

RULES ON BEHAVIOUR AND DISCIPLINARY PROCEDURES FOR JUNIOR MEMBERS

In order for any community to function well there needs to be an ethos of respect for one another (even where there are differing opinions), capacity to listen, and capacity to ensure that people's behaviour does not negatively impinge on others. One way of encouraging this kind of ethos, which values all members and staff, is to have some basic rules and principles. The following Rules of Behaviour relate to Junior Members (that is, undergraduate and postgraduate student members of the College).

PART 1. RULES OF BEHAVIOUR

All Junior Members are responsible for following the Rules of Behaviour set out below. Not knowing or forgetting about the Rules, or the consequences of breaching those Rules, is no justification for not following them.

1.1. A Junior Member *must*:

(a) comply with an instruction issued by any person or body authorised to act on behalf of the College, in the proper discharge of their duties;

(b) comply with all health and safety regulations and instructions issued by the College or other associated institution;

(c) comply with the College's Statutes and Ordinances and any rules and procedures established under those Statutes and Ordinances. These are available on the College website under [Policies, Procedures and Guidance](#) and include:

(i) [College Regulations](#) (which include regulations on academic and residency requirements, financial matters, lawful assembly and freedom of speech, use of College facilities, protecting College property, substance misuse, smoking and vaping, entertainment and parties, music and disturbance by noise, guests, fire safety, and IT rules).

(ii) [The College's Code of Conduct for Harassment and Sexual Misconduct](#).

(iii) [The College's Policy on Events and Speakers](#).

(iv) College rules on transport including [bicycles](#) and [motor vehicles](#).

(d) comply with the Terms and Conditions for Occupation and Accommodation set out in the [College Accommodation Handbook](#).

1.2. A Junior Member *must not*:

(a) interfere or attempt to interfere in the activities of the College, or any member of the College in the pursuit of their studies or in the performance of their duties;

(b) damage, misappropriate, or occupy without appropriate permission any College property or premises, or any property or premises accessed as a result of a College activity;

(c) unjustifiably interfere with the freedom of speech of a member of the College or a visitor to the College, or lawful assembly in the grounds of the College;

- (d) damage or misappropriate property on College grounds belonging to a member of the College, or a visitor to the College;
- (e) endanger the health and safety of a member of the College, or anyone within the College grounds;
- (f) engage in similar behaviour with respect to other Colleges, University grounds and departments, or in respect of other members of the University.
- (g) behave in a drunk or disorderly fashion anywhere within the bounds of the University with the result that members of the University or the public are seriously inconvenienced or alarmed.
- (h) forge, falsify, or improperly use information to gain a personal advantage.

PART 2. DISCIPLINARY PROCEDURES FOR BREACH OF THE RULES OF BEHAVIOUR

2.1. GENERAL

Scope

2.1.1. The procedures laid out in this Part enable the College to consider whether a Junior Member has breached the Rules of Behaviour laid out in Part 1, and – if it is found that the Rules have been breached – to take appropriate steps in relation to that Junior Member. These procedures do not exist to resolve personal disputes.

2.1.2. A Junior Member who has been alleged to have breached the Rules of Behaviour laid out in Part 1 will be referred to in this Part as ‘the Respondent’.

2.1.3. These procedures *will not* apply in cases where:

- (a) the Respondent is no longer a student member of the College, and as a result is not capable of being disciplined by the College for a breach of the Rules of Behaviour that they committed while a member of the College;
- (b) the Respondent has failed to pay a College bill.

2.1.4. These procedures *will not initially* apply in cases where the Respondent is alleged to have breached the College’s Code of Conduct for Harassment and Sexual Misconduct. In such a case, the [College guidance on and procedures for handling cases of harassment and sexual misconduct](#) will apply. Complaints of sexual misconduct will, subject to the views of the complainant, normally be directed to the [University procedure](#) for responding to harassment and sexual misconduct. Where application of the [College guidance on and procedures for handling cases of harassment and sexual misconduct](#) results in a decision being made to subject the Respondent to a disciplinary process by the College, then the procedures laid out in this Part will apply to determine the process that will apply to the Respondent.

Treatment of minor and major cases

2.1.5. In general, it is intended that alleged minor infringements of the Rules of Behaviour will be dealt with by the Assistant Bursar (with a right of appeal to the College Proctor), while alleged major infringements of the Rules of Behaviour will be dealt with by the College Proctor (with a right of appeal to the Student Disciplinary Panel).

2.1.6. In determining whether an alleged infringement of the Rules of Behaviour counts as minor or major, account will be taken of whether the alleged infringement is alleged to have:

(a) been targeted at, or motivated by, another student's 'protected characteristic', as defined in s 4 of the Equality Act 2010 (that is, age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, or sexual orientation);

(b) involved wilful disregard for the Rules of Behaviour;

(c) caused, or had the potential to cause, very serious adverse effects (physical, psychological, emotional, or reputational) for another or the College;

(d) been intended to evade or subvert the outcome of a disciplinary process commenced under these Rules, or to evade or subvert a precautionary action measure issued while a disciplinary process commenced under these Rules was ongoing;

(e) involved an abuse of a position of power or trust that the Respondent was placed in either by the College or by other Junior Members;

(f) amounted to a breach of the [University's Statutes and Ordinances dealing with discipline](#);

where a breach which involves (or is alleged to have involved) any of (a) – (f) will normally be regarded as a major breach.

2.1.7. An alleged infringement of the Rules of Behaviour will always count as major if the penalty for that infringement may amount to a fine of more than £250, or may involve the Respondent being expelled from College accommodation, or being rusticated (suspended) or sent down (expelled) from the College.

Representation and standard of proof

2.1.8. Disciplinary processes carried out under these Rules are internal processes, and do not have the same degree of formality as proceedings in a court of law. It is not normally necessary or appropriate for the Respondent or the College to be legally represented at any meetings that form part of the process; though in very serious cases (where the Respondent stands to be sent down in the event of the allegations against them being established), legal representation may be appropriate.

2.1.9. The Assistant Bursar, College Proctor and Student Disciplinary Panel will conclude that the Respondent breached the Rules of Behaviour if they are convinced that it is more likely than not that such a breach occurred. In very serious cases, where the Student Disciplinary Panel is considering imposing the penalty of being sent down (expelled) on the Respondent, the Student Disciplinary Panel should only impose that penalty if it has been established beyond a reasonable doubt that the Respondent breached the Rules of Behaviour in a way that merits imposing that penalty on the Respondent.

Administration of process

2.1.10. The College acknowledges that disciplinary processes can be difficult and stressful for all involved, particularly if they are extended for any significant period of time. The College undertakes to take reasonable steps to:

- (a) identify, as appropriate, sources of pastoral support for all those involved in a disciplinary process (including the Respondent, the Reporting Person, and any witnesses to the Respondent's behaviour);
- (b) make reasonable adjustments for any person who has a certified disability;
- (c) keep the Respondent regularly updated regarding the progress of the disciplinary process that has been started in their case;
- (d) conduct the disciplinary process in a timely and expeditious manner;
- (e) inform all those involved in the disciplinary process of the outcome of the process, where required under the provisions on Confidentiality and Information Sharing set out in section 2.5. below.

2.1.11. The College acknowledges the need for its disciplinary processes to be free from bias, or the appearance of bias, and undertakes to make any necessary adjustments to the disciplinary processes set out below (particularly in the appointment of individuals charged with carrying out a disciplinary process) where such bias, or the appearance of bias, might exist.

Criminal offences

2.1.12. In the case where an alleged breach of the Rules of Behaviour may also amount to a criminal offence:

- (a) The College will not launch, or carry on, disciplinary proceedings in respect of that breach where criminal proceedings are ongoing (including criminal investigations and appeal processes) or are likely to be impending.
- (b) The College will treat relevant prison sentences, fines, court-ordered community sanctions, and cautions received by the Respondent as evidence that the Respondent breached the Rules of Behaviour in the way alleged. Where the Respondent has received a sanction of this kind for their behaviour, the College will not normally impose a further sanction on the Respondent for breaching the Rules of Behaviour, but it will still be able to take appropriate measures in relation to the Respondent for the purpose of protecting the interests of other members of the College.
- (c) The College will not treat the discontinuance of criminal proceedings in relation to the Respondent as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.
- (d) The College will treat the Respondent's being acquitted of a relevant criminal charge in a court of law as evidence that the Respondent did not breach the Rules of Behaviour in the way alleged.
- (e) Where a victim of the Respondent's alleged breach of the Rules of Behaviour is a member of the College, the College will provide the victim with all necessary support, including taking reasonable steps to separate the victim and Respondent, and supporting the victim in relation to their decision about talking to the police.

University processes

2.1.13. Where an alleged breach of the Rules of Behaviour may also amount to a breach of the [University's Statutes and Ordinances dealing with discipline](#):

(a) If appropriate, the College will refer the allegations as to the Respondent's behaviour to be investigated and dealt with by the University;

(b) Whether or not the College has referred the allegations as to the Respondent's behaviour to the University, the College will defer to any investigations and disciplinary processes launched by the University in respect of the Respondent's behaviour and allow the University to determine the truth of the allegations made in respect of the Respondent and what, if any, measure should be taken in respect of the Respondent's behaviour. At the conclusion of the University disciplinary process the respondent may still be subject to a College disciplinary procedure. However, in cases where the respondent is found to be in breach of University discipline, the College will not impose a sanction for the same breach but may take appropriate measures in relation to the Respondent for the purpose of protecting the interests of other members of the College.

2.2. REPORTS OF A POTENTIAL BREACH

2.2.1. The College will normally be informed of a potential breach of the Rules of Behaviour through a Reporting Person informing the Assistant Bursar of a potential breach. The Reporting Person may be a person who has been impacted by the reported behaviour, witnessed the reported behaviour, or becomes aware of the reported behaviour through other means.

2.2.2. Where a College employee (for example, the Senior Tutor, or a College Porter) has learned of a potential breach of the Rules of Behaviour, they will inform their Head of Department who will inform College Proctor of the potential breach unless:

(a) they are constrained from doing so by obligations of confidentiality, or

(b) the matter has already and satisfactorily been resolved informally.

2.2.3. Normally, the report of a potential breach will be made in writing, but where it is not, the Assistant Bursar will produce a written account of the report and share it with the Reporting Person to check its accuracy.

2.2.4. The Assistant Bursar will then form a preliminary view (in consultation with the College Proctor and/or Senior Tutor, in cases of doubt) as to whether the alleged breach of the Rules of Behaviour counts as a minor or major breach, given sections 2.1.6. and 2.1.7., above. If the preliminary view is that the alleged breach counts as a minor breach, then the Assistant Bursar will deal with the case according to the procedures laid out in section 2.3. below. If the preliminary view is that the alleged breach counts as a major breach, then the Assistant Bursar will inform the College Proctor accordingly, and the procedure laid out in section 2.4. below will be followed.

2.2.5. If the Assistant Bursar initially forms the view that the alleged breach counts as a minor breach and deals with it on that basis, but the course of the inquiries leads them to change their mind and conclude that the alleged breach counts as a major breach, the College Proctor will be informed accordingly, giving the College Proctor a written account of their findings, and the procedure laid out in section 2.4. below will be followed.

2.3. MINOR BREACHES

Interview

2.3.1. In the case of an alleged breach of the Rules of Behaviour that, in the opinion of the Assistant Bursar amounts to a minor breach, the Assistant Bursar will summon the Respondent for an interview, ideally within a week of receiving the report of the alleged breach. They will also advise the Respondent of the availability of sources of pastoral support. Where there is more than one Respondent, the Assistant Bursar can determine whether to meet them individual or in a group or groups as appropriate.

2.3.2. At the interview, the Assistant Bursar will inform the Respondent of the report that the College Proctor received regarding the Respondent's behaviour, identify the Rules of Behaviour that have allegedly been broken, and ask the Respondent to respond to the report.

2.3.3. The Assistant Bursar may disclose the identity of the Reporting Person to the Respondent unless, in the opinion of the Assistant Bursar, the Reporting Person has made it clear for good reason that they do not give permission for the College to do this. Where a report of an alleged breach of the Rules of Behaviour has been accepted on the basis that the identity of the Reporting Person will remain anonymous, the report will normally be accompanied by independent evidence enabling an investigation to take place without the involvement of the anonymous Reporting Person.

2.3.4. Ideally, the Assistant Bursar and the Respondent will be able to agree on what happened in the Respondent's case. Should they be unable to do so:

(a) the Assistant Bursar will suspend the interview for the purpose of making further inquiries into the Respondent's case;

(b) in making such further inquiries, the Assistant Bursar will keep a written note of the outcome of those inquiries;

(c) after making those further inquiries, the Assistant Bursar will resume the interview with the Respondent, and explain what view the Assistant Bursar is taking of the Respondent's case in light of those inquiries and invite the Respondent to respond to that view. The Assistant Bursar will listen to any further representations made by the Respondent before reaching a final view on what happened in the Respondent's case (though in exceptional cases, the Assistant Bursar will be able to re-suspend the interview in light of the Respondent's representations in order to make still further inquiries into the Respondent's case).

Measures

2.3.5. If the Assistant Bursar concludes that the Respondent breached the Rules of Behaviour, they will proceed to determine, and inform the Respondent of, what measures will be taken in the Respondent's case. The Assistant Bursar may do this orally in interviewing the Respondent, but in all cases the Assistant Bursar should, and in a timely fashion (normally within 7 days of reaching the decision), provide the Respondent with a brief written statement of (i) the Assistant Bursar's findings; and (ii) the Assistant Bursar's decision as to what measure(s) to take in the Respondent's case.

2.3.6. Possible measures that may be taken by the Assistant Bursar in light of their findings as to the Respondent's behaviour include:

(a) asking the Respondent's Tutor to address the Respondent's behaviour with the Respondent;

(b) requiring the Respondent to take steps to repair any damage caused by their breach of the Rules of Behaviour;

(c) requiring the Respondent to engage with their behaviour, or victims of their behaviour, through reparative steps such as a written apology or reflection on their conduct;

(d) engaging in training or, via the Respondent's Tutor, counselling to address the causes of their behaviour;

(e) fining the Respondent up to £250 for their behaviour, with the level of fine being set in accordance with [the College fine classification](#), the amount of damage caused by the Respondent's behaviour, and the individual circumstances of the Respondent's case;

(f) imposing a suspended fine on the Respondent which would be imposed if the Respondent subsequently breached the Rules of Behaviour in a similar way;

(g) giving the Respondent a written warning that will be placed on the Respondent's record (for as long as section 2.5.1. allows) and make more serious any subsequent breach of the Rules of Recognition by the Respondent;

(h) referring the Respondent to the Senior Tutor with a view to the College's [Fitness to Study procedure](#) being invoked in the Respondent's case.

(i) referring the Respondent to the College Proctor on the basis that the Assistant Bursar has applied the guidance laid out in sections 2.1.5. and 2.1.6. above and has concluded that the Respondent's conduct amounts to a major breach of the Rules of Behaviour and should be dealt with via the disciplinary process laid out in section 2.4. below.

Appeals

2.3.7. The Respondent will have no right to appeal against a decision made by the Assistant Bursar to refer the Respondent to the Senior Tutor or College Proctor under measures 2.3.6.(h and i).

2.3.8. In all other cases, the Respondent will have a right to appeal against the Assistant Bursar's decision if the Respondent is unhappy with that decision, and the Assistant Bursar will inform the Respondent in writing of that right to appeal, and that any appeal should be made by writing to the College Proctor within 10 days of the Respondent having been notified in writing of the Assistant Bursar's decision. The Respondent will also be advised to consult their Tutor should they wish to appeal.

2.3.9. If the Respondent does appeal, the College Proctor will convene an interview. They will meet in timely fashion to hear the Respondent's appeal, considering any written material supplied by the Assistant Bursar in respect of the Respondent's case, and any representations made by the Respondent and the Respondent's Tutor.

2.3.10. The College Proctor will have to decide whether:

(a) to dismiss the appeal; or

(b) to uphold the appeal.

If the College Proctor decides to do (b), they should then determine what the outcome of the Respondent's case should be. In all cases, the College Proctor will inform the Respondent both orally and in writing of their decision, normally within 14 days of receipt of the notice of appeal.

2.3.11. Where the Respondent is dissatisfied with the outcome of their appeal they may ask the Senior Tutor to refer the matter to a Student Disciplinary Panel. Whether or not such a Panel will be convened in the Respondent's case is for the Senior Tutor to decide, in light of the circumstances of the case. If the Senior Tutor declines the Respondent's request, the Senior Tutor will advise the Respondent in

writing of their reasons for doing so and note the existence of the [College's Student Complaint Procedure](#).

Monitoring

2.3.12. The Proctor's Advisory and Prevent Panel will meet once a term to review measures that the Assistant Bursar has imposed in recent cases of minor breaches of the Rules of Behaviour, and the tariffs for any fines imposed.

2.4. MAJOR BREACHES

The College Proctor

2.4.1. In the case of an alleged breach of the Rules of Behaviour that, in the opinion of the Assistant Bursar, amounts to a major breach, the College Proctor will normally take the lead in handling the Respondent's case. The College Proctor (or a substitute in cases where the College Proctor's involvement would violate principle 2.1.11.) will:

(a) determine whether the alleged breach also amounted to a breach of the [University's Statutes and Ordinances dealing with discipline](#), and if so, whether the Respondent's case should be referred to the University to be dealt with there;

(b) determine what steps need to be taken to investigate the report of the alleged breach of the Rules of Behaviour, and who should take those steps;

(c) if that investigation supports the initial report of the alleged breach, the College Proctor will convene a meeting to consider the Respondent's case;

(d) determine what procedure should be adopted in the case where multiple Junior Members of the College, including the Respondent, are alleged to have committed a breach of the Rules of Behaviour, determining whether the case of all the Junior Members, including the Respondent, should be considered at one hearing, or whether the case of each of the Junior Members, including the Respondent, should be considered in separate hearings;

(e) communicate with the Respondent:

(i) to inform the Respondent that the College is looking into an allegation that the Respondent committed a major breach of the Rules of Behaviour, outline the nature of the allegation, warn the Respondent that any attempt to influence potential witnesses to the Respondent's behaviour may in itself amount to a major breach of the Rules of Behaviour (under 2.1.6.(e)) and may trigger the taking of precautionary measures (under 2.5.4.), and indicate the next steps that will be taken in the Respondent's case;

(ii) to inform the Respondent of the outcome of any investigation into the Respondent's case, and of what further steps, if any, will be taken in the Respondent's case in light of that outcome.

(f) determine, in liaison with the Senior Tutor, whether to advise the Master to impose any precautionary measures to protect any person involved in the disciplinary process, and advise the University of any such precautionary measures that have been imposed by the Master;

(g) generally ensure that the Respondent's case is dealt with relatively promptly, with the aim of completing any investigation and reaching a conclusion in the Respondent's case within 28 days of the first communication with the Respondent regarding the alleged breach of the Rules of Behaviour;

(h) provide the Respondent with a written statement of the outcome of the Respondent's case and the reasons for that outcome.

Investigation

2.4.2. The College Proctor will either investigate the alleged breach of the Rules of Behaviour or appoint someone else to do so. In determining who will investigate the alleged breach, the College Proctor will be mindful of 2.1.11.

2.4.3. Written notes shall be taken of all investigative meetings. Any person required to attend an investigative meeting will be able to bring a supporter of their choosing to the meeting and will be directed to appropriate sources of support. At the meeting they can present written information, evidence and the names of witnesses, and shall have the opportunity to comment on any written notes of any meeting they have attended.

2.4.4. The investigator shall normally meet with the Reporting Person and with the Respondent to hear what they have to say about the alleged breach of the Rules of Behaviour.

2.4.5. Anyone impacted by the alleged behaviour being investigated will be given the opportunity to provide a statement describing the personal impact of the alleged breach of the Rules of Behaviour.

2.4.6. On completion of the investigation, the investigator will produce an Investigation Report, outlining the findings of the investigation.

Precautionary measures

2.4.7. In cases of an alleged major breach of the Rules of Behaviour, The Master, acting on the advice of the Senior Tutor and College Proctor, shall have the power to impose any precautionary measures set out below for a period of up to 21 days, in the first instance, where the Master considers that any such measures are necessary:

- (a) to ensure that a full and proper investigation of the Respondent's behaviour can be carried out;
- (b) to protect any person while the Respondent is subject to a disciplinary process (whether carried out by the College or University) or a criminal process.

2.4.8. The Master shall have the power to extend any such precautionary measures for additional periods of no more than 21 days in duration.

2.4.9. The precautionary measures that the Master may impose are any one or more of the following:

- (a) excluding the Respondent from some or all of the College facilities and/or premises;
- (b) imposing conditions on the Respondent in connection with the Respondent's use of the College facilities and/or premises, or in connection with the Respondent's contact with other persons, or in connection with any other matter relating to the Respondent as may be considered necessary;
- (c) suspending the Respondent either in full or in part from their studies.

2.4.10. Where a precautionary measure has been taken in relation to the Respondent, the Senior Tutor will inform the University, through the Head of the Office of Student Conduct, Complaints and Appeals, of precautionary action taken in respect of individual students.

2.4.11. Where it is proposed to impose a precautionary measure in respect of the Respondent, the Respondent is entitled, and will be invited, to make representations with regard to that measure either when the decision regarding whether to impose that measure is to be made, or – where a decision is required to be made immediately given the level of risk of harm involved – as soon as possible after the decision was made. If the Respondent is made subject to a precautionary measure, the Respondent will have the right to appeal the decision to impose that measure, or ask for a review of the decision if there is a material change in the circumstances of the case. Any such appeal or review will be considered by the Student Disciplinary Panel.

Measures

2.4.12. If the findings of the investigation confirm a breach of the Rules of Behaviour in the judgement of the College Proctor, the Respondent will be allowed to produce a written statement of mitigation. The College Proctor will then proceed to decide what measures should be taken in the Respondent's case. Such measures may consist in, or include, any of the measures specified at 2.3.6 (except 2.3.6.i), above, but may also include:

- (1) fining the student up to £500;
- (2) restricting the Respondent's ability to use certain College facilities (in particular, the Hall and the Library) either permanently or for a period of time;

Due attention will be paid both to precedent and the particular circumstances of the Respondent's case in determining what is the appropriate measure to take in the Respondent's case.

2.4.13. If the investigation confirms a grave breach of the Rules of Behaviour, the College Proctor can refer the case to the Senior Tutor with a view to the appropriateness of applying the following further measures.:

- (1) expelling the Respondent from student accommodation either permanently or for a period of time;
- (2) placing restrictions on the Respondent's ability to contact, or come into the vicinity of, certain other members of College;
- (3) rustivating (suspending) the Respondent from College for a period of time;
- (4) sending the Respondent down from College (permanent exclusion).

The Senior Tutor can either make this determination or convene a Student Disciplinary Panel to make this determination. Due attention will be paid both to precedent and the particular circumstances of the Respondent's case in determining what is the appropriate measure to take in the Respondent's case.

Appeals

2.4.14. If a Respondent wishes to appeal the decision of an investigation of a Major Breach of the Rules of Behaviour or the precautionary measures imposed as laid out in 2.4.7 and 2.4.9, any such appeal or review will be considered by a Student Disciplinary Panel. Any appeal must be made in writing to the Senior Tutor, and can only be made on the following grounds:

- (a) the procedures for handling the Respondent's case were not properly followed;
- (b) the Student Disciplinary Panel reached an unreasonable decision either in finding that the Respondent breached the Rules of Behaviour, or in determining what measures should be taken in the Respondent's case;
- (c) the Respondent has new material evidence that the Respondent was unable, for valid reasons, to provide earlier in the process;
- (d) there was bias, or a reasonable perception of bias, in the handling of the Respondent's case.

The Respondent's appeal should explain in detail which ground(s) of appeal the Respondent is relying on, and what basis there is for making an appeal on that ground.

Monitoring:

2.4.15. The Proctor's Advisory and Prevent Panel will review measures that the College Proctor has imposed in recent cases of major breaches of the Rules of Behaviour annually, and the tariffs for any fines imposed.

The Student Disciplinary Panel

2.4.16. The Student Disciplinary Panel will be convened in cases: (i) where the Senior Tutor seeks guidance in the application of certain measures as the outcome of a Major Breach; (ii) where a Respondent appeals against the imposition of precautionary measures; and (iii) where a Respondent appeals against the measures determined in the case of a Major Breach.

2.4.17. The Student Disciplinary Panel will normally be chaired by the Senior Tutor. The College Proctor, a Tutor who has not previously been involved in the Respondent's case, and the Respondent's Tutor will also normally serve on the Student Disciplinary Panel. The make-up of the panel may be altered if 2.1.11. would require this. Reasonable notice of the panel hearing date, time and location shall be provided by the Senior Tutor's office – normally a minimum of 2 weeks.

2.4.18. The Respondent will be invited to provide a written response to the Investigation Report 7 days before the Student Disciplinary Panel hearing. Any request by the Respondent to have witnesses speak at the hearing should also be made 7 days before the hearing. The Chair of the Student Disciplinary Panel will determine whether to allow the Respondent's request, and if so, whether the witness should be asked to attend in person or give their evidence remotely by video link or phone. The Chair's decision on this point will be final, but that does not prejudice the Respondent from relying on that decision in seeking to establish a ground of appeal against the Student Disciplinary Panel's decision in the Respondent's case under 2.4.26.

2.4.19. The Respondent will be expected to attend the Student Disciplinary Panel hearing, and will be allowed, and invited to, attend with a supporter of their choice. Where the investigator into the Respondent's behaviour is not represented on the Student Disciplinary Panel, then that investigator will attend the panel meeting.

2.4.20. The Panel hearing will provide a forum at which questions may be asked of the investigator who prepared the Investigation Report, any witnesses who give evidence at the hearing, and the Respondent. The Respondent will also be invited to make a final statement before the Respondent and the Respondent's supporter withdraw, and the Student Disciplinary Panel proceeds to a decision in the Respondent's case.

2.4.21. Detailed minutes of the Student Disciplinary Panel hearing will be made by the Senior Tutor's Secretary, or some suitable substitute. The Chair of the Panel may choose to have the hearing recorded, though only with the consent of the Respondent. Any minutes or recordings of the hearing will be completely confidential to everyone except members of any Appeal Committee that is convened to consider an appeal against the decision of the Student Disciplinary Panel.

2.4.22. The Student Disciplinary Panel will proceed to a decision in two stages:

The Panel will first consider whether

- (i) to dismiss an appeal under 2.4.15 (ii) or (iii), or
- (ii) to find that there are valid grounds of appeal of a precautionary measure as laid out in 2.4.11 or of the measures determined in response to a Major Breach as laid out in 2.4.12 and 2.4.13.

The Respondent and the Respondent's supporter will then be invited back into the hearing, and if the Panel has decided (i), the Respondent will be informed that their appeal has been dismissed. If the Panel has decided (ii), the Respondent will be invited to make further representations to the Panel, before the Respondent and the Respondent's supporter withdraw again, and the Panel proceeds to decide on what changes, if any, should be made to the measures, precautionary or disciplinary, that should be taken in the Respondent's case.

Such measures may consist in, or include, any of the measures specified at 2.3.6, 2.4.12 and 2.4.13, above in the case of disciplinary measures and any of the precautionary measures specified in 2.4.9 above.

Due attention will be paid both to precedent and the particular circumstances of the Respondent's case in determining what is the appropriate measure to take in the Respondent's case.

2.4.23. While the Student Disciplinary Panel will strive to reach unanimous conclusions, and will take as much time as is needed to reach such conclusions, the Chair may allow a majority vote to determine the decision of the Student Disciplinary Panel if the interests of justice require it.

2.4.24. While the Respondent will be orally informed of the decision of the Student Disciplinary Panel on the day of the hearing, the Senior Tutor will provide the Respondent with a written statement of the decision of the Panel and its reasons within 7 days of the Panel hearing.

2.4.25. If the Respondent does not appeal against the decision of the Student Disciplinary Panel and is subsequently alleged to have failed to comply with the terms of any measure imposed by the Student Disciplinary Panel, that will automatically be regarded as a major, and very serious, breach of the Rules of Behaviour warranting a new investigation and Student Disciplinary Panel hearing where the penalty of rustication or sending down from College may be imposed on the Respondent if the alleged breach is made out.

The Appeal Committee

2.4.26. The Respondent shall have the right to appeal the decision of the Student Disciplinary Panel within 14 days of receiving the written statement from the Senior Tutor of the Panel's decision and the reasons for it.

2.4.27. Once the Respondent's appeal has been lodged, the Master or President of the College will convene an Appeal Committee made up of one Law Fellow and two Tutors – none of whom will have previously been involved in the Respondent's case. A date and time for the Appeal Committee meeting will be fixed, ideally not longer than 30 days after the appeal was lodged.

2.4.28. In considering the Respondent's appeal, the Appeal Committee will take into account the terms of the Respondent's appeal, all written materials relevant to the Respondent's case, and the detailed minutes – or any recording – of the Student Disciplinary Panel hearing. The Appeal Committee will be required to determine whether:

- (a) to dismiss the appeal, or
- (b) to uphold the appeal.

The Appeal Committee will normally aim to reach a decision on the day of its meeting, though the Committee may take more time to consider if justice requires.

2.4.29. Where the Appeal Committee has upheld an appeal, it can choose to send the Respondent's case back for re-consideration by a differently composed Student Disciplinary Panel (with the Senior Tutor determining the composition of the Panel), or alternatively it will have the power to impose its own

decision, including what measures should be taken in relation to the Respondent. It will have no power to impose a more significant measure on the Respondent than was decided on by the Student Disciplinary Panel that originally considered the Respondent's case.

2.4.30. Within 7 days of the Appeal Committee's reaching a decision in the Respondent's case, the Senior Tutor will write to the Respondent, on behalf of the Appeal Committee, explaining the Appeal Committee's decision and its reasons in the form of a completion of procedures letter.

Monitoring

2.4.31. The Master will convene a meeting every three years or after every five successful appeals to the Student Disciplinary Panel (whichever is sooner) to reflect on how major cases are dealt with by the College and, if necessary, recommend changes in the above Rules. (In accordance with 2.3.12., there will be Termly meetings of the Proctor's Advisory and Prevent Panel, which will provide a forum for anonymised and confidential review of recent disciplinary procedures in relation to minor breaches with the purpose of ensuring that the rules and procedures relating to minor breaches are operated effectively and in the interests of relevant parties.) The meeting will include the Senior Tutor, the College Proctor, the Assistant Bursar and anyone else that the Master thinks would usefully contribute to the discussion at the meeting. Ideally, at least two Tutors, and one member of the Proctor's Advisory and Prevent Panel, should attend the meeting.

2.5. CONFIDENTIALITY AND INFORMATION-SHARING

2.5.1. All documents and electronic records produced in the course of a disciplinary proceeding will be kept on a highly confidential basis, in line with the [College's policy on data protection](#) and only retained only for as long as (i) the law allows, and (ii) necessary (whichever is the shorter period).

2.5.2. The outcomes of any decisions made in a disciplinary process will only be communicated to those who have a legitimate interest in knowing the outcome of those decisions, and even then only if the law allows it, and the interests of justice and/or health and safety require it. All such communications will be made on a confidential basis.

2.5.3. Nothing in these rules prevents those involved in a disciplinary process from discussing their personal involvement in the disciplinary process and the impact it has had on them, particularly after the disciplinary process is over. However, all parties to the disciplinary process – including potential witnesses – should act respectfully and reasonably and treat the disciplinary process with respect in the way they communicate with others. In particular, they should avoid making comments that might unnecessarily identify the subject of (or other persons involved in) a disciplinary process, or pre-judge the outcome of that process.

2.5.4. All attempts by the Respondent to contact any alleged victim of, or witness to, the Respondent's breach of the Rules of Behaviour while a disciplinary process in relation to that alleged breach is ongoing are forbidden, and any such attempt may result in the Senior Tutor recommending that the Master institute precautionary measures in relation to the Respondent, regardless of the effect such measures will have on the Respondent's ability to pursue and complete their studies.