

## MAGDALENE COLLEGE STUDENT COVID-19 PROCEDURE

### 1. Glossary of key terms

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

Appeal Committee	A panel of three persons who have not sat on the relevant COVID-19 Committee which determines whether an appeal against a decision of the COVID-19 Committee is upheld or dismissed, with the authority to amend, quash or impose sanctions or measures.
Completion of Procedures Letter	A letter that confirms the completion of the College's internal procedures, following which a student may be able to raise a complaint with the Office of the Independent Adjudicator (OIA).
Concern	The description of the behaviour causing concern, reported by the Reporting Person and submitted using a Concern Form.
College Rules	Any rules and procedures established under the Statutes and Ordinances of the College as well as all orders, rules and regulations as may be made from time to time by the College's Governing Body or by any College Officer duly authorised by that body, whether set out in this document or elsewhere.
The College	Magdalene College, Magdalene Street, Cambridge CB3 0AG.
COVID-19	A disease caused by SARS-CoV-2, a new strain of coronavirus.
COVID-19 Code of Conduct	The Code established by the College concerning the conduct of Students in the context of the COVID-19 pandemic.
COVID-19 Committee ('the Committee')	A committee comprised of three members appointed by the Governing Body.

COVID-19 Officer	A member of the COVID-19 Committee duly appointed by the Committee as the 'duty member' such appointment to be carried out on a rotating basis.  The COVID-19 Officer will be contactable at ***@***.
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 Discipline Committee, the Dean will present the investigation findings to the Discipline Committee. This person will be able to delegate certain functions of their role if the concern is complex.
Disciplinary Procedure	The Magdalene College Student Disciplinary Procedure contained in F6. of the College Rules.
Impact Statement	A written statement from a Reporting Person or Witness that describes the personal impact of an alleged breach of the COVID-19 Code of Conduct.
Investigation Report	The report created by the COVID-19 Officer following an investigation.
Student	A 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.
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.

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

## **2. Scope, Principles and Interpretation**

- 2.1. This procedure should be read with the Disciplinary Procedure. All paragraphs of the Disciplinary Procedure apply to the COVID-19 Procedure except where expressly indicated otherwise. Where this procedure selectively references paragraphs from the Disciplinary Procedure, this should not be interpreted to mean that un-referenced paragraphs do not apply.
- 2.2. Where the Disciplinary Procedure refers to the College Rules this shall be interpreted to include the COVID-19 Code of Conduct.
- 2.3. This procedure enables the College to consider whether a Student has breached the College Rules and the COVID-19 Code of Conduct and, if it is found that such a breach has occurred, to impose warnings, and to impose requirements as to conduct necessary for compliance with the COVID-19 Code of Conduct.
- 2.4. The procedure enables the Committee to respond appropriately to breaches of the College Rules and the COVID-19 Code of Conduct and to protect the College and its community. It does not exist to resolve personal disputes

## **3. Submitting a Concern**

- 3.1. The method by which Concerns are brought to the Committee will be the same as outlined within Section 3 of the Disciplinary Procedure.<sup>1</sup>
- 3.2. Where Section 3 of the Disciplinary Procedure refers to the Dean, this should instead be read as 'the COVID-19 Committee'.
- 3.3. Where the submitted Concern alleges the Respondent has breached both the COVID-19 Code of Conduct and another aspect of the College Rules, the Committee will refer the allegation of breach of another aspect of the College Rules to the Dean to follow under the Disciplinary Procedure. The COVID-19 Committee will retain the allegation of breach of the COVID-19 Code of Conduct under this procedure. In such cases the Dean and the COVID-19 Committee will agree upon the conduct of any investigations so as to avoid duplication, and the Dean will take account of the findings and decision of the Covid-19 Committee in determining the imposition of any sanctions or measures under the Disciplinary Procedure.
  - 3.3.1 If the Committee decides to refer the Concern to the Dean to follow under the Disciplinary Procedure, the COVID-19 Officer will write a referral letter which will:
    - a) explain why such a referral is being made; and
    - b) what COVID-19 considerations the Dean ought to take into account should the Dean proceed to investigate the Concern.
  - 3.3.2 A copy of the referral letter will be sent to the Respondent.

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<sup>1</sup>Under Section 3 a Concern may be brought to the Committee by 'a person who has been impacted by the reported behaviour, witnessed the reported behaviour or become aware of the reported behaviour through other means'.

#### **4. Investigating a Concern**

The method by which an investigation is undertaken will be the same as identified at Section 4 of the Disciplinary Procedure.

#### **5. The COVID-19 Committee's Decision**

- 5.1. Decisions in individual cases may be made by the COVID-19 Officer alone, or, if this seems appropriate, by the full COVID-19 Committee. If a decision is made by the COVID-19 Officer alone it shall be reported to the COVID-19 Committee.
- 5.2. The COVID-19 Officer and/or the COVID-19 Committee may notify College officers and members of staff of Concerns raised under this procedure, and of steps taken in response to them, as is necessary to enable those College officers and/or members of staff to fulfil their duties in relation to the College's response to COVID-19.
- 5.3. If the Committee has reached a decision following which a measure or sanction needs to be taken, the Committee will be able to impose a minor sanction or measure listed below:
  - (a) require the Respondent to take any steps, positive or negative, required for compliance with the COVID-19 Code of Conduct; and/or
  - (b) issue a formal warning to a Respondent.
- 5.4. The Committee does not have the power to impose a measure or sanction listed in the Disciplinary Procedure.
- 5.5. If the Committee considers that the Respondent's breach of the Code of Conduct is sufficiently serious they may refer the matter to the Dean to handle under the Disciplinary Procedure which would enable the Dean to impose a disciplinary sanction and/or the minor sanctions or measures listed at 5.3 above. If the Committee makes such a referral they will write a referral letter in accordance with Paragraphs 3.3.1-3.3.2 (inclusive) of this procedure.

#### **6. The Appeal Committee**

- 6.1. If a Respondent is dissatisfied with a decision of the Committee or the COVID-19 Officer they can make an appeal to the Appeal Committee in accordance with the appeal process set out at Paragraph 7 of the Disciplinary Procedure.
- 6.2. The appeal process will be followed as directed at Section 8 of the Disciplinary Procedure except where references are made to the Disciplinary Committee. This should instead be read as 'the COVID-19 Committee'.
- 6.3. The appeal process will mirror that outlined in the Disciplinary Procedure, save that the Appeal Committee's powers will be limited as follows:
  - (a) It may dismiss the appeal and uphold the Committee's decision;

- (b) It may uphold the appeal and state its factual findings as to whether any breach of the COVID-19 Code of Conduct has occurred. If such a breach has occurred it may impose its own sanctions or measures in accordance with 5.2 of this procedure, which may be different from those imposed by the Committee.

## **7. Completion of Procedures Letter**

The method by which a Completion of Procedures Letter is issued to the Respondent will be the same as identified at Paragraph 8 of the Disciplinary Procedure.

## **8. Reporting and Monitoring**

The method by which the College shall monitor all Concerns reported and made using this procedure shall be undertaken in the same manner as outlined at Paragraph 9 of the Disciplinary Procedure.