



NON-ACADEMIC DISCIPLINARY PROCEDURES

1. Introduction

Antisocial behaviour can affect the welfare of other members of the college or wider community. College rules and regulations are designed to help members of the college to live harmoniously with other members of the college and the wider community. No member of the College community should take unfair advantage of another member of the community. It is the responsibility of the College to deal with members of the College or College staff whose behaviour is inconsistent with the rules and regulations or affects the welfare of other people in the College or wider community adversely and unreasonably.

The College is governed by the Governing Body, whose members are bound by the Statutes and Bylaws of the College. The Governing Body has developed rules and regulations concerning the conduct of junior members, and junior members should familiarise themselves with them. The Rules and Regulations for Junior Members, the Statutes, and the Bylaws are all available on the College website or from the College Office. In any case where a College Officer or Panel is responsible for deciding whether a junior member has contravened a rule or regulation, the balance of probability standard will be applied.

Members of the University are also bound by the University's rules and regulations which are available from the University website and with which they should familiarise themselves. Junior members of the College should be aware that they are subject to both the College and the University regulations concerning conduct and that they are expected to observe these two sets of disciplinary regulations.

Support and advice on disciplinary matters may be available from various sources including a student's Moral Tutor or Graduate Advisor, the Junior Common Room or Middle Common Room or students' union.

Within the college, the Dean has day-to-day responsibility for disciplinary matters and is assisted in this role by four Junior Deans, two Decanal Assistants and various members of the College staff. The Provost may, in the event of the ill-health or other unavailability of the Dean, nominate a member of the Governing Body to act in the Dean's place. Throughout these regulations, references to the Dean shall include any such nominee and references to any other College Officer shall include any nominee acting in a similar capacity. It is recognised that many disciplinary problems have a welfare dimension and student welfare is a high priority for the College. Extensive welfare support is available from a wide range of sources in the College, the University and the wider community, including the National Health Service.

2. Definitions

- 'ban' means withdraw the right of access to specified land, buildings, facilities or services of the College for a fixed period or pending the fulfilment of specified conditions;
- 'expel' means deprive a member permanently of his or her membership of the College;
- 'rusticate' means withdraw the right of access to all of the land, buildings and facilities of the College including teaching, examinations and all related academic services for a fixed period of time or until the fulfilment of specified conditions;

- 'suspend' means withdraw the right of access to all of the land, buildings and facilities of the College including teaching, examinations and all related academic services for a fixed or indeterminate period or until the fulfilment of specified conditions where action is taken as an interim measure pending further investigation.

When suspension or rustication is imposed by the College on one of its members this will also apply to University land, buildings facilities or services. A member of the University who has been expelled loses his or her entitlement to use University land, buildings, facilities and services, including entry for University examinations.

3. Standards and requirements of behaviour

A series of rules and regulations are contained in this document. Any suspected misconduct by a junior member, whether committed within the College or elsewhere may result in the suspected offender being summoned to appear before the Dean or the Disciplinary Panel.

Misconduct

Misconduct includes but is not limited to:

- contravention of the College's Rules and Regulations contained in this document;
- harassment; violent or threatening behaviour; drunk or disorderly behaviour; or any behaviour that disturbs the peace of the college community;
- theft; vandalism; intentional or reckless damage to buildings or property; interference with fire alarms, fire extinguishers, or any other equipment;
- producing, procuring, possessing, using or supplying illegal drugs or other dangerous substances, or allowing College premises to be used for these purposes;
- fraud or false accounting;
- the use of dishonest means in any examination or in fulfilling any academic obligation including, but without limitation, cheating in any College or faculty collection or in any University examination;
- failure to comply with the provisions of the Code of Practice on Freedom of Speech;
- contravention of the College's Information Technology Regulations;
- obstructing a Fellow, College Officer, Tutor or member of staff in the proper discharge of their duty;
- engaging in conduct resulting in conviction for a criminal offence;
- engaging in any conduct which is gravely detrimental to the interests of the College.

As set out further below, the Dean or Disciplinary Panel have powers which include requiring a junior member to reside out of College premises, imposing a fine, suspension, banning, rustication or expulsion. The Dean or Disciplinary Panel may attach further conditions to any penalty that they impose. These conditions may include an academic test or condition.

Alleged criminal behaviour

Where a disciplinary offence involves a potential criminal offence against the College (for example, theft of College property), the College (i.e. the Provost and Dean or their nominated representative(s)) will decide at its discretion whether the matter should be reported to the police. If a matter has been reported to the police, the College will generally defer any disciplinary action until the police and courts have dealt with the matter. Junior members who are under police investigation for a criminal offence, are facing criminal prosecution, or have been convicted or pleaded guilty to a criminal offence must inform the Provost and the Dean within 24 hours.

The Dean may at his or her discretion suspend a junior member from the College, or restrict his or her access to certain parts of, or facilities of, the College, pending the conclusion of any criminal process. Further details of the Dean's powers of suspension, the conditions attached to suspension, and the nature of suspension, are set out below under section 4 ("Dean"). Suspension is to be viewed as precautionary, not as a disciplinary sanction.

If a junior member claims to be the victim of a criminal offence committed by another junior member, but does not wish the police to become involved, the College will not generally report the crime to the police, though it may do so in exceptional circumstances (for example, where this is deemed necessary either to protect the complainant, or to protect other persons). In such cases, if the alleged victim nevertheless wishes the College to deal with the matter under its disciplinary procedures, the College will generally do so in the same way as for any other disciplinary issue. However, in determining whether there is sufficient evidence to take the matter forward to a disciplinary hearing, the College may take into account the fact that the complainant decided not to involve the police, and any reasons given by the complainant for taking that course.

Where the College has reported a matter to the police, it will keep a record of the report on the junior member(s)'s files until any criminal justice process and internal disciplinary process (if any) are completed. After that point, the College will retain such information as is necessary in connection with any adverse disciplinary findings. If the conclusion of both the criminal justice process and internal disciplinary process is that there is no case to answer, the College will not retain the information upon the file of the junior member(s) in question.

Matters which would constitute serious offences under the criminal law will be dealt with under the College's internal processes in the same way as other disciplinary offences, but they will not be dealt with as criminal offences in themselves, nor in general will they be referred to using the language of criminal offences.

Persons who have been the victim of serious crime (including sexual misconduct) are encouraged to report it to the police. The College has no coercive legal powers to investigate allegations of this nature or obtain evidence to support them. The police can also undertake a professional risk assessment to determine the extent to which the alleged perpetrator poses a threat to the complainant or others. On the basis of such an assessment, the police have powers not available to the College to protect the complainant and to compel the alleged perpetrator to stay away from the complainant and from the city, whilst protecting the rights of the alleged perpetrator to a fair hearing.

Alleged harassment and/or sexual misconduct

The College's primary concerns are to support the individuals involved and to deal with any allegations fairly and proportionately, taking into account the resources and legal powers of the College. There are various welfare resources available within the College and the University to support victims of sexual violence – see College and University websites for further information and for contact details of Harassment Officers.

In cases where a student from another College is involved, the matter cannot be dealt with by the College, but the complainant can report the matter to the University who can process it according to the relevant University policy.

In cases where both the complainant and the alleged perpetrator(s) are junior members of College, if the complainant does not wish action to be taken that may lead to a finding of wrongdoing, but wishes to limit interaction with the alleged perpetrator, the Dean will generally handle the case as a non-disciplinary matter and decide on the appropriate outcome accordingly (though s/he retains a discretion in exceptional cases to decide that the issue

should be dealt with as a disciplinary offence). Outcomes may include a conduct agreement between the two students, which may limit or prohibit the access of one or both students to certain College buildings at particular times. No findings or decisions about whether the harassment or sexual misconduct has taken place will be made, and no record of the case will be held on either student's file.

4. The Dean

If the Dean believes that a junior member may have committed an offence the Dean may deal with it directly or may refer the case to the Disciplinary Panel. The Dean, or a person appointed by the Dean, will decide between these options based on interview(s) with the junior member(s) concerned. If the Dean or appointee interviews a junior member, this will take place in the presence of at least one other person and a record will be kept of the meeting. Junior members will be told the general nature of the allegations before any interview takes place which may result in a disciplinary sanction being imposed on them, and in such a case they have the right to be accompanied by a friend or other representative from within the University.

The Dean will refer any case in which the penalty may be rustication or expulsion to the Disciplinary Panel. The Dean will generally deal with other matters directly but has the option of referring them to the Disciplinary Panel. Where a case is referred, the Dean will provide written notice of the alleged misconduct to the junior member and to the Chair of the Disciplinary Panel, normally within 5 working days of the decanal interviews. To enable panel membership to be determined, and a hearing date to be set in a timely manner, the Chair will also be informed of the identity of the junior member(s) involved.

If the Dean deals with the matter directly, the junior member may appeal to the Disciplinary Panel against fines or other penalties imposed by the Dean. However, junior members are advised that the Disciplinary Panel may impose additional fines or other penalties in the event of trivial or frivolous appeals, or where the offence is believed to warrant a more severe penalty than that already imposed.

The Dean has the power to suspend the right of access of a junior member from College premises and facilities with immediate effect for a fixed or indeterminate period where it is believed that the junior member may be guilty of misconduct and such suspension appears to be warranted. In these circumstances suspension is precautionary and not a penalty or disciplinary sanction, and may continue while the matter of alleged misconduct is considered, and during any subsequent disciplinary proceedings. Such precautionary action does not imply any determination by the Dean or Disciplinary Panel about the guilt or otherwise of the person(s) involved. When a junior member is suspended, banned or rusticated for a period of time, the Dean may impose an academic condition for return of the student. The College will be under no obligation to support the student's academic activities during any period of suspension, banning or rustication that has been imposed for a non-academic disciplinary reason.

The Dean may order the expulsion of any non-member of the College from its premises at any time.

5. Disciplinary Panel

a) Membership

The Disciplinary Panel will normally consist of four Governing Body or other senior College members nominated by the Provost, one of whom will be the standing Chair, with a balanced gender representation. It will not include the Dean. The Panel will not include either a tutor of the junior member facing a charge, or any other member of the Governing Body who has, or could reasonably be perceived to have, any conflict of interest in respect of the matter. For

this purpose, a tutor is defined as someone who has filed an academic report on a junior member's work, or is expected to do so in the current academic year, or has acted as Moral Tutor for the junior member at any stage.

The Disciplinary Panel may, but is not obliged to, ask one or more advisors to be present at its deliberations. Such a person shall not have a vote. An experienced advisor from outside the College will be appointed to assist the Disciplinary Panel in all cases of alleged harassment and/or sexual misconduct.

The work of the Panel and the scheduling of hearings will be administered by the College Office under supervision from the Panel Chair. An experienced note-taker will be present at all meetings.

b) Proceedings

The Disciplinary Panel will have one meeting towards the end of each term if there is any business for it, but will convene additional meetings, to be organised by the College Office at the request of the Panel Chair or Provost, if there are matters that require more urgent attention.

The Disciplinary Panel may regulate its proceedings as it sees fit, including (without limitation) setting time-limits on the evidence to be called by any party consistent with providing a fair opportunity for presentation of relevant evidence whilst ensuring that the matter is heard and determined expeditiously.

Junior members will be summoned before the Disciplinary Panel by the College Office, under the direction of the Panel Chair. When junior members are summoned before the Disciplinary Panel, the Panel Chair will inform the Tutor for Undergraduates and/or Graduates of the identity of the junior members concerned, but not of the nature of the allegation. The Tutor for Undergraduates and/or Graduates will ensure that appropriate welfare support is provided to the junior member(s) concerned.

If junior members are summoned before the Disciplinary Panel, attendance is mandatory. If a junior member fails or refuses to attend, the Disciplinary Panel may proceed in their absence.

The Dean will appoint a person to present the disciplinary case against the junior member on behalf of the College, who may be an external advisor ("the case presenter").

The junior member may be present at all disciplinary hearings, and may be represented by an adviser, friend or other representative (referred to collectively hereafter as "the representative"). The name and status of any representative must be provided to the Panel at least 5 working days in advance of the hearing via the College Office (and copied to the Panel Chair). Where the representative is not from within the University, the Panel Chair will retain discretion as to whether it is appropriate for them to act on the junior member's behalf in all circumstances. For the avoidance of doubt, any costs (including e.g. travel expenses) of any representative will be borne by the junior member.

c) Evidence

Witness evidence presented at the hearing will normally be oral. The Disciplinary Panel may, at its discretion, require the provision of summaries of evidence or written witness statements before the hearing.

Either the College or the junior member may call relevant witnesses, and witnesses so called may be questioned by the case presenter, by the junior member or their representative, by the Disciplinary Panel, and by any external advisor. The Panel may also ask additional witnesses to attend. Where appropriate (for example, in cases of sexual misconduct), the Panel may

apply special measures to enable an alleged victim to give evidence without undue distress, consistent with fairness towards the accused.

Any documentary evidence should be submitted to the College Office at least 10 working days before the hearing (or according to any alternative timetable set by the Disciplinary Panel). Copies will be made available to the Disciplinary Panel and the parties as soon as reasonably practicable after the College Office has received them.

The Dean will submit evidence on behalf of the College, having carried out an investigation to the reasonable extent possible, given the limited resources and legal powers of the College.

Late evidence will be admitted only with the permission of the Panel.

The case presenter and the junior member (or their representative) shall each be entitled to address the Panel at the outset and conclusion of the hearing.

After any relevant statements have been heard, evidence reviewed and questioning concluded, the concerned parties will withdraw and the Disciplinary Panel will consider the case and determine how to proceed and whether a penalty is appropriate and if so, what that penalty should be.

The Disciplinary Panel will decide the case on the balance of probabilities. If the members of the Disciplinary Panel cannot agree, the verdict of the Panel is to be that of the majority of its members (with the Chair having a casting vote in the event of a tied verdict). If the conclusion is that an offence has been committed, a record will be held on the perpetrator's file and a penalty imposed; otherwise, no record of the case will be held on that student's file. If a complaint is deemed vexatious, appropriate disciplinary action may be taken against the complainant.

The penalty (which must be proportionate) may include: requiring a junior member to reside out of the College premises; a fine of any magnitude; suspension, banning, rustication or expulsion from the College. The Disciplinary Panel may attach such conditions as it sees fit to any penalty. When a junior member is suspended, banned or rusticated for a period of time, the Disciplinary Panel may impose an academic condition for return of the student. The College will be under no obligation to support a student's academic activities during any period of suspension, banning or rustication that has been imposed for a non-academic disciplinary reason.

After a Disciplinary Panel hearing, the Chair shall at once report the Disciplinary Panel's decision to the Dean and to the Provost, and shall inform the Proctors or police, if appropriate, and any College staff affected by the decision. The junior member concerned shall be informed in writing of the Disciplinary Panel's decision by the Chair of the Panel. The junior member will also be advised of their right of appeal to the Governing Body. The full communication to the junior member shall not normally be circulated, but shall be held in the College Office. In the event of any appeal, it shall be available to members of the Governing Body.

6. Appeals to the Disciplinary Panel

If the Dean has imposed a penalty which a junior member believes to be unwarranted or excessive, the junior member may make written representations to the Disciplinary Panel requesting a review of the penalty imposed. The appeal must be lodged in writing with the College Office within 5 working days of the imposition of the penalty stating the basis of the appeal.

The junior member may appeal on either or both of the following grounds:

a) errors in the Dean's findings (which must be specified by the junior member);

b) or the disproportionality of the penalty to the gravity of the offence.

The junior member shall not normally be permitted to introduce new evidence to the Disciplinary Panel where that evidence could reasonably have been presented to the Dean.

The College Office will immediately copy the full appeal to the Dean and to the Chair of the Disciplinary Panel. Unless the matter is deemed urgent by the Panel Chair, it will be dealt with at the next routine Panel meeting. The Dean may submit to the Panel a written response to the appeal and/ or may elect to attend the Panel to respond to the appeal in person. If the Dean chooses to respond in person, the appellant will also be given the option of attending in person. The Disciplinary Panel may dispose of appeals without an oral hearing unless it considers it necessary or expedient to hold one. The Disciplinary Panel has the power to confirm, remove or alter any penalty previously imposed or impose additional fines or other penalties and may attach such conditions as it sees fit to any penalty. It may also impose a further penalty in the event of trivial or frivolous appeals

The junior member shall be informed in writing of the Disciplinary Panel's decision by the Chair of the Panel. The Chair of the Disciplinary Panel shall at once report the Disciplinary Panel's decision to the Dean and to the Provost and shall inform the Proctors or police, if appropriate, and any College staff affected by the decision. The full communication to the junior member shall not normally be circulated, but shall be held in the College office.

7. Appeals to the Governing Body

In cases determined by the Disciplinary Panel under section 5 above, the junior member has the right of appeal to the Governing Body (for the avoidance of doubt, there is no right of further appeal from the Disciplinary Panel for appeals determined by the Disciplinary Panel under section 6 above.) The junior member must lodge any appeal against the findings or penalty of the Disciplinary Panel by writing to the Provost (or their nominee) within 5 working days of the communication of the Disciplinary Panel's decision to the junior member, stating the basis of the appeal.

The junior member may appeal on either or both of the following grounds:

- a) errors in the Disciplinary Panel's findings (which must be specified by the junior member);
- b) or the disproportionality of the penalty to the gravity of the offence.

The junior member shall not normally be permitted to introduce new evidence to the Governing Body where that evidence could reasonably have been presented to the Disciplinary Panel.

Any member of the Governing Body who is a tutor of the junior member or has an interest in the subject matter of the charge or was on the Disciplinary Panel that heard the case will absent themselves from the proceedings except that the Chair of the Disciplinary Panel will attend but then withdraw when the Governing Body deliberates. For this purpose, a tutor is defined as someone who has filed an academic report on a junior member's work, or will do so in the current academic year, or has acted as Moral Tutor for the junior member at any stage. The Dean will not take part in deliberations.

The Governing Body shall regulate its appeal proceedings as it sees fit.

The Governing Body shall consider the junior member's Grounds of Appeal and any response of the Chair of the Disciplinary Panel. The junior member may attend with or without a representative, and they or their representative may make oral or written representations on the grounds of the appeal. The name and status of any representative must be provided to the Provost at least 5 working days in advance of the hearing. Where the representative is not from within the University, the Provost will retain discretion as to whether it is appropriate for

them to act on the junior member's behalf in all circumstances. The Chair of the Disciplinary Panel may also attend and may be accompanied by an advisor, and either the Chair or advisor may make oral or written representations on the Grounds of Appeal. The Governing Body may in any event request the attendance of the junior member or Chair of the Disciplinary Panel and may interview them, and in the event that any party fails or refuses to attend may proceed in his or her absence.

The Governing Body may quash or confirm the decision appealed against, or make any order in substitution for it which the Disciplinary Panel could have made. The junior member shall be informed in writing of the Governing Body's decision by the Secretary to the Governing Body. The Provost shall at once report the Governing Body's decision to the Dean and the Chair of the Disciplinary Panel and shall inform the Proctors or police, if appropriate, and any College staff affected by the decision. The full communication to the junior member shall not normally be circulated, but shall be held in the College Office. The decision of the Governing Body shall be final in the College.

8. Appeals beyond the College

The junior member shall have the right to appeal the decision of the Governing Body (or of the Disciplinary Panel, where the Disciplinary Panel has heard an appeal under section 6 above) to the Conference of Colleges' Appeals Tribunal. If a junior member wishes to bring such an appeal, the junior member shall file a written application with the secretariat of the Conference of Colleges within 5 working days of the date of the decision appealed against.

If the Conference of Colleges Appeals Tribunal upholds the College's decision, the junior member may appeal to the Office of the Independent Adjudicator for Higher Education.

In full term, any document that is required to be sent to a junior member shall be deemed to be duly given 24 hours after it has been left for them at the College lodge or emailed to them. Out of full term, an additional copy shall be posted to the home address the junior member has given to the College Office, and the document shall be deemed duly given 3 working days after the date of posting or emailing. Where a junior member has been suspended and is not residing in Oxford, the procedure for posting or emailing documents out of full term shall be followed.

9. Flow Chart of Non-Academic Disciplinary Procedures

