

Disciplinary Procedure

The disciplinary processes will be kept separate from issues of academic progress, monitoring and support.

The standard of proof for findings that there has been a breach of the College Regulations will be the balance of probabilities. The case against a student will be presented by the College's presenting officer and not (if applicable) the student complainant. The burden of proof lies with the College. For the avoidance of doubt, it is not for the accused student to prove they have not breached the College Regulations.

Any time limits may be extended at the discretion of the Dean, Principal or the Disciplinary Adjudication Committee

The Dean may delegate her part or aspects of it to other members of the College who are suitably qualified or to an external investigator. Any reference to the Dean shall also refer to the Dean's delegate.

The Principal may delegate her part of the process or aspects of it to other members of the College who are suitably qualified or to an external expert, including but not limited to another Head of House, with their agreement. Any reference to the Principal shall also refer to the Principal's delegate.

Anonymous reports will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. Malicious or vexatious allegations may result in disciplinary action against the complainant.

Once an allegation has been determined under this process, it will not usually be reconsidered, other than by way of an appeal. However, the Dean may determine that it is appropriate to reconsider an allegation in the event that new evidence emerges which, for good reason, could not have been obtained by the College at the time. In deciding whether it is appropriate to consider an allegation for a second time, the College will consider:

- Whether the outcome of the first process has been called into question, and if so why;
- The length of time that has elapsed and the effect of this on the reliability of any evidence to be considered;
- The severity of the alleged offence; and
- The impact on the Junior Member, or other individuals who would be involved in a second disciplinary process.

The Governing Body reserves the right to take action in cases where a junior member has been found guilty by a criminal court or has been proceeded against by the University Proctors. Moreover, a junior member must inform the Principal, in writing, within 48 hours of being told that they are subject to any form of criminal proceeding or being proceeded against by the University Proctors. Finally, a Junior Member must keep the Principal informed, in writing, of the progress and outcome of any case previously reported under this Regulation.

Investigation and Summary Process

In the event of an alleged breach of the College Regulations, the Dean shall write to the Junior Member and require them to attend for interview at a time and place stipulated. The Dean will provide the Junior Member with details of the alleged breach of the College Regulations. For the avoidance of doubt a summons by the Dean has precedence over all other commitments.

In the event the allegations relate to conduct which could amount to serious criminal conduct, or sexual harassment or violence, the College may specify any additional procedures or considerations in its Regulations.

In such cases the Dean has the discretion to seek assistance from a legally qualified advisor to assist with matters of process.

The Junior Member may be accompanied by a third party to their interview. The Disciplinary Procedures are internal to the College and do not have the same degree of formality as a court of law. It will not be appropriate, in most cases, for any party to be legally represented at any stage of the Disciplinary Procedures. Junior Members may apply for permission to be legally represented in exceptional circumstances. The decision about whether to allow the Junior Member to be represented will be made by the Dean.

Before interviewing a Junior Member, the Dean will explain:

- that the Junior Member does not have to answer questions and that any responses or documents provided may be used by the College in evidence against the subject;
- that, if the reported conduct could constitute a criminal offence, the police might be able to obtain any records from the disciplinary process in a future investigation; and
- that if the Junior Member refuses to answer questions this may be taken into account.
- The Dean shall make reasonable efforts to obtain all relevant evidence from the Junior Member and from witnesses, whether orally or in writing.
- The interview may be adjourned if either the Dean or the Junior Member reasonably require evidence in relation to the alleged breach to be provided by other persons.
- If the Junior Member admits the alleged breach, the Dean shall elicit all information about the breach relevant to the penalty and allow the Junior Member a reasonable opportunity to present a justification or excuse for the offence, and evidence in mitigation bearing on the penalty.
- If the Junior Member denies the alleged breach, the Dean shall investigate whether the alleged breach is established.

The Dean can, on a summary basis, impose the following any of the following penalties including in combination:

- A formal warning to remain on the Junior Member's College record for a defined period;
- A fine of up to £150;
- Community service or mandatory training related to the nature of the offence;
- An order not to contact other students (no contact order);
- Suspension from some College privileges, to include social and recreational facilities and premises but nothing which will affect the Junior Member's academic work or access to welfare support.

Before imposing a penalty the Dean must be satisfied from the evidence that, on the balance of probabilities, the offence was committed by that Junior Member, and in circumstances warranting a penalty; and allow the Junior Member a reasonable opportunity to present a justification or excuse for the offence, and a plea in mitigation bearing on the penalty.

Principal's process

If the Dean considers that the breach of the College Regulations is sufficiently serious as to warrant a penalty greater than she is empowered to impose under these Regulations, or in the event of non-payment of a fine, she shall refer the matter to the Principal.

The Principal has the discretion to appoint a legally qualified legal assessor to assist the Principal in matters of process.

The referral shall state the details of the alleged breach of the College Regulations, including, wherever possible, the time and the names of any complainants or other witnesses.

If possible, within five days of the referral the Principal shall write to the Junior Member and require them to attend for a hearing, to be held in private at a time and place stipulated. The Junior Member will usually be provided with at least five days' notice. In the event the case is particularly complicated the Junior Member may request an extension of this notice period. Factors that could warrant an extension include but are not limited to the case involving a large volume of evidence or the questioning of witnesses.

The Junior Member is entitled to have copies of all documents given to the Principal. The Junior Member is also permitted to recommend witnesses and to submit evidence. If the Junior Member wishes to submit any written evidence, it must be provided to the Principal at least three days before the date of the Hearing.

If any person required to attend such a hearing before the Principal fails to make an appearance, the Principal may, at her discretion, adjourn the proceedings and in particular, if the Junior Member concerned fails to appear, may deal with the case in their absence, if satisfied that proper notice has been given.

The Principal shall permit the Junior Member to be accompanied by a third party. The Disciplinary Procedures are internal to the College and do not have the same degree of formality as a court of law. It will not be appropriate, in most cases, for any party to be legally represented at any stage of the Disciplinary Procedures. Junior Members may apply for permission to be legally represented in exceptional circumstances. The decision about whether to allow the Junior Member to be represented will be made by the Principal.

The Principal shall explain the procedures to be followed at the hearing and shall read out the allegations in the referral.

The Principal, may ask questions of the Junior Member and the Dean and may call witnesses as appropriate.

The Junior Member may make a statement, call witnesses, and ask questions of the witnesses through the Principal. The Junior Member may not cross examine witnesses directly.

The Junior Member and their supporter will leave the room before the Principal reaches a decision.

The Principal shall determine, taking into account any representations made by or on behalf of the Junior Member, whether any breach of the College Regulations has been established.

At the conclusion of the hearing, if a breach has been found, the Principal shall determine the appropriate penalty (if any) taking into account any representation made by or on behalf of the Junior Member.

The Principal shall have the full range of sanctions available to them, including:

- All those available to the Dean,
- Requiring a Junior Member to withdraw from the College either temporarily or permanently.
- Any penalties imposed will be in proportion to the gravity of the offence.

The Principal shall normally inform the Junior Member in writing of its determination within five days. If there is a delay in determination, the Junior Member will be informed.

In accordance with the College Statutes, the Governing Body will confirm the decision to expel a Junior Member; or to require them to withdraw permanently such that their name is removed from the Register.

A list of indicative sanctions is included in the College Regulations.

Precautionary measures

The Principal or the Dean may suspend rights of access to all or any specified College premises and facilities as necessary (even in a non-disciplinary situation) to protect the College or any of its members, or as an interim measure pending further investigation or disciplinary proceedings.

Any restrictions placed on a Junior Member in this manner are a neutral act and shall have no bearing on any later decision.

Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned or other members of the College from an identified risk, or to protect an investigation under this procedure, and should take into account safeguarding considerations where relevant.

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 serious disruption to College activities.

The College may also determine that it is appropriate to refer a matter to the police or seek guidance from the police, the University or another appropriate authority, where the report relates to serious criminal conduct and/or where there is a significant imminent risk of harm to Junior Members or staff. Any such referral or consultation will take place in accordance with data protection legislation.

Appeal

i) There shall be a Disciplinary Adjudication Committee, to which the Governing Body shall delegate the power to take decisions in relation to appeals relating to disciplinary action against Junior Members. For the avoidance of doubt appeals can only be made relating to the outcome of investigation into serious transgressions.

ii) No member of the Governing Body who has had any prior direct involvement in the assessment, investigation, or preliminary hearing, informal or formal, of a particular case, or who has a teaching or pastoral relationship with any of the students involved in the case shall act as a member of the Committee in its consideration of that case.

iii) College Officers shall not be eligible to serve on the Committee.

The Committee shall consist of the Vice-Principal, and of four other members of the Governing Body, who shall be selected alphabetically and serve for one year on the Committee, followed by one year on the panel of reserves to act in place of any member(s) of the Committee debarred from hearing a case by prior involvement in that case or by other good cause.

In exceptional cases, the Vice-Principal may determine that one member of the Committee may be external to College.

The Vice-Principal shall act as the Chairman of the Committee save that, if she is debarred from acting, the Committee shall appoint its own Chairman from among its members.

The Academic Registrar shall act as secretary to the Committee unless she has had any prior direct involvement in the investigation, or preliminary hearing, informal or formal of a particular case. In such an instance, the secretary shall be drawn from the senior administrative staff of the College.

iv) In order for a case to be referred to the Disciplinary Adjudication Committee the Investigation and Summary Procedure (if relevant), or Principal's Procedure (if relevant) must have concluded.

Any request for the referral of a case to the Committee must be made within 14 days of the conclusion of the relevant procedure and must be made in writing to the Principal by the Junior Member concerned, stating her grounds for appeal and special factors, if any, which she considers relevant to showing there has been one of:

- a procedural irregularity;
- new evidence has come to light that was not previously available;
- or an earlier decision was manifestly unreasonable, including that the penalty imposed is disproportionate and therefore unreasonable.

v) If a case is referred to the Disciplinary Adjudication Committee, a meeting of the Committee shall normally be convened within 21 days.

vi) A Junior Member whose case is being considered shall have the right to make further representations in writing. Any such representations must be sent to the Academic Registrar on behalf of the Disciplinary Adjudication Committee at least 7 days before the Committee is convened.

vii) The Disciplinary Adjudication Committee may, after taking into account any representations which the Junior Member has made in writing, accept, modify, or reject the earlier ruling. The Disciplinary Adjudication Committee shall inform the Junior Member in writing, as soon as practicable of its determination that there has been a procedural irregularity; that new evidence that was not previously available has been accepted; or an earlier decision was manifestly unreasonable.

viii) If the decision is that the Junior Member be required to permanently withdraw from the College or be expelled then the Junior Member shall be informed at the same time of her right to approach the Conference of Colleges Appeal Tribunal for review. When the Conference of Colleges Appeal Tribunal has determined the appeal, the Junior Member shall be informed that the internal complaints procedures have been exhausted, and of her right to complain to the Office of the Independent Adjudicator for Higher Education.

ix) If following the completion of all appeal processes, a decision to expel the Junior Member, or to require them to withdraw permanently, is upheld, this must be confirmed by Governing Body.

x) In the event that a penalty has been imposed but the Junior Member has not been required to withdraw from the College and has not been expelled, the Junior Member shall be informed of her right to complain to the Office of the Independent Adjudicator for Higher Education at the conclusion of the Disciplinary Adjudication Committee process.