

BY-LAW XX. JUNIOR MEMBERS

PART A: Definitions and Disciplinary Code

Definitions

1 For the purpose of all Parts of this By-Law, the following words shall have the following meaning

- 'Appeal Committee' means a Non-Academic Disciplinary Appeal Committee convened in accordance with Part B, 7.
- 'breach of discipline' means a breach of the rules set out the College Code of Discipline and contained in the provisions specified in Part A, 2
- 'College' means St Hilda's College;
- 'Dean' means the Dean of St Hilda's College
- 'Disciplinary Panel' means a panel convened in accordance with Part B, 6.
- 'expulsion' shall mean the permanent loss of membership of the College and of the University.
- 'Fitness to Study Panel': the University has established a Fitness to Study panel to determine matters concerning a student's fitness to study within a common framework across departments/faculties and colleges.
- 'harassment' shall mean unwanted and unwarranted conduct which has the purpose or effect of: (i) violating another's dignity, or (ii) causing creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. The recipient does not need to have explicitly stated that the behaviour was unwanted. a course of
- 'Junior Member' shall include any current or suspended student whether undergraduate or graduate, any visiting student, associate member of the Junior Common Room or Middle Common Room and whether in residence or out of residence person admitted by the College to read for a First or Higher Degree or Diploma who is, or is to be, matriculated, any Visiting Student and any visitor accepted by the College as a member of the Junior or Middle Common Room.
- 'Member of the College' for the purpose of the Procedure includes the current Principal, and any other College office-holder, current Fellow, current student or employee of the College
- 'Principal' means the Principal of St Hilda's College
- 'Procedure' means the Non-Academic Disciplinary Procedure set out in Part B incorporating the provisions within Part C;
- 'reporter' means a person submits a report under Part B, paragraph 4.1
- 'rustication' shall mean the withdrawal of the right of access to all of the premises or facilities of the College and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.

- 'subject' means a Junior Member who is alleged to have breached the College Code of Discipline
- 'suspension' shall mean the withdrawal of the right of access to all of the premises or facilities of the College either as an interim measure pending further investigation or where action is required in a non-disciplinary situation and may be for a fixed period or pending the fulfilment of specified conditions or indefinite.

College Code of Discipline

2 No Junior Member shall intentionally or recklessly

- (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College or properties managed directly or indirectly by the College including the Jacqueline du Pré Music Building;
- (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by Members or employees of the College or visitors to the College;
- (c) obstruct or attempt to obstruct any Officer, employee or agent of the College in the performance of his or her duties;
- (d) damage or deface any property of the College or of any Member, Officer or employee of the College, or knowingly misappropriate such property;
- (e) occupy, use, or attempt to occupy or use any property or facilities of the College except as may be authorised by the University or College authorities concerned;
- (f) forge or falsify any University or College certificate or document or knowingly make false statements concerning standing or results obtained in examinations;
- (g) engage in any activity likely to cause injury or impair safety;
- (h) engage in violent, indecent, disorderly, threatening or offensive behaviour or language;
- (i) engage in the harassment of any Member, visitor, employee or agent of the College;
- (j) engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College Office;
- (k) refuse to disclose her name and other relevant details to an Officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given;
- (l) use, offer, sell or provide to any person, drugs, the possession or use of which is illegal;
- (m) engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
- (n) use unfair means in any College examination or test;
- (o) engage in conduct in breach of regulations for the use of the College Library published from time to time;

- (p) engage in conduct in breach of any other College regulation or order published from time to time;
 - (q) engage in any improper conduct which is substantially detrimental to the interests of the College.
- 3 Every undergraduate shall abide by the requirements stated in the Official Student Handbook.
- 4 Every member of the Middle Common Room shall abide by the requirements stated in the Official Student Handbook.

PART B: Non-Academic Misconduct Disciplinary Procedure

1. Introduction

- 1.1. This Disciplinary Procedure deals with conduct by Junior Members which breaches their non-academic obligations as a Member of the College. These obligations, which are summarised or identified in Part A. 2, are referred to as 'the College Code of Discipline'. In the Procedure a 'breach of discipline' refers to a breach of one or more of the provisions of the College Code of Discipline.
- 1.2. The purpose of the Procedure is to address breaches of discipline by Junior Members, and not to resolve disputes between individuals. Junior Members may only be disciplined where their conduct occurs in a College Context, as defined in Part C. Further definitions are contained in Part A, 1.
- 1.3. In the Procedure the person making a report is referred to as the 'reporter' and the person who is alleged to have breached the College Code of Discipline is referred to as the 'subject'.
- 1.4. For informal advice about procedural aspects of the disciplinary process, please contact the Dean.
- 1.5. Where disciplinary proceedings are contemplated the Dean will remind reporters and subjects of the sources of support available to them. Advice and support for Junior Members are available from:
- The College student welfare team (<https://www.st-hildas.ox.ac.uk/students/health-welfare>)
 - The University Sexual Harassment and Violence Support Service (<https://www.ox.ac.uk/students/welfare/supportservice>)
 - The University Student Welfare and Support Services (<https://www.ox.ac.uk/students/welfare>)
 - Oxford SU Advice Service (<https://www.oxfordsu.org/support/studentadvice>)
- 1.6. Separately, the Dean may impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members. Such measures may include requiring a Junior Member to have no contact with another Member of the College or excluding any person from College premises. These safeguarding measures are neutral in effect and do not imply that any Junior Member on whom measures are imposed has been found to be in breach of any of their obligations.

2. *General*

- 2.1. Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a safeguarding or precautionary measure (under paragraph 1.6 above or 4.4 below) or to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations.
- 2.2. Parties should strive to act promptly, and to meet the time limits set out in the Procedure. Time limits may be extended by the relevant decision-maker where it is necessary in the interests of fairness. It will often be necessary to extend time-limits for complex cases. Where time limits are extended, the subject (and reporter where appropriate) will be kept updated about the progress of the case.
- 2.3. If the Dean has concerns that a Junior Member involved in the Procedure is suffering health, welfare or academic study issues as defined in the College's Fitness to Study Procedure ('Exceptional Circumstances' section, Student Handbook: <https://www.st-hildas.ox.ac.uk/students/student-handbook>) or other difficulties that may be relevant to whether or how the Procedure should be used, the Junior Member should be directed to the welfare team and to the University Student Welfare and Support Services. The Dean should at the same time inform the person responsible for fitness to study procedures in College.
- 2.4. Reasonable adjustments may be made to the Procedure in individual cases in order to enable the subject and any other person affected by application of the Procedure to participate fairly.
- 2.5. Anonymous reports will only be considered under the 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 following an anonymous report, because of the need to allow the subject to respond to the report.
- 2.6. Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College or a member of the Oxford Student 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, Investigator and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing. Legal representation will not normally be permitted, though reasoned requests for such representation may be made, and will be considered.
- 2.7. Meetings and hearings may take place online where this is necessary to avoid undue delay or to protect the welfare of any person.
- 2.8. Where there is more than one reporter and/or more than one subject it may be appropriate for all the subjects to hear or be provided with the other subjects' evidence.
- 2.9. The standard of proof used when making determinations under the Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary 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.

- 2.10. Non-compliance with a disciplinary penalty imposed under the Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.
- 2.11. Any Member of College involved in administering the Procedure shall comply with the College's conflict of interest policy (available from the College's Governing Body Secretary) and should not act if there is any reasonable perception of bias. If the Dean is unable (for any reason) to act the Principal will appoint an appropriate substitute. Any decision to be made or action to be performed by the Principal may be made or performed by the Vice-Principal or Senior Tutor in the event that the Principal is absent, has a conflict of interest, or is otherwise unable to undertake the action within a reasonable time.
- 2.12. Records will be kept at all stages of the process and will be processed in accordance with the College's records management and privacy policies (<https://www.st-hildas.ox.ac.uk/content/privacy-notices>).
- 2.13. The Procedure makes provision for the subject to appeal from adverse decisions taken under sections 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under the Procedure they may make a complaint under the College Student Complaints procedure (By-Law XX, Part E32 ff) <https://www.st-hildas.ox.ac.uk/sites/www.st-hildas.ox.ac.uk/files/Student%20Complaints%20Procedure.pdf>. Any complaint will be addressed by individuals who have not previously been involved in the report.

3. Initial Considerations

- 3.1. Reporters who are students may consider using the University Student Resolution Service (<https://www.ox.ac.uk/students/welfare/harassment/student-resolution-service>) which is a free mediation service for students who find themselves in conflict with another student.
- 3.2. The Dean may liaise between reporting Junior Members and subjects where there has been a relationship breakdown to put in place a no contact agreement on the basis that there has been no admission of fault. Such agreements will be neutral in effect and will impose the minimum impact reasonably possible on all students involved.
- 3.3. Part C sets out the College's approach in cases where the alleged conduct falls within the scope of more than one procedure or may constitute a criminal offence.

4. Reports and Precautionary Measures

- 4.1. Reports should normally be made in writing, by email to the Dean. If a reporter does not wish to make a written report in the first instance they should contact the Welfare Officer who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.
- 4.2. If the report is not successfully resolved informally, or if informal resolution is not appropriate, the Dean will decide whether to investigate an alleged breach of discipline.
- 4.3. If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may (i) investigate the report under the Procedure for Minor Breaches of Discipline set

out at section 5 below, or (ii) refer the case to the Principal in accordance with the Procedure for Major Breaches of Discipline set out at section 6 below.

- 4.4. The Dean will not normally investigate, or refer to the Principal, an alleged breach of discipline which is reported to have occurred more than 6 months previously, but may do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current member(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider include (but are not limited to): the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event, was repeated or was part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting and any barriers to reporting. Exceptional circumstances are more likely to be found to exist in cases of sexual misconduct and/or violence. The Dean will notify the reporter of any decision not to investigate or refer a report under this provision.
- 4.5. The Dean may at any time impose temporary precautionary measures on the reporter and/or the subject for the remainder of the Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.
- 4.6. Possible precautionary measures may include (without limitation): a no contact arrangement; a ban from, or time constraints for, accessing particular College buildings or services; recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another college (subject to endorsement by the University or relevant college as appropriate); moving either the reporter or subject to alternative College or University accommodation; and/or, where no other option is appropriate, a temporary suspension of studies.
- 4.7. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or Members of the College from an identified risk, or to protect an investigation under the Procedure, and should take into account safeguarding considerations where relevant.
- 4.8. 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 significant disruption to academic study or other College activities.
- 4.9. The Dean will promptly provide the student and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Principal at any time for the precautionary measures to be reviewed.
- 4.10. The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Dean should take into account the wishes of the reporter.

5. *Procedure for Minor Breaches of Discipline*

- 5.1. The Procedure for Minor Breaches of Discipline applies to cases in which the Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in paragraphs (1) to (8) of Part C, under the heading 'Penalties for Minor Breaches of Discipline'.
- 5.2. Where the Dean proceeds to investigate under this section the aim will be to complete an investigation and issue a decision in relation to the alleged breach of discipline as soon as reasonably practicable and in any event within 2 weeks of their decision to investigate.

Determination by the Dean

- 5.3. The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing or at a meeting with the Dean. In all but exceptional circumstances the Dean will provide the subject with at least 24 hours' notice of the date and time of any meeting.
- 5.4. If the subject admits the breach of discipline the Dean will proceed to consider what, if any penalty should be imposed.
- 5.5. If the subject does not admit the alleged breach of discipline the Dean may take any step reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter and interviewing the subject, as well as interviewing any witnesses, requesting written response to questions and requesting relevant documents.
- 5.6. A member of the College administrative staff will attend any meeting under this Part of the Procedure and take notes of the meeting.
- 5.7. Before reaching any determination under this Part the Dean will disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 5.8. The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may elect to respond in writing or at a meeting with the Dean.
- 5.9. Where there are substantial questions of fact to be decided the Dean may refer the report to the Principal to be considered by a Disciplinary Panel under section 6 below. It will not normally be necessary in such cases for the Principal or the Disciplinary Panel to appoint an investigator. All materials gathered by the Dean in the course of their investigation will be provided to the Disciplinary Panel.
- 5.10. After having satisfied themselves that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.

- 5.11. Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Part C paragraphs (1)-(8) or may make a conditional determination under Part C. The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.
- 5.12. The Dean will inform the subject and the reporter of their decision in writing. The Dean will inform the subject, and where appropriate, the reporter, of the reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal and of the matters set out in paragraph 5.13 to 5.17 below.

Appeal to the Principal

- 5.13. The subject may appeal to the Principal against a decision made by the Dean under paragraph 5.12 above.
- 5.14. The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 5.15 below.
- 5.15. The grounds upon which the subject may appeal are that:
- (a) There was bias, or a reasonable perception of bias, on the part of the Dean;
 - (b) The Dean acted unfairly or failed to follow the Procedure;
 - (c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome;
 - (d) There was an error of interpretation of any of the provisions referred to in Part C or of the Procedure;
 - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
 - (f) The penalty imposed was disproportionate.
- 5.16. Any appeal must be made by sending a notice of appeal to principal@st-hildas.ox.ac.uk within 7 days of notification of the Dean's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Dean's decision under paragraph 5.12 above and any other documentary evidence which is relevant to their grounds of appeal.
- 5.17. The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Principal.
- 5.18. The Principal may invite the subject to an appeal meeting, and will normally do so when the subject has requested it. A member of the administrative staff will attend and take notes at any such appeal meeting.

- 5.19. The Principal may: confirm the Dean's determination; confirm the Dean's determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction; require the Dean to reconsider their determination as to breach of discipline; reverse the determination of the Dean as to breach of discipline.
- 5.20. The Principal will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 days of the determination. The reporter will be informed of the decision.
- 5.21. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review from CCAT or the Office of 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.

6. Formal Procedure for Major Breaches of Discipline

- 6.1. This section addresses the procedure which will be followed where the Dean refers a case to the Principal for the purposes of convening a Disciplinary Panel.
- 6.2. It is normally expected that, where the subject co-operates fully in the process, it will be completed within 28 days of referral of the case to the Principal, but in complex cases the period may be longer.

Notice of Referral

- 6.3. The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, the penalties set out in paragraphs (1) to (8) of Part C, under the heading 'Penalties for Minor Breaches of Discipline' may not be sufficient to address it.
- 6.4. A referral may be made at any stage after receipt of a report, including at any stage of an investigation under section 5 above, prior to a determination being made.
- 6.5. On referring the report to the Principal, the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Principal under this part and that a Disciplinary Panel will be convened to consider the report.
- 6.6. In any case in which the Dean has determined that there are exceptional circumstances which warrant referral under paragraph 4.4 above the Dean shall provide reasons for that conclusion. The subject may appeal to the Principal against that determination by writing to the Principal within 3 working days, setting out the reasons for which they contend that the Dean's determination that there were exceptional circumstances was wrong. The Principal will consider the appeal on the papers and will allow the appeal if they consider that the Dean's conclusion was one which no reasonable decision-maker could have reached.

Appointment of Investigator and Disciplinary Panel

- 6.7. The Principal will normally appoint an Investigator to investigate the report. 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 Principal's discretion.

- 6.8. The Principal will write to the subject and the reporter 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 principal@st-hildas.ox.ac.uk within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within 3 working days of the objection being made. The subject and the reporter will be notified of the identity of any replacement Investigator by email.
- 6.9. A Disciplinary Panel will consist of three people appointed by the Principal from amongst the members of the Disciplinary Committee, which shall include the Vice-Principal unless this is impracticable, for the purposes of considering the report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Principal will appoint one of the members as Chair of the Disciplinary Panel. The Principal will appoint one of the members as Chair of the Disciplinary Panel. This will be presumed to be the Vice-Principal where she is appointed as a member of the Disciplinary Panel.
- 6.10. A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Principal has referred more than one case involving the same subject the Disciplinary Panel may decide to consolidate the cases.
- 6.11. The Principal will write to the subject and the reporter informing them of the identities of the proposed Disciplinary Panel members and stating that if they have any objection to the inclusion appointment of any of the members, they must set out the reasons for their objections in an email to principal@st-hildas.ox.ac.uk within 2 working days. If the Principal considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

Investigation

- 6.12. The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.
- 6.13. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.
- 6.14. The Investigator shall inform the subject of the case against them, and disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 6.15. The Investigator will give the subject 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. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case. Such representations should normally be heard at a meeting in person between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time,

the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.

- 6.16. The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.
- 6.17. A member of the administrative staff of the College will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting.
- 6.18. 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.

Disciplinary Meeting

- 6.19. The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- 6.20. 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. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.
- 6.21. The Chair will write to the subject informing them of the proposed date of the Disciplinary Meeting which will normally be no less than 14 days after the date of the email but may be brought forward to an earlier date if convenient to and agreed in writing by all parties. The Chair will: set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied in accordance with paragraph 2.6 above; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date or chooses not attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and may proceed in the absence of the subject.
- 6.22. If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.
- 6.23. If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any particular arrangements are required to safeguard

the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases.

- 6.24. The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- 6.25. The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.
- 6.26. A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.
- 6.27. After the Disciplinary Meeting the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.
- 6.28. Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- 6.29. If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within 7 days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- 6.30. The Disciplinary Panel may impose any penalty or combination of penalties set out in Part C. It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that is appropriate and proportionate in all the circumstances.
- 6.31. The Panel shall report its determination and disposal to the Principal as soon as possible, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the subject by the Principal within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject

of their right of appeal and of the matters set out in paragraphs 7.2 to 7.5 below. The reporter will be informed of the outcome of the proceedings.

7. Appeals following Disciplinary Panel proceedings

- 7.1. The subject may appeal against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed.
- 7.2. The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in paragraph 7.4 below.
- 7.3. Any disciplinary measures appealed against do not come into effect pending determination of the appeal. It is, however, still possible for a student to meet any conditions specified in the disciplinary measure or conditional determination and hence to terminate the measure, while the appeal is pending. Precautionary measures may continue to apply pending the determination of an appeal.

Notice of Appeal

- 7.4. The grounds upon which a subject may appeal are that:
 - (a) There was bias, or a reasonable perception of bias, during the procedure; termination of an appeal.
 - (b) There was unfairness or a failure to follow the Procedure;
 - (c) The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;
 - (d) There was an error of interpretation of any of the provisions referred to in Part C or of the Procedure;
 - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
 - (f) The penalty imposed was disproportionate.
- 7.5. Any appeal must be made by sending a notice of appeal to principal@st-hildas.ox.ac.uk within 7 days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

The Appeal Committee

- 7.6. An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.
- 7.7. An Appeal Committee will consist of three people appointed by the Principal for the purposes of considering the appeal constituted in accordance with paragraph 7.8 below. The Principal will appoint one of the members as Chair of the Appeal Committee.
- 7.8. The Appeal Committee may comprise any three of the following:

- i. Fellows of the College who hold academic posts (but who need not be members of the Governing Body);
 - ii. Members of another College or other Colleges of the University of Oxford who (apart from the fact that they are members of another College) fall under the descriptions in (i) above;
 - iii. Any other person who has been approved for this purpose by Governing Body.
- 7.9. The Appeal Committee will be assisted by a member of the administrative staff who will act as Secretary to the Appeal Committee ('the Secretary').
- 7.10. The Principal will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to principal@st-hildas.ox.ac.uk within 2 working days. If the Principal considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within 3 working days of the objection being made.

Consideration of the Appeal

- 7.11. The Principal will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure. Within 3 working days of their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 7.12. Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.
- 7.13. The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after the appointment of the Appeal Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.
- 7.14. At least 7 days before the hearing the Secretary will:
- a) write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
 - b) provide the Appeal Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 7.15. If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.
- 7.16. The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the

case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.

- 7.17. The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 7.14 above. The Secretary will provide the subject and the College Representative with at least 7 days notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 7.15 above.
- 7.18. The appeal will be determined by a simple majority vote.
- 7.19. The decision of the Appeal Committee shall be provided in writing to the Principal, the subject, and the College Representative within 7 days of the conclusion of any hearing. The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 7.20. The Appeal Committee may uphold the implementation of the disciplinary penalty, vary the conditions of its implementation, require those conditions to be satisfied afresh, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 7.21. The decision of the Appeal Committee is final and not open to further appeal within the College.
- 7.22. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by CCAT or the Office of 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.

8. Appeal in relation to breach of conditions

- 8.1. If conditions are attached to any disposal under Part C and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the subject, the appeal procedure under this section applies.
- 8.2. The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following grounds:
 - a) that the Dean was wrong to conclude that the subject failed to meet the condition;
or
 - b) that the subject's failure to meet the condition was excusable.

- 8.3. The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Principal within 7 days of receipt by the subject of notice under paragraph 8.1 above of their failure to meet the condition.
- 8.4. The appeal, which will be a rehearing, will be referred by the Principal to a Disciplinary Panel constituted in accordance with section 6 above and the procedure under section 6 will be followed.

PART C: Non-Academic Misconduct Discipline: Penalties and Application of Procedure

1. PENALTIES

The penalties which may be imposed under By-Law XX Part B in respect of a breach of the College Code of Discipline are listed below. The penalty to be applied will be determined on a case by case basis, taking into account the particular circumstances in which the breach of the disciplinary code occurred and the impacts of the breach:

1.1 Penalties for Minor Breaches of Discipline

- a) A requirement that the subject apologise, orally or in writing, to the College or to named individuals
- b) A requirement that the subject undertake specified training
- c) A requirement that the subject produce a written reflection
- d) A warning, which will remain on the subject's disciplinary record for a specified period
- e) A ban, not exceeding 14 days from any specified College locations, facilities and services not including the subject's own College-provided living accommodation or the route to it, so imposed so as not to disproportionately interfere with the subject's academic work.
- f) A ban, not exceeding 28 days one academic term, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function.
- g) Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work.
- h) A fine of up to £500, so calculated so as not to expose the subject to disproportionate hardship.

1.2 Penalties for Major Breaches of Discipline

1.2.1 Any of the penalties above may be imposed for a major breach. In addition the penalties which may be imposed for a major breach are:

- a) A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation with or without conditions that need to be satisfied before a return to the College premises and/or accommodation; or

- b) A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation unless certain conditions are satisfied, with or without further conditions that need to be satisfied before a return to the College premises and/or accommodation; or
- c) Suspension from the College for a period of up to one academic year, with or without conditions that need be satisfied before return to College; or
- d) Suspension from the College for a period of up to one academic year unless certain conditions are satisfied, with or without further conditions that need to be satisfied before return to College; or
[Suspension from the College will lead to suspension from the University]
- e) Expulsion from the College unless certain conditions are satisfied; or
- f) Expulsion from the College

1.3 Conditional determination

The Dean or a Disciplinary Panel may also dispose of the case by making a conditional determination that there should be no penalty so long as certain conditions are satisfied.

1.4 Conditions

The conditions that may be attached to a penalty under paragraph 1.2 above, or to a conditional determination include:

- (a) that the subject is to commit no breach of the Code of Discipline of any type or of any specified type for a specified period or indefinitely;
- (b) that the subject is to report to the Dean at such intervals and for such period as the Dean and/or Disciplinary Panel may determine with a view to keeping the subject's conduct under review and for the purposes of which review the subject's assent to a conduct agreement may be required;
- (c) that the subject is to take some other reasonable step or steps specified in the disposal, the step or steps to be taken before a specified date, provided that the step will not be one designed to penalise the student.

1.5 Costs

The Dean may always pass on to a student any costs incurred by the College as a direct consequence of the breach of discipline, for example the cost of removing graffiti. This does not include costs attributable to investigating and establishing the breach of discipline, or legal fees.

1.6 Approach to disposal

- 1.6.1 When reaching a decision as to what penalty to impose, or specify in a conditional determination, the Dean or Disciplinary Panel will dispose of the case in a manner which is proportionate to the circumstances of the breach of discipline and the subject.
- 1.6.2 Relevant factors may include (without limitation):

- a) The seriousness of the breach of discipline
- b) The degree of harm caused to any victim, including the College
- c) The subject's previous disciplinary record
- d) Whether or not the subject has co-operated with the investigation
- e) The degree of insight shown by the subject
- f) The existence of mitigating or aggravating factors
- g) In the case of a financial penalty, the subject's financial position

1.6.3 Mitigating factors may include (without limitation)

- a) The subject has apologised to any victim
- b) It is the subject's first breach of discipline
- c) The subject admitted the breach of discipline at the earliest opportunity
- d) The subject has expressed remorse
- e) The subject has compelling circumstances that affected their judgment

1.6.4 Aggravating factors may include (without limitation):

- a) Any failure to co-operate with investigatory or risk assessment processes
- b) Where the conduct was motivated by protected characteristics or perceived protected characteristics
- c) Repeated breaches of the same or similar provisions of the Code of Discipline
- d) Failure to comply with a minor sanction

1.7 A non-exhaustive list of examples of behaviour which constitutes a breach of the Code of Discipline, and indicative penalties is included in the College's Student Handbook (<https://www.st-hildas.ox.ac.uk/students/student-handbook>).

2. *APPLICATION OF THE PROCEDURE*

2.1 The Procedure applies to any Junior Member, who is alleged to have breached the College Code of Discipline as set out in Part A, 2.

2.2 An alleged breach of the College Code of Discipline may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a Member of the College. A breach of discipline will be treated as having been committed in that capacity if:

- a) it was committed on or near College premises; or
- b) it was committed on or near the premises of another college or on or near University premises and a reasonable request is received from the Dean or other competent official of that other college, or from the University Proctors or the Head

of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or

- c) it was committed during College activities away from College premises; or
- d) it was committed when studying at a partner organisation; or
- e) it was committed on social media against any other Member of the College; or
- f) it threatens to bring the College into disrepute among reasonable people; or
- g) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
- h) it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or
- i) it was committed against the College or any other Member of the College.

2.3 For certain types of report, steps may be taken under other procedures before the matter is addressed by the Dean. In particular:

2.3.1 Complaints about harassment including sexual misconduct may be considered under the College's harassment and sexual misconduct procedure.

2.3.2 Reports about medical students and PGCE students may be subject to preliminary consideration by the relevant University Department under Fitness to Practise procedures and may also be considered by that Department after the completion of a disciplinary procedure in College. The Department may impose precautionary measures pending the outcome of investigation under the Procedure.

Other College Policies

2.4 Where the Procedure applies, and the subject's situation also constitutes a proper basis for steps to be taken under another policy or procedure of the College (for example the College's fitness to study procedure), and the responsible person in College for that other procedure confirms that a report has been made about the student under the other procedure or that steps under that other policy or procedure are anticipated or have been proposed or initiated, the responsible College officers under each policy or procedure will together determine, in consultation with the subject, whether all steps should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation may not have the effect of depriving the subject of an avenue of appeal that they would otherwise have enjoyed. In the event of disagreement as to the appropriateness of a consolidation, the final determination is to be made by the Principal. The responsible officer of the College for the purpose of the Procedure is the Dean.

University Policies

2.5 Where the Procedure applies and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under the Procedure may be stayed until the conclusion of Proctorial proceedings. Disciplinary steps may subsequently be taken under

this the Procedure notwithstanding that Proctorial proceedings have been discontinued or that Proctorial charges have been dismissed, and no finding of fact by the Proctors or absence of any such finding will bind the College.

Behaviour which could constitute a criminal offence

- 2.6 Where the Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this the Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.
- 2.7 Where the alleged victim of an alleged criminal offence is a Member of the College, the College will provide that person with necessary support, including supporting them in their decision about reporting the matter to police.
- 2.8 Disciplinary steps may subsequently be taken under the Procedure notwithstanding that criminal proceedings have not been commenced or have been discontinued or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the College Code of Discipline in the manner alleged.
- 2.9 The fact that proceedings under the Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Dean from taking safeguarding and/or precautionary measures referred to in paragraphs 1.6 and 4.5 of the Procedure.
- 2.10 Where a student is found guilty of a breach of University regulations or a criminal offence, the College may subsequently pursue the same matter under the Procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the Student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its Members, which are not regulated by the Procedure.

PART D: Academic Discipline and Examination Requirements

1 Requirements for the maintenance of good academic standing: undergraduates.

- i. For the purposes of By-law XX, 1-3, 'undergraduates' includes graduates reading for a Final Honour School.
- ii. Undergraduates are required to produce work of a standard commensurate with their individual ability and circumstances and appropriate to the stage which they have reached in their course: normally of 2.1 standard, but in no case of below Third Class standard. Undergraduates are not admitted to read for a Pass School.
- iii. Undergraduates must keep the residence requirements laid down by the University. An undergraduate who fails to do so will be sent down, unless she is granted dispensation by the University.
- iv. Attendance at tutorials, collections and at classes required by tutors is compulsory. Undergraduates must not absent themselves without prior permission except for illness or other urgent cause, which must be explained to the tutor as soon as possible afterwards.

Undergraduates must satisfy any conditions required by the Examination Regulations and Faculty handbooks relating to the particular School for which they are studying, e.g. for practical work or vacation courses.

- v. Every undergraduate is required to produce assignments (essays, problem sheets etc.) with the regularity required by the tutor(s), except where permission on adequate grounds is obtained, preferably in advance, from the tutor(s) concerned.
- vi. Every undergraduate is required either to sit a written invigilated collection at the beginning of each term, or to submit by the end of 0th Week written work specified by her tutor and produced during the vacation, unless dispensed by her tutor. Collections take precedence over all other engagements.

2 *Academic Deficiency*

- i. 'Academic deficiency' means breach of Part D, 1ii, iv, v or vi above. It shall be dealt with according to the following Academic Disciplinary Procedure. Every breach of Part D, 1 vi, and every breach of Part D, 1 iv or v lasting two consecutive weeks, shall normally entail the immediate initiation of the procedure.
- ii. **Stage 1: Informal Warning:** Academic deficiency is dealt with initially by an informal warning, given by the subject tutor(s) after consultation with the Senior Tutor. Such a warning may be given on the basis of information concerning academic deficiency received from an external tutor or college lecturer. An informal warning shall be issued at a special interview, at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. The tutor should explain to the undergraduate what improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements, normally until the start of the next term but one following that in which the warning is given. The tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. A copy of the relevant part of By-Law XX, giving details of the Academic Disciplinary Procedure, should be enclosed with the letter. A copy of the letter must be sent to the College Academic Registrar, to be kept in the undergraduate's file.
- iii. **Stage 2: Formal Warning:** If the undergraduate fails to produce the improvements required in Stage 1 during the specified timescale or to sustain them during the specified probation period, she shall be called to a special interview with the Senior Tutor at which should first occur a full discussion with the undergraduate, so that the latter can put her case and make the college aware of any mitigating or complicating circumstances. Any such factors which come to light should (with the undergraduate's permission) be noted on her file, and may affect the course of action to be taken and the outcomes of the interview. If the Senior Tutor and the subject tutors believe that the student is genuinely trying to achieve the level of performance required by Part D, 1(ii), then Part D, 2 (x) should apply. If a Formal Warning is issued then the Senior Tutor should explain to the undergraduate what required improvements she is required to make within a defined timescale (normally within 1-4 weeks). Beyond this deadline, the undergraduate will remain on probation against failure to sustain the improvements (normally until the start of the next term but one following that in

which the warning is given). The Senior Tutor must write to the undergraduate, normally within 3 working days of the meeting, confirming what improvements she is required to make and the timescale. This will be copied to the relevant subject tutor and the Academic Registrar.

- iv. **Stage 3: Penal Collections:** If the undergraduate fails to produce the improvements required in Stage 2 during the specified timescale or to sustain them during the specified probation period –
- a) if the academic deficiency includes the submission of substandard work, the undergraduate may be set penal collections. The form of, date (which shall be as early as practicable) for, and standard to be attained in these collections shall be notified to the Tutorial Committee on the advice of the subject tutor(s) and Senior Tutor, which advice shall be formulated after discussion with the undergraduate; the standard to be attained should not without good reason diverge from that required of the undergraduate in her previous warnings. These details shall be communicated by the Senior Tutor in writing to the undergraduate. Penal collection papers shall be set externally, and blind marked by two external assessors. The outcome will be communicated to the undergraduate as soon as possible, and normally within two weeks. Failure to attain the required standard shall be referred to the Academic Disciplinary Committee. Attainment of the required standard shall be followed by probation against failure to sustain it, for the remainder of the undergraduate's time at the college, breach of which shall entail recommencement of the procedure at Stage 2.
 - b) if the academic deficiency is of any other kind, it shall be referred directly to the Academic Disciplinary Committee.
- v. **Stage 4: Academic Disciplinary Committee:** If it is necessary under Stage 3 to refer an undergraduate to the Academic Disciplinary Committee, the Senior Tutor shall immediately inform the Principal and Vice-Principal. The Vice-Principal shall convene the Committee, consisting of the Vice-Principal and three further Fellows not being the undergraduate's tutors. The Committee shall proceed as follows –
- (a) the Committee's hearing shall take place as soon as practicable; normally within one week of the Senior Tutor informing the Principal and Vice-Principal. The undergraduate shall in advance of the hearing be given a clear statement of the grounds for her being referred to the Committee, and a copy of all documentation with which the Committee is provided. She should be given the opportunity to bring forward material considerations and mitigating circumstances, which may include, but need not be confined to, medical evidence. The undergraduate should be allowed to take advice in advance of the hearing and should be adequately represented at the hearing itself, being given the chance either to make a written submission, or, if she prefers, to appear in person before the Committee. The undergraduate should in the latter case be offered the possibility of being accompanied by another junior or senior member, either of the College community or from elsewhere in the University.
 - (b) it shall be the duty of the Committee to establish all relevant facts and to decide, bearing in mind the interests of the College and of the undergraduate, whether the

undergraduate should be expelled; or should be rusticated, to be readmitted into residence on such terms as the Committee should decide; or should be permitted to remain in residence, on such terms as the Committee should decide. The undergraduate, her representative or companion, and her subject tutor(s) should withdraw before a decision is made. The Committee's decision, including a statement of all the relevant facts, shall be put in writing and conveyed to the Governing Body. A copy of it shall be given to the undergraduate.

- (c) the Committee may also decide, in exceptional cases, to refer the case to the University's Fitness to Study Panel. The Academic Disciplinary Committee would then be responsible for endorsing or rejecting the recommendation of the Fitness to Study Panel on behalf of the College.

vi. **Stage 5: Academic Disciplinary Appeal Panel:** The undergraduate may appeal against the decision of the Disciplinary Committee to an Academic Disciplinary Appeal Panel. Any appeal must be made in writing to the Principal within three days of the undergraduate receiving written notification of the Academic Disciplinary Committee's decision. The undergraduate may, but need not, communicate the grounds for their appeal. These may include failure of the Committee to follow procedure or the imposition of a disproportionate penalty. On receipt of an appeal, the Principal shall convene an Academic Disciplinary Appeal Panel.

- a) The Academic Disciplinary Appeal Panel consists of three Fellows, who need not be members of Governing Body; none of the members shall have been a tutor of the undergraduate; none of the members shall have sat on the Academic Disciplinary Committee hearing the case subject to appeal; the Senior Tutor may not be a member. Members of the Panel are appointed by the Principal, who also appoints one of them as Chair.
- b) The Panel shall meet as soon as practicable; normally within one week of being appointed. It shall be the duty of the Panel to review all the relevant facts and documentation, to verify that the academic disciplinary procedures were properly applied and to consider the proportionality of the penalty, bearing in mind the interests of the College and of the undergraduate. There need not be a hearing held, unless the undergraduate requests to appear before the Panel. The Panel may, in the light of its investigation, uphold or dismiss the recommendation of the Academic Disciplinary Committee, or vary the penalty to be more lenient.

vii. **Stage 6: Governing Body:** The decision of the Academic Disciplinary Committee and/or the Academic Disciplinary Appeal Panel will be reported to the next meeting of the Governing Body. The written record of the hearing(s) will be available to Governing Body members prior to the meeting. If the Governing Body considers the proposed penalty to be not appropriate for the academic deficiency for which the undergraduate was referred to the Committee, or believes that procedures have not been properly followed, it may ask the Committee (or where appropriate the Academic Disciplinary Appeal Panel), to reconsider its decision and to report back to the next scheduled meeting of the Governing Body. In such cases, the Governing Body must specify the precise nature of its concerns. The Principal shall convey the decision of the Governing Body to the undergraduate in writing within two days of its meeting, and the undergraduate must be provided with information on further appeal mechanisms available to him or her.

- viii. **Stage 7: Appeal Tribunal of the Conference of Colleges:** If the undergraduate wishes to appeal against the decision of the Governing Body, she may do so to the Appeal Tribunal of the Conference of Colleges, of which St Hilda's is a member. The appellant shall file such an appeal with the Secretariat of the Conference of Colleges, within five days of the date of the written notice to the student of the Governing Body's decision.
- ix. An undergraduate who, after any stage of the above procedure, attains what is required of her and meets the terms of any specified probation period, but who in the view of her tutor demonstrates fresh academic deficiency (whether or not of the same kind as before), shall be reported by the tutor to the Senior Tutor. The Senior Tutor shall then recommence the above procedure at Stage 2.
- x. If, at stages 1-3 in the above procedure, it is concluded that the undergraduate is experiencing genuine difficulty in producing the standard of work of which she is in principle capable, a strategy will be agreed between the undergraduate, the subject tutor(s) and the Senior Tutor whereby the undergraduate will have access to appropriate additional tuition/support. A note of the strategy will be sent to the undergraduate within a week of the agreement. The undergraduate's progress under the strategy will be monitored on a weekly basis for a period to be decided by the Senior Tutor in consultation with the subject tutor(s).

3 First Public Examination and Final Honours Schools

- i. An undergraduate may not continue to study at the College unless she has passed the First Public Examination before the beginning of her second year of study.
- ii. An undergraduate who fails to pass a First Public Examination at her first attempt shall be required to retake the Examination at the next possible occasion.
- iii. If an undergraduate's result in the First Public Examination (whether on a first or second attempt) constitutes a failure to meet requirements incumbent upon her under the Academic Disciplinary Procedure, she shall (subject to iv below) be dealt with accordingly, following that procedure.
- iv. If, on her second attempt at the First Public Examination, an undergraduate fails the Examination, or achieves only an unclassified pass in a classified Examination –
 - (a) the Senior Tutor shall as soon as possible write to the undergraduate, enclosing a copy of the By-Law XX, giving details of the Academic Disciplinary Procedure, and giving her the opportunity to draw attention (in writing, and within a week) to any special contributory circumstances. If the undergraduate makes no such submission, the Senior Tutor shall inform the undergraduate that she is expelled and report the matter immediately to the Principal and to the next meeting of the Governing Body.
 - (b) If such a submission is made, the Senior Tutor shall immediately inform the Principal, and the Vice Principal who shall convene the Academic Disciplinary Committee to decide how the case should be treated. The Committee shall be constituted and shall proceed as described in Stage 4 of the Academic Disciplinary Procedure. In addition to the courses of action set out in Stage 4 v (b) the submission may include a request for a further, exceptional, opportunity to re-sit the First Public Examination. In this case the Academic Disciplinary Committee shall

consider and decide whether the College should support an application to the Education Committee of the University for a further exceptional opportunity to be granted. Stages 5 to 7 (Part D, 2 viii) of the Academic Disciplinary Procedure shall be followed as necessary. The undergraduate has the right to make an application to the Education Committee regardless of the College's decision on this matter.

v. FHS

Undergraduates will not be allowed to defer Schools unless there are medical grounds or in very exceptional circumstances which seem reasonable to the Principal and the Senior Tutor. An undergraduate who has been or is on probation will be warned at the time of the probation that a poor academic performance will not be accepted as a reason for deferral.

PART E: Other Procedures and Provisions in Relation to Junior Members

Fees and Charges

- 1 The Governing Body may, after taking into account any representation made by or on behalf of the Junior Member, suspend any Junior Member who is in default in the payment of any fee or charge due to the College or to the University until payment has been made.

Procedures in Relation to Ill-Health

- 2 In the event that the Dean believes that a Junior Member is suffering from a serious problem which arises from ill-health, whether this has come to light in the course of a disciplinary investigation or otherwise, she may refer the Junior Member to the College Doctor for assessment. A similar reference may be made by the Disciplinary Committee in the course of its investigation into any disciplinary charge or by the Tutorial Committee or the Academic Disciplinary Committee in relation to academic under-performance.
- 3 Where disciplinary proceedings have already been commenced they shall be adjourned pending a determination under these procedures.
- 4 The College Doctor shall be responsible for examining the state of the Junior Member's health, and seeking medical evidence where necessary from the Junior Member's general practitioner or other medical adviser and may recommend that she submit to an independent medical examination at the College's expense. Any request for a medical report shall observe the provisions of the Access to Medical Records Act 1988.
- 5 If the Junior Member fails to cooperate with these enquiries she may be liable to suspension.
- 6 The College Doctor, having considered the evidence available, shall report her findings to the Dean, if the reference has been made by the Dean, or to the Committee if the reference has been made by any Committee. The Dean or the Committee, as the case may be, may invite the Junior Member to attend a hearing to consider all the evidence. At the Dean's or the Committee's discretion, a third party may represent the Junior Member at such a hearing.
- 7 Having considered the evidence, the Dean or the Committee may proceed in any of the following ways:
 - (a) in any case where disciplinary proceedings have been adjourned, but the Dean or the Committee is satisfied that the Junior Member is not suffering from a serious problem relating to ill health, the proceedings shall be resumed; or

- (b) in any other case, the Dean or the Committee may
 - (i) dismiss the matter, whether absolutely or subject to conditions (e.g. as to medical treatment);
 - (ii) suspend the Junior Member for a specified period not exceeding one term (whether or not subject to conditions); or
 - (iii) invite the Governing Body to refer the matter to a Medical Panel to consider whether the Junior Member should be expelled, or should be suspended for a period longer than one term, or indefinitely.
- 8 A Medical Panel shall comprise three members appointed by the Governing Body when the occasion arises, with experience appropriate to the issues under consideration. At least one member of the Panel shall be medically qualified and at least one member of the Panel shall be a Fellow of the College with recent tutorial experience. The Panel shall invite the Junior Member to attend a hearing. At the Panel's discretion, a third party may accompany and/or represent the Junior Member. The Panel shall consider in the light of the evidence whether the Junior Member's continued residence in the College is desirable, taking account both of the interests of the Junior Member and of the College community, and shall report its conclusions to the Governing Body with a recommendation.
- 9 On receipt of the Panel's report, the Governing Body may implement any recommendation in relation to expulsion or make such lesser order as it thinks fit.
- 10 At all stages of these procedures, the Junior Member shall be given at least 5 days written notice of a hearing or examination, with information of the issues under consideration, and shall be given the opportunity to make representations.
- 11 If at any stage of these procedures the Junior Member, having received reasonable notice of a hearing or examination, without reasonable cause fails to attend or be represented, then the Dean or the Disciplinary Committee or the Medical Panel or the Governing Body, as the case may be, may proceed in her absence.

General procedural requirements

- 12 In all procedures under this By-Law which may lead to the imposition of a penalty by the Disciplinary Committee or the Governing Body, the Junior Member shall be given at least 5 days written notice of the relevant hearing, with information of the issues under consideration, and shall be given the opportunity to make representations. At the discretion of the Committee or of the Governing Body, a third party may accompany and/or represent the Junior Member. If at any stage the Junior Member without reasonable cause fails to attend or be represented then the Committee or the Governing Body, as the case may be, may proceed in her absence.
- 13 A Junior Member who is liable to be expelled or rusticated or subject to any other serious penalty shall be reminded of her right to bring a complaint or appeal to the Visitor.

Student Complaints Procedure

14 Introduction:

- 14.1 This section lays out procedures for students who wish the College to consider and, if necessary, respond to serious dissatisfaction with their tuition, or other aspects of College

life, in cases that do not involve harassment or appeals against the outcome of a disciplinary procedure (which have their own procedures also set out in this handbook).

- 14.2 The majority of cases will normally be settled by the complainant resolving her grievance directly with a tutor or college staff member or manager. Where this is not possible complainants can adopt an informal procedure but a formal procedure is also available where a complainant wishes to register a written grievance.

14.3 Anonymous complainants or complaints made on behalf of someone else will not be allowed.

14.4 If a complaint remains unresolved after the college's internal procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (see www.oiahe.org.uk for further information). Application forms and guidance notes are available from the Academic Administrator. (Please note that complaints relating to academic discipline as set out in By-Law XX are also within the scope of the OIAHE).

15 Informal Procedure:

15.1 Complaints may be discussed with any Fellow and the complainant can be accompanied at any stage by a friend or an adviser (e.g. an officer of the JCR or MCR). Fellows who are not themselves College Officers but who have been contacted by a complainant are encouraged to contact the relevant College Officer as quickly as possible.

15.2 The relevant College Officers are as follows:

15.2.1 for academic matters: the Senior Tutor;

15.2.2 for issues involving domestic college staff and services e.g. food and accommodation: the Domestic Bursar;

15.2.3 for financial matters: the Bursar;

15.2.4 other behavioural and disciplinary matters: the Dean;

15.2.5 for complaints about a College Officer: the Principal;

15.3 To resolve the complaint the relevant Officer will:

15.3.1 seek to offer sympathetic and confidential advice and/or; 15.3.2 try to find a remedy, or a reconciliation (in cases where relations have broken down between individuals, and the complainant does not object to this course).

15.3.3 note the withdrawal of a complaint where the complainant decides to do so.

15.3.4 adopt the formal procedure in cases where the informal procedure has not resolved a complainant's grievance and the complainant wishes to take the matter further.

16 Formal Procedure:

It is not an a priori condition of using this procedure that an informal approach must be exhausted before a formal approach is adopted. All formal complaints must be made in writing to the relevant College Officer as set out in 15.2 above.

Stages in Formal Procedure:

- 16.1 A written complaint is submitted to the appropriate College Officer.
- 16.2 The relevant College Officer investigates the complaint and sets out in writing whether the complaint is upheld or not giving reasons for the outcome of the investigation. Wherever possible the written report will be produced within fourteen days of the date of the written complaint.
- 16.3 Where the College Officer is unable to resolve the complaint to the satisfaction of the complainant the latter must give notice within seven working days of his/her dissatisfaction and also give the reasons why the grievance remains unresolved.
- 16.4 The unresolved grievance will then be considered by the independent members of the appropriate College Committee or body as follows:
 - 16.4.1 For academic, financial, decanal and domestic matters the General Purposes Committee.
 - 16.4.2 For complaints against a College Officer the Governing Body.
- 16.5 The procedure to be adopted in such circumstances will be as follows:
 - 16.5.1 the complainant will be invited to present their case to the appropriate committee.
 - 16.5.2 the complainant may be accompanied as set out in 15.1 above.
 - 16.5.3 the relevant College Officer will present his/her case.
 - 16.5.4 both parties will withdraw whilst the relevant Committee or body considers the representations from both sides.
 - 16.5.5 the relevant Committee (except in the case specified in 16.4.2 above) will make a recommendation to the Governing Body.
 - 16.5.6 the Governing Body will make its decision and communicate it in writing to both parties.
 - 16.5.7 the Governing Body's decision will be final.

17 Harassment Policy and Procedure

Any complaints of harassment will be considered in line with the Policy and Procedure on Harassment within the Student Handbook.

17 Monitoring Arrangements

The relevant College Officer will keep a register of the number of complaints made using the formal procedure in an academic year, and a summary of numbers and outcomes will be collected by the Governing Body Secretary and submitted to the Governing Body. The register will indicate how many formal complaints have been registered, and what stage they reached (resolved by the Officer, resolved by Committee recommendation to GB in favour of the complainant, not resolved in favour of the complainant).

Last amended