



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 (in some cases) the 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 available on the College website or from the College Office.

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 junior member's Personal Tutor or Graduate Advisor, the Junior Common Room or Middle Common Room or the Oxford University 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 the welfare of its members 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

- 1) '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;
- 2) 'expel' means deprive a member permanently of his or her membership of the College;
- 3) '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;
- 4) '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 General standards and principles

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, requiring service on College premises, 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.

Anonymous reports of suspected misconduct will be considered under these Procedures only 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 following an anonymous report, because of the need to allow the subject to respond to the report.

Junior members may be accompanied to meetings with the Dean or to hearings of the Disciplinary Panel or the Non-Academic Disciplinary Appeals Panel by a supporter, who should normally be a member of the College or a member of the Oxford University Students' Union, so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the procedure below are met. Requests to be accompanied by a supporter should be made to the Dean or Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing.

Legal representation at hearings of the Disciplinary Panel or the Non-Academic Disciplinary Appeals Panel will not normally be permitted, though reasoned requests for such representation may be made, and will be considered. The Disciplinary Panel or Non-Academic Disciplinary Appeals Panel, when considering a request for legal representation, will consider whether fairness requires the junior member to be permitted such representation in the particular case. If a disciplinary meeting cannot be fairly conducted without the junior member being legally represented, legal representation will be permitted. In other cases, the Panels may permit a junior member to be legally represented if they consider it appropriate. Such instances are likely to be rare.

For the avoidance of doubt, any costs (including e.g. travel expenses) of any supporter or representative will be borne by the junior member.

The standard of proof used when making determinations under this Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel or Non-Academic Disciplinary Appeals Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.

Alleged criminal behaviour

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. 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.

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.

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.

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.

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.

In cases where both the complainant and the alleged perpetrator(s) are junior members of the College, if the complainant does not wish proceedings to be initiated 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 junior members, which may limit or prohibit the access of one or both junior members 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 junior member's file.

In cases where a junior member 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.

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.

The Dean will refer any case in which the penalty may be rustication or expulsion to the Disciplinary Panel (Section 5 below). 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 five 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 Dean may, after interviewing the junior member concerned, issue a written warning or impose a penalty as set out in Section 2 above. In the latter case 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 junior member. The College will be under no obligation to support the junior member'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 Personal Tutor for the junior member at any stage.

The Disciplinary Panel will normally appoint an Investigator to investigate the case referred to it by the Dean. The appointment will normally be made within three working days of the referral. The Investigator may be a senior member of the College or an external Investigator, at the Panel's discretion.¹ The Chair of the Panel will write to the junior member informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to academic.administrator@queens.ox.ac.uk within two working days. If the Chair considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within three working days of the objection being made.

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 by 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.

The Investigator will gather such evidence and make such inquiries as appear to them to be necessary to determine the issues in the case. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.

The Investigator will give the junior member the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. A member of the administrative staff of the College will attend any meeting between the Investigator and the junior member or other witnesses or involved parties. The member of staff will take notes of the meeting and/or the meeting may be recorded.

On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel including any written or documentary evidence, notes of meetings, and a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.

The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the junior member and the Investigator. 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.

¹ An external Investigator will normally be a member of the pool of legal professionals drawn together by the University for such purposes, if available.

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.

c) Evidence

It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. If the Panel determines that it would be appropriate to invite witnesses to its hearing, such witness evidence 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.

The Investigator and the junior member 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 junior member'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; service on College premises; 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 junior member. The College will be under no obligation to support a junior member'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 Non-Academic Disciplinary Appeals Panel (section 7 below). The full communication to the junior member shall not normally be circulated, but shall be held in the College Office.

6 Appeals to the Disciplinary Panel

If the Dean has directly imposed a penalty (under section 4 above) 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 five working days of the imposition of the penalty stating the basis of the appeal.

The junior member may appeal on one or more of the following grounds:

- a) errors in the Dean's findings (which must be specified by the junior member);
- b) the disproportionality of the penalty to the gravity of the offence;
- c) bias, or a reasonable perception of bias, during the procedure.

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 fine or other 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 Non-Academic Disciplinary Appeals Panel

In cases determined by the Disciplinary Panel under section 5 above, the junior member has the right of appeal to the Non-Academic Disciplinary Appeals Panel (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 five working days of the communication of the Disciplinary Panel's decision to the junior member, stating the basis of the appeal.

An Appeals Panel will consist of four people appointed by the Governing Body, one of whom will serve as Chair. The membership of the Panel will be governed by the same rules as the Disciplinary Panel (section 5a above), except that no member of the Disciplinary Panel shall also be a member of the Appeals Panel.

The junior member may appeal on one or more of the following grounds:

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

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

The Appeals Panel shall regulate its proceedings as it sees fit.

The Appeals Panel shall consider the junior member's grounds of appeal and any response of the Chair of the Disciplinary Panel. The junior member may attend, and may make oral or written representations on the grounds of the appeal. The Chair of the Disciplinary Panel may also attend, and may make oral or written representations on the Grounds of Appeal. The Appeals Panel 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 Appeals Panel 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 Appeals Panel's decision by the Chair of the Panel. The Provost shall at once report the Appeals Panel'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 Appeals Panel shall be final in the College.

8 Appeals beyond the College

The junior member shall have the right to appeal against the decision of the Appeals Panel (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 five 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 three 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.

