

UNDERSTANDING THE NEW

DISCIPLINARY REFORM



Created by The SU Women's
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2023-24



INTRO



About the new policy and wider changes:

The new policy comes into effect on the 1st of October 2023 and will affect any cases where misconduct takes place after this point. OSCCA will have by Michaelmas 2023 created a webpage that provides transparency about how OSCCA processes work and will provide sanctions guidance.

We await this change and welcome any student queries, questions or feedback. For anything related to campaigns or policy please email: Rosie Freeman at rosie.freeman@cambridgesu.co.uk or Harvey Brown at harvey.brown@cambridgesu.co.uk the relevant sabbatical officers for the year 2023/23 . If you are affected by these issues and have an individual casework related question please get in touch with [Cambridge SU Student Advice Service](#).

This Guide:

In this guide we have contrasted the reforms with DRAG's 2021 demands using a traffic light system, highlighting avenues for future activism. For more information regarding Disciplinary reform read my blogpost [here](#).

Love and Solidarity,
Rosie SU

DEMANDS WITHIN THE SCOPE OF THE POLICY

1 & 1b, 6, 7, 9



Demands	RAG?	Evidence that this has been addressed:
<p>(1.) All cases to be handled within a maximum of 60 days from when the complainant brings their case to OSCCA.</p>		<p>2.8 The University normally aims to complete the initial investigation and Student Discipline Officer consideration of the investigation within 60 days of informing the Respondent of the Concern. However, where a Concern involves sexual misconduct, multiple witnesses or a complex set of allegations, or where for good reason Respondents, Reporting Persons or Witnesses are unavailable for a period of time, the investigation is likely to take longer.</p> <p>The Action Plan to tackle this:</p> <ul style="list-style-type: none"> • 3 new investigators have started in the last few months, one full time, one 0.7 FTE, and one 0.8 FTE, this is in addition to the Senior Investigator already in post • Before this there were 2 investigators (including a senior investigator). Following a funding increase there are now 3.5 investigators. • By Michaelmas, this will make a substantial difference as staff numbers have effectively doubled to cope with the exponential annual increase in cases • Some cases may still take longer which is often out of OSCCA's control. For example any individual involved may not reply quickly or may be impacted by personal circumstances
<p>b. In the interim between now and this demand being met, the OSCCA website needs to be immediately updated to reflect that this timeline is not at all accurate and students should not expect their case to be handled anywhere close to 60 days.</p>		<p>2.12 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.</p>

Demands	RAG?	Evidence that this has been addressed:
<p>(6.) OSCCA to create stricter rules relating to the behaviour of the supporter of a respondent student to prevent the intimidation of complainant students during proceedings, which the chair will be responsible for ensuring are adhered to.</p>		<p>2.12 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.</p>
<p>a. Questions for the complainant, respondent and witnesses should be submitted in advance of the hearing and screened by the chair.</p>		<p>8.8 which may include questions received from the Respondent that the Chair determines are relevant to be asked. The request shall include the questions that the Respondent wishes to be asked of the person. (As of now all questions to be put to witnesses or any person asked to attend will be firstly put to the chair; to note: the panel consists of 1 Chair (legally qualified or highly experienced in student conduct), 1 member of Regent House and 1 student representative, all receive training including Unconscious Bias by the University's EDI Team and Gendered Violence training by the HVSS)</p>
<p>b. As part of this, OSCCA should reinforce that (except for in exceptional circumstances) a respondent student's supporting person is not intended to act as a legal representative, as the proceeding is not a criminal trial.</p>		<p>2.23 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 University to be legally represented at any meetings that form part of the procedure apart, from in exceptional circumstances. Where a Respondent wishes to use a legal representative however, Respondents may access and use legal representatives, at their own cost, in relation to this procedure, permission should be requested from the Student Discipline Officer for legal representation relating to the investigation stage of the procedure, or Chair of the Discipline Committee in relation to attendance or involvement with the Discipline Committee.</p>
<p>(7.) OSCCA's procedures should require students to provide testimony only once, if the complainant wishes.</p>		<p>4.5 The investigator shall normally meet with the Reporting Person and with the Respondent to receive an oral account of the circumstances leading to the Concern, to receive relevant evidence relating to the Concern and the names of any Witnesses. The investigator may meet with any Witnesses or instead collect information through written statements and other types of evidence.</p> <p>4.6 In addition to investigating the Concern itself, the investigation shall include gathering information about: the seriousness of the Concern;; any impact of the Concern on the Reporting Person(s) or witness(es);</p>

Demands	RAG?	Evidence that this has been addressed:
<p><i>(9.) No communications (verbal or written) from OSCCA should dissuade a complainant student from discussing their case at any point during or following the procedure.</i></p> <p>Currently student testimonials suggest OSCCA's communications contribute to a culture of silence within the University.</p>		<p>2.32 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, individuals need to remain mindful of the information they share with others, including how it is shared. Information provided should not constitute or contribute to any abusive behaviour, as defined in the Rules of Behaviour, towards others involved. Otherwise, this may lead to the individual becoming the subject of disciplinary proceedings.</p> <p>This has changed from '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.'</p> <ul style="list-style-type: none"> • However, there has been no change to stop silencing or to reduce the culture of silence during the investigation procedure. <ul style="list-style-type: none"> - for all and any students including witnesses

DEMANDS OUTSIDE THE SCOPE OF THE POLICY



Demands	RAG?	Evidence that this has been addressed:
<p>(1. a.) To ascertain whether complaints are being dealt with inline with OIA guidance, OSCCA should publish how well it is meeting target case timelines.</p>		<p>None. To be monitored We have been informed that this information will be provided in the OSCCA annual report, which is made publicly available in the subsequent Lent Term of the relevant academic year, following scrutiny by University governance</p>
<p>2. For OSCCA to adopt a publicly accessible framework that creates a set of standardised minimum outcomes, relating sanctions to specific instances of student misconduct.</p>		<p>In progress. Sanctions guidance will be in place for michaelmas 2023 alongside a new website to provide increased transparency on the workings of OSCCA.</p> <p>This will not be in terms of minimum sanctions due to OIA principles that cases should be considered on a case by case basis.</p> <p>To be monitored...</p>
<p>3. The University to create a full-time position for a Racial Harassment Advisor to address the current disparity of institutional support between those taking cases of racism and sexual violence through OSCCA's procedures.</p>		<p>This position, which will be part of the Harassment and Violence Support Service, focusing on supporting students who have experienced any form of racial harassment, regardless of whether they choose to report to OSCCA, has finished recruitment. It will be filled by Michaelmas 2023.</p>

Demands	RAG?	Evidence that this has been addressed:
<p>4. Any case involving racism, or where race has been a contributing factor, should not be handled by all-white panels.</p>		<p>None.</p> <p>We acknowledge that this is symptomatic of institutionalised racial inequality within the University. Due to the makeup of disciplinary panels (1 student representative, 1 academic and 1 Regent House member) this is influenced by the disproportionately small number of BAME academics within the University.</p> <p>In practice all cases involving racism or where race has been a contributing factor have not been handled by an all-white panel.</p> <p>Next stage could be steps for this to be enforced in policy. This has been identified as an area for work and there is still more to be done on this issue by the University and by OSCCA.</p>
<p>5. Annual reports should be made publicly available in an easily digestible format and broken down by case type, timelines, number of cases, and case outcomes.</p>		<p>Harassment cases aren't currently broken down into sub categories as due to the current small numbers of cases annually this could identify students</p> <p>We have been informed that in the next annual report there will be some improvements made in reporting cases that relate to personal misconduct, sexual misconduct and physical misconduct, as academic misconduct cases will be reported separately, making the data clearer</p>
<p>8. OSCCA to improve its communication with the Collegiate University to ensure any outcomes of a case that fall outside of OSCCA's direct jurisdiction are carried out (e.g. non-contact agreements within a college, or exclusion from a society space).</p>		<p>This is understood to be more within the college's jurisdiction than OSCCA.</p> <p>This therefore remains an area for future DRAG campaigns and transparency.</p> <p>In 2022, Colleges were required, in addition to the University of Cambridge, to be individual members of OIA.</p>
<p>(9 b & c)</p> <ul style="list-style-type: none"> • <i>Work towards a University-wide ban on the use of NDAs in cases of sexual harassment and misconduct.</i> • <i>Release all those bound by historical NDAs and confidentiality clauses relating to sexual harassment and misconduct.</i> 		<p>Currently NDAs are not used in the Student Disciplinary Procedure. Where requested by a reporting student an agreement limiting information sharing may be put in place as part of the Informal Complaint Procedure for Student Misconduct.</p> <p>University policy on the use of NDAs could be influenced by to a national or University activist campaign.</p>