proctors has reasonable grounds for thinking that a student has committed a breach of the rules relating to conduct after exams, the Proctor or authorised person can impose an immediate fine of up to £300, together with written notice of the fine and information about how to appeal it.
- 5.7 A fine imposed in this way can be appealed to the SDP under Part 4 of the SDP Regulations.<sup>5</sup>

#### *Precautionary Measures*

- 5.8 The Proctor may at any time impose temporary precautionary measures on the reporter and the subject for the remainder of this procedure. Precautionary measures do not indicate any finding of misconduct. Precautionary measures could include:
  - a) a no contact arrangement,
  - b) a ban from, or time constraints for, accessing particular University buildings or services,
  - c) recommending a ban from, or time constraints for, accessing particular college buildings or services (subject to endorsement by the relevant college),
  - d) alternative teaching arrangements,

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<sup>4</sup> The Proctors' Office will need to see evidence that the reporter consents to the third party making the report on their behalf and to the contents of that report and that the reporter understands their role as a reporter under this procedure.

<sup>5</sup> <https://governance.admin.ox.ac.uk/legislation/council-regulations-3-of-2006>

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- e) moving either the reporter or subject to alternative University accommodation and/or,
- f) where no other option is appropriate, a temporary suspension of studies.

- 5.9 Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned or other members of the University from an identified risk, or to protect an investigation under this procedure, and should take into account safeguarding considerations where relevant.
- 5.10 Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or where there is a threat of serious disruption to University activities.
- 5.11 The Proctor may also refer a matter to the police or seek guidance from the police where the report relates to serious criminal conduct and/or where there is a significant imminent risk of harm to students or staff.
- 5.12 Precautionary measures can be appealed to the SDP under Part 4 of the SDP Regulations.<sup>6</sup>

### *Preliminary Considerations*

- 5.13 The Proctor will decide whether or not to investigate and will inform the reporter and the subject within 1 week of receipt of the Report Form. In order to make this decision, the Proctors' Office may make some preliminary enquiries. If the Proctor decides to investigate, the Proctors' Office will usually send the subject a summary of the report at this point and will inform the Dean of the subject's college that an investigation is to take place and which provisions of the Code of Discipline the subject is alleged to have breached. If the Proctor decides not to investigate, a reporter who is a student and is dissatisfied with the way that the procedure has been followed has the option to complain as set out a paragraph 5.28 below.
- 5.14 The Proctor will not investigate reports:
- a) about matters which did not occur in the University Context (see Appendix B), or
  - b) which are frivolous and/or vexatious.
- 5.15 The Proctors will not usually investigate in the following instances, but have a discretion to do so where there are exceptional circumstances:
- a) reports of conduct which happened more than 6 months previously (and particularly if the subject is no longer a current student) (subject to specific considerations for cases involving sexual misconduct, as set out in Appendix C),
  - b) where another body is better placed to investigate (ie a college),
  - c) where there are ongoing criminal, regulatory or other proceedings in relation to the same matter,
  - d) where the report has already been decided under this procedure, and/or
  - e) reports of the most serious kinds of criminal conduct where a report has not been made to the police (see Appendix D for more information).

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<sup>6</sup> <https://www.admin.ox.ac.uk/statutes/regulations/234-062.shtml>



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- 5.16 When deciding whether it is appropriate to investigate, the Proctors will consider all the relevant circumstances including:
- whether the report has been determined by an external body (such as a college or a court), and the relevant standard of proof in that procedure,
  - whether it is proportionate to investigate having regard to factors including the cost to the University, the nature and/or seriousness of the report and/or the available remedies (this may be particularly relevant for reports against former students),
  - whether the student is on a course resulting in a professional qualification where the alleged misconduct may be of particular relevance.
- 5.17 If the Proctors decide to investigate the subject should be given an opportunity to accept the breaches and receive a clear explanation of the implications of acceptance.

### *Proctor's Investigation*

- 5.18 The Proctor will investigate under the Regulations for Investigations by the Proctors.<sup>7</sup> The aim will be to complete the investigation and issue a decision under paragraph 5.27 within 4 weeks of the decision to investigate.
- 5.19 The investigator may take any step to investigate and to assemble relevant evidence. This will usually include interviewing the reporter and interviewing the subject at an early stage, as well as interviewing any witnesses. The Proctors have the power to summon any member of the University to help in their inquiries.
- 5.20 Notes will normally be taken during interviews. The person interviewed will be sent a copy of the note and will be invited to agree it.
- 5.21 Before interviewing a subject, the Proctors will explain:
- that the subject does not have to answer questions and that any responses or documents provided may be used by the Proctors in evidence against the subject,
  - that, if the reported conduct could constitute a criminal offence, the police might be able to obtain any records from the disciplinary process in a future investigation, and
  - that if the subject refuses to answer questions this may be taken into account in a subsequent disciplinary hearing.
- 5.22 Anyone being interviewed by the Proctors may be accompanied by another person (as explained at paragraph 3.10) so long as the Proctors' Office is informed as soon as possible and at least 2 working days before the interview of who will be attending the interview.
- 5.23 Once the reporter and subject have been interviewed and have reviewed the note of the interview, the reporter's account of the facts will usually be shared with the subject, and vice versa, so that they each have an opportunity to comment on the other person's account. Confidential information which is not about the disputed facts may be redacted.
- 5.24 If the reporter withdraws the report at any time the Proctor may decide to continue the investigation if it is appropriate and fair to do so.

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<sup>7</sup> [Regulations for Disciplinary Investigations by the Proctors under Statute XI: Council Regulations 2 of 2006](#)

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### *Proctor's Decision*

- 5.25 The Proctor will decide whether there are reasonable grounds for believing that the Code of Discipline has been breached, and whether it is fair, just and reasonable to proceed with disciplinary action.
- 5.26 The Proctor will communicate the decision to the reporter and the subject and, where appropriate, the relevant Fitness to Practice panel. The Proctor's decision letter to the reporter and subject will set out the decision, include brief reasons and source of support and advice, as appropriate, and will emphasise that the decision is confidential.
- 5.27 The Proctor's decision will be one of the following three options:
- the report should be referred for Summary Determination by a Proctor, in which case (i) the reporter may be asked to be a witness and (ii) the subject will be invited to agree to this procedure within 1 week and will be provided with the information required by the Regulations.<sup>8</sup>
  - the report is to be referred to the SDP for a disciplinary hearing, in which case the referral will be made on the same day and the reporter may be asked to be a witness at the hearing; or
  - no further action will be taken.
- 5.28 If the decision is to take no further action, and the reporter is a student the decision letter to the reporter will explain if the University is going to take any other steps as a result of the report (for example, reviewing its procedures). If a reporter who is a student is dissatisfied with the way this procedure has been followed, the reporter has the option of making a complaint under the [Student Complaints Procedure](#), in which case the complaint will be considered by members of staff who have not previously been involved in the report.

### *Summary Determination by the Proctors*

- 5.29 Section 31 of Statute XI allows matters which are not so serious that there is a possibility that the penalty could be expulsion to be determined by the Proctors through a simplified process. If the subject does not agree to this process (see paragraph 5.27(a)), the Proctor's Office will notify the reporter and refer the matter to the SDP.
- 5.30 If the subject does agree, the Proctors' Office will then notify the subject (and reporter if they are to be a witness) of the time and date of the consideration of the matter, with at least 2 days' notice. The consideration should be held within 2 weeks of the Proctor's decision to refer the matter for Summary Determination. The subject should contact the Proctors' Office with reasons as soon as possible if the hearing time is unsuitable.
- 5.31 The consideration can be by way of in person or video link hearing or by confidential correspondence over a time period of not more than one week. The Proctors may proceed with the consideration in the absence of the subject unless the absence is due to circumstances beyond the student's control.

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<sup>8</sup> <https://governance.admin.ox.ac.uk/legislation/council-regulations-2-of-2006#collapse1431551>



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- 5.32 The consideration will start with a member of staff from the Proctors' Office providing the details of the alleged breach(es) of the Code of Discipline and the subject will be asked whether these are accepted.
- 5.33 If the subject accepts the breach(es), the consideration will focus on the appropriate penalty, rather than addressing whether or not the breaches have occurred.
- 5.34 If the subject does not accept they have committed the breach(es), the consideration will first focus on addressing whether or not the breaches have occurred before moving to consider, if appropriate, any penalties. As part of this process the subject will have an opportunity to provide evidence, make a statement, provide witness evidence and comment on any other evidence. make an opening speech, give evidence (including in mitigation), call witnesses, question the other party or any witness and give a closing statement. The Proctor's case will usually be presented first and the subject will be given the opportunity to speak last. Any questions the subject asks any witnesses will usually be asked through the Proctor. The Proctor may also require the subject to put any questions in writing.
- 5.35 If the consideration is held by way of an in-person hearing, the Proctors will ask the subject to leave the room while the decision is considered. The Proctors will inform the subject whether the subject has been found to have breached the Code of Discipline and the subject will be given the opportunity to present evidence in mitigation.
- 5.36 Before a penalty is imposed, the subject will have the opportunity to make a statement and provide any evidence in mitigation. The Proctors may take into account any mitigating and/or aggravating factors (including where there is a hate element related to a protected characteristic<sup>9</sup>) when determining the appropriate penalty.
- 5.37 Within 1 week of the hearing, the Proctors will communicate the decision to the reporter and the subject, and, where appropriate, the relevant Fitness to Practise panel. The Proctor will emphasise that the decision is confidential.
- 5.38 The decision letter to the reporter will set out:
- whether the subject has been found to be in breach of the Code of Discipline;
  - brief reasons and, if the reporter is a member of the University, details of any penalty imposed, but will not include information which is not about the disputed facts and which is confidential to the subject;
  - any remedy for the reporter where this is considered appropriate, including explaining if the University is going to take any other steps as a result of the report (for example, reviewing its procedures); and
  - sources of support and advice, as appropriate.
- 5.39 If the reporter is a student and is dissatisfied with the way this procedure has been followed, the reporter has the option of making a complaint under the Student Complaints Procedure, in which case the complaint will be considered by members of staff who have not previously been involved in the report

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<sup>9</sup> Protected characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including ethnic or national origin, religion or belief, sex and sexual orientation.

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5.40 The decision letter to the subject will include reasons and will state:

- a) whether the subject has been found to have breached the Code of Discipline;
- b) where a breach has been found:
  - i. the penalty: which will be limited to:
    - a written warning,
    - payment of a fine and/or compensation up to a maximum of £300,
    - a no contact arrangement,
    - banning the subject from University premises or facilities (including a total ban or a ban subject to certain conditions),
    - recommending that the subject be banned from college buildings or services (including a total ban or a ban subject to certain conditions) (subject to endorsement by the relevant college), and/or
    - requiring the subject to attend an education programme;
  - ii. that the subject has the right to seek to appeal the Proctor's decision and/or the penalty to the SDP within 7 days under Part 4 of the SDP Regulations;<sup>10</sup> and
- c) sources of support and advice, as appropriate

5.41 The Proctors' Office will also inform the Dean of the subject's college about the decision and any penalty.

## 6. Second Stage: Student Disciplinary Panel

- 6.1 The SDP stage will be carried out under Part 3 of the Regulations for the SDP.<sup>11</sup> During this stage the Proctor presents the case against the subject to the SDP on behalf of the University. The SDP will be made up of 3 Oxford University academics including a chair or vice-chair who will have legal experience.
- 6.2 If the report is referred to the SDP, the day-to-day handling of the matter will be transferred to the Secretary to the SDP. Queries about this stage should be addressed to the Secretary at [sdp@admin.ox.ac.uk](mailto:sdp@admin.ox.ac.uk).
- 6.3 Within 4 days of receiving the referral, the Secretary to the SDP will send the subject notice of the SDP proceedings and will set out the next steps, the details of the report, the evidence the Proctor will rely on (which will usually include the investigation report and evidence gathered during the investigation) and the recommendations the Proctor has made, information about the right to be accompanied or represented (which is as explained at paragraph 3.10, including that legal representation is not normally allowed) and who will be attending the hearing, and the relevant Statutes and Regulations. The Secretary will also repeat that the subject does not need to speak at the hearing, with the consequences explained above at paragraph 5.21 above.
- 6.4 Where the reporter is a member of the University, the Secretary to the SDP will also send the reporter a copy of the investigation report, but may exclude information which is not relevant

<sup>10</sup> <https://governance.admin.ox.ac.uk/legislation/council-regulations-3-of-2006>

<sup>11</sup> <https://governance.admin.ox.ac.uk/legislation/council-regulations-3-of-2006>

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to the disputed facts and which is confidential to the subject, such as mitigating factors, and details of the next steps.

- 6.5 If the Proctor and subject agree, the Chair or Vice-Chair may implement the Proctor's recommendations without a hearing of the SDP.
- 6.6 The Secretary to the SDP will notify the subject, any witnesses and the Proctor of the time, date and venue of the hearing, with at least 7 days' notice. The hearing should be held within 2 weeks of the date of the notice under paragraph 6.3 above. The subject should contact the Secretary to the SDP with reasons as soon as possible if the hearing time is unsuitable.
- 6.7 At least 3 clear days before the SDP hearing the subject should:
  - a) send the Secretary to the SDP copies of all the evidence the subject intends to rely on at the SDP hearing. The Secretary to the SDP will send a copy of this to the Proctors;
  - b) inform the Secretary to the SDP whether anyone will be attending the hearing with the subject and if so in what capacity (ie for support or as a representative).
- 6.8 The Proctor may also be represented at the hearing and should inform the Secretary to the SDP as soon as possible if this is the case. The Proctor will not usually have external legal representation unless the reported student does.

### *SDP Hearing*

- 6.9 The SDP will include a gender mix and will not include individuals from the reporter or subject's college or department.
- 6.10 The SDP may proceed with a hearing in the absence of the subject unless the absence is due to circumstances beyond the subject's control.
- 6.11 The hearing will start with the Secretary to the SDP reading the alleged breach(es) of the Code of Discipline and the subject will be asked whether these are accepted.
- 6.12 If the subject accepts the breach(es) the hearing will focus on the appropriate penalty (see paragraph 6.17 below).
- 6.13 The Proctor and the subject will have an opportunity to give evidence, make an opening speech, call witnesses, question the other party or any witness and give a closing statement. If the reporter is a witness the SDP may also decide that it is appropriate for the reporter to be given the opportunity to make a statement. The Proctor's case will usually be presented first and the subject will be given the opportunity to speak last. Questions of the other party or witnesses will usually be asked through the Chair. The Panel may also require the subject to put any questions in writing.
- 6.14 The SDP will ask the parties to leave the room while they consider their decision. The SDP will then inform the parties whether or not they have found that there has been a breach of the Code of Discipline.
- 6.15 If the SDP finds that there has been a breach they will invite the Proctors to propose an appropriate penalty. The Proctors should usually only provide the SDP with details of any former breaches by the subject at this stage. The subject may call witnesses in relation to the

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penalty and make a statement in mitigation and the Proctors may call witnesses in reply. Mitigating factors could include whether:

- a) the incident is a minor example of a serious breach,
- b) it is the subject's first breach of the Code of Discipline,
- c) the subject admitted the breach, and at what stage of the process, and/or
- d) the subject has compelling personal circumstances that should be taken into account.

6.16 The SDP will then ask the parties to leave the room while they consider the appropriate penalty. The SDP may take into account mitigating and aggravating factors (including where there is a hate element related to a protected characteristic<sup>12</sup>) when determining the appropriate penalty. The SDP will then inform the parties of the penalty.

6.17 The SDP will impose a penalty that is proportionate to the breach, consistent with former decisions, and which takes into account any mitigating and/or aggravating factors. The penalties which the SDP can impose for non-academic misconduct are:

- a) a written warning;
- b) requiring the subject to attend an education programme;
- c) a no contact arrangement;
- d) payment of a fine or compensation,
- e) issuing directions relating to the provision of references for the subject;
- f) suspension of access to or exclusion from University accommodation, or requiring the subject to move to other University accommodation,
- g) banning the subject from University premises or facilities (including a total ban or a ban subject to certain conditions),
- h) recommending that the subject be banned from college buildings or services (including a total ban or a ban subject to certain conditions) (subject to endorsement by the relevant college), and/or
- i) suspension or expulsion.

6.18 The SDP will normally consider the range of penalties available to it in order to decide which is most appropriate. The SDP will not normally impose academic penalties for non-academic misconduct.

6.19 The SDP has a discretionary power to award the subject costs and to adjourn proceedings where this is considered necessary.

6.20 The hearing will normally be recorded and the Secretary to the SDP will keep a brief note of the hearing and the SDP's decision.

### *SDP Written Decision*

6.21 The Secretary to the SDP will send the reporter, the subject, the Proctor and, where appropriate, the relevant Fitness to Practice Panel, the SDP's reasoned decision including their finding as to whether the subject breached the Code of Discipline and details of any

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<sup>12</sup> Protected characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including ethnic or national origin, religion or belief, sex and sexual orientation.

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penalty within 1 week of the hearing. The Secretary to the SDP will emphasise that the outcome is confidential.

6.22 The decision letter to the reporter will set out:

- a) whether the subject has been found to be in breach of the Code of Discipline;
- b) brief reasons and, if the reporter is a member of the University, details of any penalty imposed, but will not include information which is not about the disputed facts and which is confidential to the subject;
- c) any remedy for the reporter where this is considered appropriate, including explaining if the University is going to take any other steps as a result of the report (for example, reviewing its procedures); and
- d) sources of support and advice, as appropriate.

6.23 If the reporter is a student and is dissatisfied with the way this procedure has been followed, the reporter has the option of making a complaint under the [Student Complaints Procedure](#), in which case the complaint will be considered by members of staff who have not previously been involved in the report.

6.24 The decision letter to the subject will include reasons and will state:

- a) whether the subject has been found to be in breach of the Code of Discipline;
- b) where a breach has been found:
  - i. any penalty imposed; and
  - ii. that the subject has the right to seek to appeal the SDP's decision and/or the penalty to the SAP and that this can be done by seeking permission to appeal within 2 weeks of the SDP's written decision, and
- c) sources of support and advice, as appropriate.

6.25 The Secretary to the SDP will also inform the Dean of the subject's college about the decision and any penalty.

6.26 If the subject is a PGCE or medical student or a student on any other course which makes them subject to the rules of a professional body and the penalty is expulsion, the Secretary to the SDP will inform the University's Designated Safeguarding Lead as this may need to be reported to the government's Disclosure and Barring Service or any other appropriate statutory body. The relevant decision-maker will also consider whether any referral is appropriate under University Fitness to Practise or Fitness to Teach procedures.

6.27 If the subject does not apply for permission to appeal within the relevant time limit, the Secretary to the SDP will notify the subject that the matter has been closed.

## 7. Third Stage: Student Appeal Panel

7.1 An appeal to the SAP is carried out under the SAP Regulations.<sup>13</sup> The parties to the SAP appeal are the subject and the Proctors. Members of the SAP are legally qualified, have

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<sup>13</sup> <https://governance.admin.ox.ac.uk/legislation/council-regulations-4-of-2006>

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appropriate experience and are not members of Congregation. A sitting of the SAP can involve one member of the SAP acting alone.

- 7.2 The day-to-day handling of the appeal will be carried out by the Secretary to the SAP and queries about this stage should be addressed to the Secretary at [sdp@admin.ox.ac.uk](mailto:sdp@admin.ox.ac.uk)
- 7.3 If the application for permission to appeal is made after the 2 week time limit, the application should explain why it has been made late and the SAP will consider whether it is fair and reasonable to allow an extension. Where an application is made late the SAP will invite the Proctor to comment on the subject's reasons for the delay.

### *Permission to Appeal*

- 7.4 The subject must first seek permission to appeal to the SAP. The SAP will usually decide whether to grant permission having reviewed the documents seen by the SDP, the SDP's decision and any further submissions by the subject. The SAP will reach a decision taking into account all the relevant circumstances including the importance of the report to the subject and the prospects of success. The SAP may ask any of the parties for more information to help in deciding whether to grant permission.
- 7.5 The SAP's decision will be made and sent to the subject within 1 week of the application for permission or 1 week after any permission hearing if the SAP decides that the matter cannot be determined on the papers.

### *Appeal*

- 7.6 If permission to appeal is granted, the application for permission to appeal will be treated as the subject's appeal unless the SAP asks for more information.
- 7.7 The subject may apply to the SAP to suspend part or all of the penalty imposed by the SDP pending the outcome of the appeal.
- 7.8 The Secretary to the SAP will send the subject and the Proctor the hearing bundle and core information including about the time, date and venue for the hearing, attending the hearing, the right to be accompanied or represented (which for the subject is as explained at paragraph 3.10, including that legal representation is not normally allowed), who will be at the hearing, and any right to produce documents and/or evidence, at least 7 days before the hearing. The hearing should be held within 2 weeks of the decision to grant permission to appeal. The subject should contact the Secretary to the SAP with reasons as soon as possible if the hearing time is unsuitable.
- 7.9 The subject should inform the Secretary to the SAP as soon as possible and not less than 3 days before the hearing if a representative will be attending the hearing.
- 7.10 The Proctor may also be represented at the hearing and should inform the Secretary to the SAP as soon as possible if this is the case. The Proctor will not normally have external legal representation unless the subject does.
- 7.11 If the Proctor or the subject want the SAP to hear evidence at the hearing, they must apply for permission in writing not less than 3 days before the hearing attaching a witness statement or a description of the evidence and an explanation of why a witness statement is not available.



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### *SAP Hearing*

- 7.12 The SAP may proceed with a hearing in the absence of the subject unless the absence is due to circumstances beyond the student's control.
- 7.13 At the hearing, the Proctor and the subject will each have an opportunity to make a statement and address the SAP and, where permitted in exceptional circumstances, to call witnesses. The SAP may set time limits for the different stages of the proceedings.
- 7.14 The SAP may be assisted by members of the University appointed to advise the SAP on University procedures and practice (formally referred to as "assessors").
- 7.15 The SAP may communicate the decision to the parties at the hearing. The SAP's decision may confirm or reject the SDP's decision or make any other order which it would have been within the SDP's power to make.
- 7.16 The hearing will normally be recorded and the Secretary to the SAP will keep a brief note of the hearing and, where given at the hearing, the SAP's decision.

### *SAP Decision*

- 7.17 The SAP will produce a reasoned decision in writing within 1 week of the hearing, which the Secretary to the SAP will send to the Proctor and the subject
- 7.18 If the appeal is not upheld, the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the University's procedures and that the subject has the right to seek review by the Office for the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.
- 7.19 If the appeal is upheld:
  - a) the letter to the subject may offer a remedy where this is considered appropriate, including explaining if the University is going to take any other steps as a result of the appeal (for example, reviewing its procedures);
  - b) the Secretary to the SAP will inform the Dean of the subject's college about the decision and any impact on the information provided under paragraph 6.25 above; and
  - c) if the outcome alters the information that was provided to the reporter under paragraph 6.22, then the Secretary to the SAP will inform the reporter of the outcome to the extent necessary to correct the information previously provided to them.

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## APPENDIX A

### CODE OF DISCIPLINE

The table below summarises the behaviours that are prohibited under the Code of Discipline if carried out “intentionally or recklessly”. For the full definitions see [Statute XI](#).

St XI	Summary of Code of Discipline provision	Examples	Possible Penalty
2(1)(a)	Disrupting or attempting to disrupt University activities	Stopping a lecture through disruptive behaviour Setting off a fire alarm in Exam Schools	Fine Suspension Large fine
2(1)(b)	Disrupting or attempting to disrupt the exercise of freedom of speech	Heckling at an event Being a member of a group action which prevents an event proceeding	Formal warning Fine Suspension Large fine
2(1)(c)	Obstructing or attempting to obstruct a University officer or employee	Ignoring the instructions of an officer marshalling at a University ceremony Setting off a fire alarm in Exam Schools	Formal warning Fine Suspension Large fine
2(1)(d)	Damaging or attempting to damage or misappropriating University or College property or the property of	Damaging property with graffiti Deliberately flooding property	Fine Suspension

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	University or College employees, students or members of the public	Misuse / inappropriate sharing of educational recordings	Expulsion Formal warning Fine
2(1)(e)	Occupying or attempting to occupy University or College property or facilities without permission	Short term occupation (up to 1 day) Long term occupation	Formal warning Fine Suspension Expulsion
2(1)(f)	Forging university certificates or making false statements about exam results	Lying about examination results Forging part of a University form Forging a University certificate	Formal warning Fine Suspension Expulsion
2(1)(g)	Engaging in action likely to cause injury or impair safety	Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas, violating lab health and safety rules) Act/omission that did cause or could have caused serious harm on University premises or during University activities (e.g, disabling fire extinguishers, blocking fire exits)	Education outcome Fine Ban  Fine Suspension
2(1)(h)	Engaging in violent, indecent, disorderly, threatening or offensive behaviour or language	Violent and aggressive conduct e.g. e.g. - pulling hair, pushing, shoving - punching, kicking, slapping, biting	Formal warning Compensation Large fine Suspension
		Repeatedly following another person without good reason Acting in an intimidating or hostile manner	No contact order Formal warning Fine
2(1)(i)	Engaging in dishonest behaviour	Lying during a Proctorial investigation Lying during the admissions process	Fine Suspension Expulsion
2(1)(j)	Disobeying a reasonable instruction by the Proctors	Failing to attend an interview	Fine
2(1)(k)	Refusing to disclose your name or details to a University employee	Failing to identify yourself on request to a Porter	Formal warning
2(1)(l)	Possessing, using, offering, selling or giving illegal drugs	Possession Class C Possession Class B  Possession Class A Supplying or offering to supply	Fine Fine Suspension Suspension Suspension

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			Expulsion
2(1)(m)	Harassment or sexual misconduct	<p>Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age</p> <p>Repeatedly following another person without good reason</p> <p>Repeatedly contacting another person against their wishes</p> <p>Making unwanted remarks of a sexual nature</p> <p>Kissing without consent</p> <p>Inappropriately showing sexual organs to another person</p> <p>Sharing private sexual materials of another person without consent</p> <p>Attempting to engage in sexual intercourse or engaging in a sexual act without consent</p> <p>Touching inappropriately through clothes without consent</p> <p>Sexual intercourse or engaging in a sexual act without consent</p>	<p>Formal warning Compensation Suspension</p> <p>No contact order</p> <p>No contact order</p> <p>Formal warning No contact order</p> <p>Formal warning No contact order Suspension</p> <p>No contact order Suspension</p> <p>Suspension</p> <p>Suspension Expulsion</p> <p>Suspension</p> <p>Expulsion</p>
2(1)(n)	Failing to comply with an order by the Proctors, SDP or SAP	<p>Failure to comply with a precautionary measure</p> <p>Failure to pay a fine or compensation</p>	<p>Suspension Expulsion</p> <p>Suspension Expulsion</p>
2(2)(a)	Breaching regulations including those relating to the use of the libraries or ICT facilities	<p>Bulk emailing i.e. spam</p> <p>Breach of library Rules of Conduct</p> <p>Accessing offensive or extremist content via the University's network</p> <p>Using the University's network to undertake harassment</p>	<p>Fine</p> <p>Fine Suspension Expulsion</p>
2(3)	Failing to comply with Codes of Practice published in the University Gazette	Failing to notify the Proctors of an event where there are concerns that the event may give rise to an environment in which people will experience discrimination on the grounds of religion (under the Code or Practice on Meetings and Events)	Formal warning Fine
2(4)	Creating or providing model or draft material for candidates in exams	Providing notes related to summative assessment to other students	Formal warning Fine

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	which could be submitted without attribution, or agreeing to do so or assisting or encouraging others to do so	Writing material for summative assessment on behalf of other students (with or without payment)	Expulsion
3	Inciting or conspiring to breach the Code of Discipline	Planning to disrupt an event  Planning to undertake an occupation	Formal warning Fine Fine Suspension

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## APPENDIX B

### UNIVERSITY CONTEXT

The purpose of the disciplinary procedure is to address misconduct by students, rather than to resolve disputes between individuals. As such, the Proctors will only consider investigating a report about student discipline if the conduct complained about took place in a “University Context”.

#### 1. University Context

Section 1(f) of Statute XI defines the scope of the Proctors’ remit under the Code of Discipline (and therefore also under the University Policy and Procedure on Harassment):

*(i) on university or college premises; [or]*

*(ii) in the course of university activity within or outside Oxford whether academic, sporting, social, cultural, or other;*

The following paragraphs provide guidance as to how the definition is usually interpreted in common scenarios.

##### *(a) Definition of university or college premises*

“University or college premises” will usually be interpreted as meaning premises which are owned by and subject to the day-to-day control of the University and/or college. It is unlikely to include premises that are occupied by a tenant on a long lease but would usually include premises subject to short leases and premises where the University is responsible for facilities management.

##### *(b) Conduct that occurs on college premises*

The colleges and University are separate entities and have separate codes of discipline and separate contractual and non-contractual relationships with students. A student who is a member of a college may bring a report to either a college or the Proctors.

If a report is made about conduct that occurred in college premises, both the college and the Proctors will have remit. However, it will not usually be appropriate for both to proceed as this will risk conflicting outcomes and wasted resources.

When the student makes a report to either a college or the University (the Proctors), the entity to which the report has been made will decide whether or not to proceed. One compelling reason for either to decide not to take the matter forward will be if the other entity is better placed to carry out the investigation. If a report is made to a college and the Proctors, the college and Proctors will decide how to proceed, having consulted with both students.

##### *(c) Conduct that occurs during University-related activities outside Oxford*

Any activity that has been formally organised by a department or required for a student’s course will be within a University context. Where there are informal or unofficial activities during formal trips or activities the Proctors will decide whether they fall within a University context having regard to all of the circumstances of the matter, as explained in paragraph (f).



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### *(d) Conduct that occurs during registered club activities*

Conduct that occurs during a registered University club's activities will usually be within a University context (lists of registered clubs are available online for: [sports clubs](#) and [non-sports clubs](#)). However, the Proctors will consider all of the circumstances and will decide whether the activities fall within a University context having regard to all of the circumstances of the matter, as explained in paragraph (f).

The Proctors will also usually advise a reporter to discuss the matter with the club's senior member in the first instance.

### *(e) Conduct online*

Electronic communications and online activity are within a University context if they pass through the University's network or use a University email address. The Proctors will decide whether other communications or activity are within a University context having regard to all of the circumstances of the matter, as explained in paragraph (f).

### *(f) Conduct in other situations*

For all other scenarios the Proctors will consider all of the circumstances to determine whether the conduct can be said to have taken place during a "University activity", or whether it is too remote to fall within the University's jurisdiction.

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## APPENDIX C

### Special Arrangements in Reports involving Sexual Misconduct and/or violence

This appendix sets out specific considerations and arrangements that may apply in reports of sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence.

#### General Considerations

The University recognises that sexual misconduct and/or violence can affect anyone and can have a serious impact on health, wellbeing and academic progress.

- The University has defined sexual misconduct as “any behaviour of a sexual nature which takes place without consent where the person alleged to have carried out the misconduct has no reasonable belief in consent” (Statute XI Part A 1. (1)(h))
- Harassment, including sexual harassment, and bullying are defined in the [University Policy and Procedure on Harassment](#).
- The University uses the following definition of consent:
  - Consent is the free agreement by choice to participate in a sexual act where the individual has both the freedom and the capacity to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of objection. Consent may be withdrawn at any time.
- Any investigator considering allegations of lack of consent should enquire as to the steps taken to obtain consent, including how the subject knew or believed the reporter was (a) consenting to the sexual behaviour and (b) continued to consent.
- In cases of alleged sexual misconduct and/or violence, all staff involved in investigations and decision-making should have received appropriate training.
- Decision-makers and support staff at all stages of the procedure should be mindful that:
  - Reports of sexual misconduct and/or violence are more likely to exceed the 6 month timeframe, than other types of misconduct.
  - Delays in reporting, or reluctance to involve the Police, should have no bearing on determining the veracity of the Report.
  - The University does not have the legal investigatory powers of the Police and cannot make a determination on criminal guilt. A University investigation determines only whether a breach of the Code of Discipline has occurred.

#### *Initial Stages*

In most cases of harassment or sexual misconduct and/or violence (but excluding cases of serious criminal conduct as explained in the Harassment Policy) students will be encouraged to follow the [Harassment Policy](#) before the matter is referred to the Proctors.

Reporting students can access support from the [Sexual Harassment and Violence Support Service](#). This may involve a specialist advisor offering support at each stage throughout the disciplinary process, including accompanying the relevant student to interviews and hearings, if appropriate.

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Support for students who are the subjects of reports is available from [Student Welfare and Support Services](#) or the [Oxford SU Student Advice Service](#).

### *Proctor's Investigation*

In cases of alleged sexual misconduct and/or violence, the role of the Proctor shall be undertaken by the Independent Reviewer who will have received appropriate training in dealing with such cases, as will the relevant caseworker in the Proctors' Office. The reporter and subject will always be interviewed by a specially trained interviewer or investigator. While the interviewer or investigator will provide the subject with the usual warning (set out at paragraph 5.21 above) it would not usually be appropriate to draw negative inferences from a subject exercising the right to silence in cases where the conduct complained of could constitute a criminal offence. The relevant caseworker will keep the reporter and subject informed on the progress of the investigation.

Where a Report is made more than 6 months after the events under consideration, the Independent Reviewer will have discretion to extend the timeframe and will have regard to the additional considerations identified in this Appendix.

### *SDP and SAP Hearing*

In cases of alleged sexual misconduct and/or violence, the members of the relevant SDP and the Secretary to the SDP and SAP should have received appropriate training. The member of the SAP shall be supported by assessors who have received appropriate training.

Where a reporter of conduct covered by this guidance<sup>14</sup> is to be a witness at any hearing, the relevant panel can put practical arrangements in place to safeguard that individual. This could include:

- separate waiting areas for the reporter and the subject;
- the reporter bringing a supporter to sit with them whilst giving evidence;
- the reporter giving evidence from behind a screen so that the reporter does not need to see the subject;
- the reporter responding to written questions from the subject, or questions via the Chair, rather than an oral cross examination;
- the reporter responding to questions via video link from a different location;
- providing appropriate welfare support where the reporter is a student

### *Key Contacts*

The [Sexual Harassment and Violence Support Service](#) provides free, impartial, confidential support and advice to any students who have been affected by sexual harassment or violence. E-mail: [supportservice@admin.ox.ac.uk](mailto:supportservice@admin.ox.ac.uk)

Trained Caseworkers in the Proctors' Office can advise on the procedural aspects of the disciplinary process. E-mail [casework@proctors.ox.ac.uk](mailto:casework@proctors.ox.ac.uk) or Tel: 01865 (2)80185 or (2)70093.

The [Oxford SU Student Advice Service](#) offers independent advice to matriculated students. External sources of advice and support are listed on the [University website](#).

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<sup>14</sup> Conduct including sexual misconduct, harassment, bullying or involving violence or a threat of violence.

## APPENDIX D

### DISCIPLINARY REPORTS AGAINST STUDENTS - SERIOUS CRIMINAL CONDUCT

If a student, member of staff or member of the public wishes to report a student's behaviour formally, that report should be made to the Proctors' Office under:

- the University's Harassment Policy and Procedure (for harassment reports, including allegations of sexual assault); or
- the University's Disciplinary Regulations (Council Regulation 2/2006).

Additional considerations, explained below, will be taken into account where the conduct reported would constitute a serious criminal offence if prosecuted in the criminal courts, together with some particularly relevant procedural steps that would apply for any disciplinary report. This type of conduct requires additional considerations because of the seriousness of the allegations.

#### Serious Criminal Conduct

The Proctors will decide whether conduct falls within this definition, taking account of the details reported to the Proctors' Office. The table below provides guidance on conduct likely to fall within this definition.

<b>Examples of conduct that would usually be considered serious criminal conduct:</b>	<b>Examples of conduct that might be considered serious criminal conduct:</b>
<ul style="list-style-type: none"><li>• Conduct resulting in a death</li><li>• Conduct resulting in serious injury</li><li>• The most serious sexual offences including rape and attempted rape</li><li>• Stealing involving violence or threat of violence</li><li>• Supply of Class A drugs</li><li>• Criminal damage that endangers life</li><li>• Blackmail</li></ul>	<ul style="list-style-type: none"><li>• Conduct resulting in less serious injury</li><li>• Other sexual offences</li><li>• Harassment</li><li>• Damage to property</li><li>• Stalking</li><li>• Possession of drugs and supply of Class C drugs</li><li>• Stealing</li><li>• Fraud</li><li>• Other offences involving dishonesty</li></ul>

#### Police Investigation

Owing to its seriousness and the possible criminal sanctions, the investigation of such conduct should be first and foremost a matter for the police and it should usually be reported to the

police in the first instance. Any investigation by the University is not an alternative to police investigation, not least because it could prejudice any subsequent police investigation.

As such, unless the Proctors are satisfied there are strong reasons for investigating having regard to all of the relevant circumstances,<sup>15</sup> the University will usually only carry out an investigation when:

1. the police decide to take no further action;
2. the Crown Prosecution Service (CPS) decides not to prosecute;
3. the Proctors obtain permission from the police to investigate in parallel to the police investigation; or
4. the respondent is found not guilty in a criminal court.<sup>16</sup>

Subject to the above, the Proctors will usually investigate all reports of misconduct unless they consider that they are unable to proceed fairly as a result of the period of time that has elapsed since the events in question (e.g. due to lack of access to witnesses).

The Proctors may delegate the investigation or aspects of it to other members of the University who are suitably qualified or to an external investigator. While delegation is available for all cases, it is more likely to be used in these types of complaints.

### **Referral to the Student Disciplinary Panel (SDP)**

Having carried out an investigation, the Proctors will then decide whether or not to refer the case to the SDP, having regard to the following two questions:

- (1) Is there a case to answer (i.e. is there sufficiently strong evidence)?
- (2) Is it fair and reasonable in all the circumstances for the matter to be referred to the SDP?

If the Proctors decide to refer the matter to the SDP they will record their decision and their reasons in the referral document.

If the Proctors decide not to refer the matter to the SDP they will write to the reporter setting out the reasons for their decision and appropriate avenues of support.

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<sup>15</sup> Circumstances which may be relevant could include: (a) the seriousness of the conduct complained about, (b) the practicability of carrying out an investigation including the length of time since the matters complained about, (c) the risk of prejudicing any future criminal investigation, (d) the reporter's reasons for not going to the police, and (e) the potential impact on the reported student.

<sup>16</sup> This is because of the different standard of proof that applies in criminal cases as opposed to civil cases or internal investigations, which are "beyond reasonable doubt" and "balance of probabilities" respectively.