



Handbook of Regulations 2016-17

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It is not possible for all the regulations governing your relationship with the College to be reproduced here in full. The entirety of the College's Statutes, Bylaws and Regulations are available on the College website:

<http://www.univ.ox.ac.uk/content/governance>

The contents of these documents, together with the College Statutes and Bylaws, as amended from time to time in the course of your studies, form part of the College Contract. You should read them, and any subsequent amendments made to them, in the form in which they are made available.



Student College Contract

1. Introduction

- 1.1. A matriculated student at Oxford University is a member both of the University and of one of its constituent Colleges or Private Halls (referred to as “the College”). The two relationships are governed by separate, though interlinking, contracts. The purpose of this document is to identify the main terms of the contract which you will have with the College on acceptance of the offer of a place on a course which has been made to you.

2. University and college membership

- 2.1. The continuing relationship between you and the College is linked to your continuing relationship with the University. You agree as part of the College Contract to abide by the rules and regulations of the University, as amended from time to time in the course of your studies.
- 2.2. Once you become a member of the University by matriculation, your membership of the College will be conditional upon your remaining a member of the University. If you are subjected by the University to suspension or other sanctions, the College may also impose similar or other appropriate sanctions.
- 2.3. It is not possible for all the regulations governing your relationship with the College to be reproduced here in full. Most of them will be sent out in the documents referred to in this document, namely the College Handbook of Regulations and the Handbook of Information (hereafter ‘College Handbooks’), and accommodation contract or licence agreement, which will be provided to you. The contents of these documents together with the College Statutes and Bylaws, as amended from time to time in the course of your studies, form part of the College Contract. You should read them, and any subsequent amendments made to them, in the form, whether electronic or hard copy, in which they are made available.

3. Undertakings by the College

- 3.1. Undergraduates
 - 3.1.1. *Teaching.* The College will make such teaching provision for undergraduate students (and visiting students) as it reasonably decides is necessary for their courses of study, taking account of any relevant departmental norms. Teaching may include tutorials, classes and seminars, and may be carried out by tutors or other fellows or lecturers of the College, or by any other persons considered by the College to be suitably qualified. Teaching provision for specialist options is subject to availability and may not be provided in all cases. Given the variation in courses of study, it is not possible to specify a minimum amount of teaching for undergraduates in all subjects.

- 3.1.2. *Library and IT facilities.* The College will provide library and IT facilities in connection with your studies and on the conditions and at the times set out in the College Handbooks, which may vary from time to time. Facilities may be withdrawn in the event of adverse circumstances beyond the control of the College.
- 3.2. Graduates
- 3.2.1. The College will provide such support for graduate students as it reasonably decides to be necessary in connection with their pursuit of a course of studies at Oxford.
- 3.3. Undergraduates and Graduates
- 3.3.1. *Residential accommodation.* The College will maintain a stock of residential accommodation that may be provided to you in connection with your studies and on the terms and conditions and in accordance with the procedures set out in the College Handbooks, and/or accommodation contract or licence agreement, which may vary from year to year. The College will normally provide accommodation for first year undergraduates, and will observe any undertakings given in its prospectus.
- 3.3.2. *Meals.* The College will provide meals on the terms and conditions set out in the College Handbooks, which may vary from time to time. Reasonable notice will be given where possible of any occasions on which meals will not be available.

4. Your Undertakings

- 4.1. You undertake to abide by the regulations of the College as set out in the College Handbooks, including regulations concerning study, payment of fees and charges and residence (see paragraphs 4.2, 4.3 and 4.4 below). Failure to abide by these regulations may lead to the imposition of disciplinary measures, which may include suspension or expulsion. Procedures for disciplinary measures are explained in detail in the College Handbooks or website. [See further paragraph 3 above.]
- 4.2. *Study.* You undertake to pursue satisfactorily such studies as are required of you by any tutor, fellow or lecturer, or other qualified person, assigned by the College (or University, as the case may be) to teach you. For this purpose, studies include the reading of materials, carrying out prescribed activities such as practicals, the completion of written work, attendance in tutorials and classes and lectures, and the sitting of University and internal College examinations.
- 4.3. *Fees and charges.* You undertake to pay the fees and charges due to the University and to the College which, after consultation with students (insofar as concerns College fees and charges), may vary from year to year and to provide any guarantee or security for the payment of such fees as the College may require. The College will collect University fees and transmit them to the University.
- 4.4. *Residence.* You undertake to comply with all the University residence requirements.

5. Personal Data

5.1. By signing and returning this document, you agree to the collection, processing and use of individual personal data by the College for purposes connected with your studies, for the protection of health and safety whilst on College premises, and for maintenance of alumni relations and for any other lawful purposes. You also agree to the sharing by the College of such data for the same purposes with the University.

6. Jurisdiction

6.1. This contract shall be governed and construed in accordance with English Law. By signing and exchanging this document both you and the College submit to the exclusive jurisdiction of the English courts for the resolution of any disputes which may arise out of or in connection with the contract.

6.2. All representations, warranties, terms and commitments not expressly set out in this contract (whether implied by law, conduct, statute or otherwise) are excluded to the maximum extent permissible at law.

**SIGNED for and on behalf of UNIVERSITY
THE UNIVERSITY OF OXFORD**

SIGNED by the STUDENT COLLEGE IN

Name: _____

Name: _____

Position: _____

Signature: _____

Signature: _____

Date: _____

Date: _____



Policy on Academic Standing and Academic Performance*

1. Introduction

- 1.1. The College's Academic Disciplinary Procedure and its Policy on Intermission both make reference to the 'Good Academic Standing' of junior members (students) of the College. The College also makes use of the same idea in some other contexts. For example, where the College requires that its permission be obtained before students may take on certain extra-curricular roles, the College will not grant such permission to a student who is not in Good Academic Standing. The College reserves the right to take similar account of Good Academic Standing in exercising other discretions that it may be asked to exercise, from time to time, in favour of particular students.
- 1.2. The College also wishes to give its students a sense of what it expects of them where their academic effort and progress is concerned. The simple answer is that it expects them all to be, at the very least, in Good Academic Standing. Although the College is disappointed when students occasionally do not meet this expectation, and although senior members of the College may draw attention to this fact when providing references and reports on students, a mere failure to be in Good Academic Standing is not treated, in itself, as an disciplinary matter. Its relevance to disciplinary matters is more oblique, and is set out in the Academic Disciplinary Procedure.
- 1.3. This Policy on Academic Standing and Academic Performance explains what qualifies, for all the above purposes, as being in Good Academic Standing (section 2 below). It also explains the College's position on the passing and resitting of First Public Examinations in the University (section 3 below). Passing the First Public Examination in your subject is a necessary condition of your remaining a member of the College, and if you do not pass in two attempts, within the rules set out in section 3 below, your membership of the College will then cease without the need for any Academic Disciplinary proceedings, and irrespective of whether you were otherwise in Good Academic Standing.
- 1.4. It is a guiding principle of this policy that as far as possible students who do their best but run into academic difficulties will be supported by the College. The provisions of section 2 below should be interpreted with that guiding principle in mind. The proviso 'as far as possible' is included to reflect the College's view that some academic difficulties may be too severe to allow for further support, and the rules as to the First Public Examination in section 3 below are among the College's mechanisms for giving effect to that view.
- 1.5. The College expects all students to prioritize academic work over other interests, across each term taken as a whole, and across each vacation to the extent necessary to

* v4.0, adopted and with effect from 17 June 2015. This Procedure has the force and import of a Regulation of the College: see OCM TT3 (2015), item 30, by which the Procedure was adopted as a Regulation.

sustain academic momentum from term to term. While this is not among the criteria for being in Good Academic Standing under section 2 below, it is relevant to the granting of permissions by tutors under 2.3 and 2.4 below, and so can have indirect impact upon Good Academic Standing. Even when it does not, students can expect the attitudes of

- 1.6. the College and of their tutors, when extra latitude is sought for any purpose (including the making of excuses in any appeal under any College policy or procedure), to be affected by the extent to which they have prioritized and are prioritizing their academic work over other interests in the way that this provision envisages.

2. What is Good Academic Standing?

- 2.1. Students are regarded as being in 'Good Academic Standing' if and only if they
 - a) keep the residence requirements laid down for their course of study by the University; and
 - b) pass within the time permitted by this Policy and within the time permitted by University regulations the First Public Examination or other examinations specified by the University as a necessary part of their course of study; and
 - c) attend on time all tutorials, classes and other required academic engagements, and participate actively and to a good standard in all of them, having spent an adequate amount of time in preparation; and
 - d) produce assignments (essays, problem sheets, etc) with the regularity required by their tutor(s), to a good standard, and on time; and
 - e) write collections (internal College examinations) with the regularity required by their tutor(s), and to a good standard, having spent an adequate amount of time in preparation and other self-study during vacations; and
 - f) maintain regular contact with college tutors and external subject tutors throughout term and when required at other reasonable times during vacations, checking e- mails daily during term time and responding promptly to tutors' communications.

In the case of graduate students without tutors, the references to tutors in the above criteria are to be replaced with references to supervisors or others charged with reporting on student progress, whether they report direct to the College or otherwise. In other respects the above criteria are to be read as referring to the nearest equivalent duties of graduate students, or in the case of (e) as not applicable to graduate students at all.

- 2.2. An academic engagement missed or postponed, or an assignment omitted or delayed, shall not count against the Good Academic Standing of the student for the purpose of 2.1(c) and 2.1(d) above if it was missed, postponed, delayed or omitted with permission in advance from the tutor or tutors with whom the engagement or for whom assignment was due. Such permission will only be given where the student's reason for seeking

permission is consistent with 1.5 above. Permission in arrears will only substitute for permission in advance in rare cases where a student was incapacitated or otherwise incommunicado before the event, having regard to both 1.5 and 2.1(f) above.

- 2.3. A collection missed or postponed shall not count against the Good Academic Standing of the student for the purpose of 2.1(e) above if it was missed or postponed with permission in advance from both the Senior Tutor and the tutor or tutors setting the collection. Such permission will only be given where the student's reason for seeking permission is consistent with 1.5 above. Permission in arrears will only substitute for permission in advance in rare cases where a student was incapacitated or otherwise incommunicado before the event, having regard to both 1.5 and 2.1(f) above.
- 2.4. For the purposes of 2.1(c), 2.1(d) and 2.1(e) above, work of 'a good standard' means work of an upper-second-class standard, except where
 - a) the student's highest realistically expected standard of attainment even under conditions of diligent application to his or her studies; and/or
 - b) the standards prevailing on the student's particular course of study at the student's particular stage in that course of study; militate in favour of the setting of a lower standard.
- 2.5. Where, under any College policy or procedure, a student is to be required to sit a Special Collection, the pass mark for that collection will be set at the lower borderline of the upper second class, except that the officer, panel, or committee prescribing the pass mark for the Special Collection shall have discretion to set a lower pass mark (such pass mark not in any event to be lower than the lower borderline of the lower second class), having regard to the factors in 2.4(a) and 2.4(b) above and to those alone.
- 2.6. The provisions in 2.4 and 2.5 above have no application to graduate students. In the case of graduate students 'a good standard' means a standard that gives full confidence of successful completion of the course of study.
- 2.7. Any lapse in Good Academic Standing holds for the term and only for the term in which the lapse occurs. Good Academic Standing is automatically restored on the first day of the following full term, unless the student is at subject to live proceedings under the College's Academic Disciplinary Procedure on that day.

3. Passing the First Public Examination

- 3.1. If a student fails any part of the First Public Examinations, the Senior Tutor and the student's subject tutors shall consider the position, including the question whether to advise the undergraduate to consider the possibility of transferring to another university. Transferring to another university generally requires a fresh UCAS application and it is a question for the student's new university what credit, if any, to give for work already done in Oxford. There is no national system for credit transfer.
- 3.2. A second attempt to pass the First Public Examination (or the failed parts of it, if severable) will be allowed, even if the undergraduate has decided to transfer to another

university. Subject to the exception in 3.3 below, failure in all or part of the First Public Examination at a second attempt will bring the student's membership of the College, and his or her entitlement to make further attempts at the First Public Examination as a member of the College, to an end.

- 3.3. A third attempt at the First Public Examination may be permitted by the College where permitted by the University. An application for the required University permission is made to the Education Committee, and will be granted only in exceptional circumstances.
- 3.4. Where the effect of failure in all or part of a First Public Examination, under University regulations or otherwise, is that the failing student is to attempt a different First Public Examination (e.g. Prelims instead of Mods), any attempt at that different First Public Examination qualifies, for the purposes of 3.2 and 3.3 above, as a further attempt at the same First Public Examination as was originally attempted.
- 3.5. In accordance with the University's policy on the First Public Examination, the College observes the following principle in respect of academic discipline:
 - a) Where, under the College's Academic Disciplinary Procedure, the conditions attached to a disposal by an Academic Panel or an Academic Disciplinary Appeal Committee include the attaining of a specified mark in the First Public Examination (or in any component of the First Public Examination) that is higher than the ordinary pass mark, a failure to meet that higher mark does not trigger expulsion from the College unless it was also a failure to meet the ordinary pass mark. Conditions including the attaining of a specified mark in the First Public Examination (or in specified papers in that Examination) that is higher than the pass mark therefore should not be attached to disposals under Academic Disciplinary Procedure clause 6.10(c).
 - b) No condition as to the passing of, or attaining of any mark in, the First Public Examination (or any component of the First Public Examination) is to be attached to a disposal or second formal warning under the College's Academic Disciplinary Procedure if the disposal is made, or second formal warning is issued, less than 28 days before the first paper of the relevant First Public Examination.



Plagiarism and Academic Integrity¹

1. What is Plagiarism?

- 1.1. Plagiarism is taking material created by someone else and passing it off as one's own original work. Plagiarism can take many different forms, but you must remember that if any passages in a work which you submit as your own contain words or phrases, data or information (other than common knowledge) from somebody else without properly citing your source, you are guilty of plagiarism if the intended reader would, in all the circumstances, assume that those passages articulate your own thoughts or discoveries. You are guilty of plagiarism if you copy an entire essay or problem sheet, if you intersperse your own text with unattributed quotations from published or unpublished primary or secondary sources, or if you paraphrase material without crediting it in the manner customary in your discipline. Copying from a friend or colleague is unacceptable; it is also unacceptable academic practice to copy, without citation, from public sources such as books, journals, or the internet. Unauthorised collaboration with another party (known as 'collusion') is also a form of plagiarism.
- 1.2. It is crucial for you to realize that plagiarism applies not only to work submitted for public examinations, but to any work you do, including Collections and your tutorial assignments. Your weekly or fortnightly essays, problem sheets or other tasks must be your own original work unless collaboration is authorised by your tutor.

2. Acquiring Good Working Practices

- 2.1. A key feature of the tutorial system is that you will submit work to your tutor, on a weekly or fortnightly basis. The type of work will differ according to the discipline in which you work. Essays are used almost universally in the arts and social sciences, but are also common in many of the natural sciences. You may, however, also be expected to complete problem sheets, or produce translations, or commentaries. It is very important that the work you produce should be your own, and that you should familiarize yourself from an early stage with the practices and conventions pertinent to your subject.
- 2.2. When you quote or paraphrase material you must always attribute your source. The rules of citation vary from subject to subject. College regulations are not the place to summarize subject-specific rules: it is the responsibility of all graduate and undergraduate students to consult the guidelines and protocols found on faculty or departmental websites, or in the relevant course handbooks or equivalent. If in doubt, subject tutors should be consulted. There are, however, some general rules for safeguarding the academic integrity of your work.
 - i. Always acknowledge the source from which you drew a verbatim quotation (no matter how brief), an idea or insight upon which you rely or with which you engage intellectually, a piece of information or data which you use unless it is a

¹ Version 4.4, November 2015.

matter of common knowledge in your discipline and standard publications in your discipline commonly state it without attribution of sources;

- ii. Familiarize yourself with the conventions applying to your discipline; if need be, ask your tutor or supervisor to explain how to quote or attribute;
- iii. Be meticulous in how you attribute; verbatim quotations from primary or secondary sources are obvious forms requiring citation, but the same rules of intellectual honesty apply to paraphrased material, summaries, theories, concepts, calculations, or anything that is not common knowledge in your discipline and publications in your discipline commonly state such matter without attribution of sources.
- iv. Do not think that you can get away with copying the language, data or ideas of somebody else by listing your source in the general bibliography: this will not relieve you from the charge of plagiarism. Proper acknowledgement of quotations, data or information from any source, whether published or unpublished, must be made for each specific use.
- v. Unauthorised collaboration is another form of academic misconduct: never assume you are allowed to hand in a joint piece of work unless you have received specific permission to do so.

3. Plagiarism Arising from Poor Working Practices

3.1. Poor working practices can lead to unintentional plagiarism. All spring, to a greater or less extent, from laziness, poor organisational skills, untidiness, or lack of academic rigour. The most prevalent pitfalls are the following:

- i. *Poor note taking*
This occurs when you fail to record adequate details of your sources; this can lead to two possible damaging consequences: one is that sometimes copied text can begin to look so familiar to you that you no longer remember that the wording or ideas are not your own; alternatively, you may be unable to recall their provenance; either way, you may fail to acknowledge their source, and will thus have plagiarised. (The third possibility is, of course, that time is wasted revisiting sources already consulted).
- ii. *Cutting and pasting without due care*
Creating and revising work on your computer is easy and fast, but also dangerous. One version may have included proper citation and attribution; the next one may have lost vital quotation marks and footnotes. Check all versions before you hand in your work, lest you have inadvertently failed to cite your sources, thereby plagiarising.
- iii. *Poor citation practices*
You may not have intended to deceive anyone, but unless you carefully check your own work to ensure that all quoted words or phrases (or, indeed, longer passages) are placed within quotation marks or indented, and all paraphrases have been clearly signalled and full bibliographical details have been made available to enable your readers to check your sources, you will be guilty of

plagiarism if the intended reader would, in all the circumstances, assume that those passages articulate your own thoughts or discoveries

iv. *Different cultural traditions*²

It is not a defence to argue that you were trained in a different cultural context, with different rules and conventions. As a student of Oxford University and University College, you are bound by the rules of your current institution, and it is your responsibility to familiarize yourself with them and to comply with them.

4. Why Is Plagiarism Wrong?

- 4.1. Plagiarism is a form of intellectual dishonesty. By passing off others' work as his or her own, the plagiarist gains an advantage that is not deserved, or at least misleads the intended reader. Plagiarism in the tutorial context is unacceptable because tutors devote their time, in good faith, to furthering students' education by teaching which is tailored to the individual student, and plagiarised work seriously misleads the tutor about that student's level of understanding and competence.

5. The Penalties for Plagiarism

- 5.1. Plagiarism comes within the scope of the College's rules on academic misconduct. Students need to be aware that the penalties for plagiarism in assignments they submit to their tutors can be as severe as the penalties for plagiarism in work submitted for Public Examinations. Disciplinary measures in respect of plagiarism are aimed at a form of academic misconduct, not merely a failure or default in academic work or performance. Where a serious case of plagiarism is proved, the junior member found guilty of this offence may be subject to severe disciplinary measures, including banning, rustication, sending down or expulsion. Buying essays from a professional organisation or writing for such an agency are instances of gross academic misconduct.
- 5.2. The penalties for misconduct also differ from those for underperformance in that they can be imposed with immediate effect. The detailed disciplinary procedures to be followed in the case of detection of plagiarism are set out in the Academic Disciplinary Procedure (ADP).

² See in particular the Princeton guidelines on cultural differences in this regard at <http://www.princeton.edu/pr/pub/integrity/pages/plagiarism.html>



Academic Disciplinary Procedure*

1. Introduction

- 1.1 *Purpose.* This Academic Disciplinary Procedure ('ADP') exists to enable the College to take appropriate measures in cases in which one of its junior members (students) is in breach of his or her academic obligations. Such breaches take various forms, and may attract various sanctions and remedies. The College's first priority, and primary purpose of this ADP, is to ensure that its students remain in good academic standing, fulfilling their academic potential and completing their studies in a timely way. In the event of a breach of academic discipline the College will attempt, so far as possible, to use the procedures in this ADP in such a way as to restore the affected student to good academic standing at the earliest opportunity. However, this is not always possible and this ADP also makes provision for dealing with rare situations in which academic discipline has broken down to the extent that no recovery of good academic standing is realistically possible.
- 1.2 *Student support.* Students who are subject to disciplinary proceedings under this ADP have a number of sources of support available to them, including the College's welfare team, the OUSU sabbatical officers, and the relevant JCR or WCR officers.¹
- 1.3 *Deadlines.* The College aims to deal with problems covered by this ADP as quickly as possible so that delay does not hinder a fair resolution or interfere with academic progress, where this is still possible. Accordingly this ADP includes various deadlines with which the College and any student subject to disciplinary proceedings must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time.
- 1.4 *Giving notice.* Where this ADP requires a notice or record to be given in writing, the normal way for this to be done is by email to the recipient's personal ox.ac.uk email address, or where the recipient lacks such an address, to the email address which has been supplied by the recipient to the College for such purposes. The email is regarded as having been delivered to the recipient at

* v4.2, promulgated 24 August 2015. This Procedure has the force and import of a Regulation of the College: see OCM MT2(2013)U, item 3, by which the Procedure was adopted as a Regulation.

¹ For more details, see http://www.univ.ox.ac.uk/college_life/welfare/

the time of sending. However a notice or record written on paper is also valid for the purpose of this ADP and where that method is used, the notice or record is regarded as having been delivered when it is placed in the recipient's pigeonhole in the College lodge, or on the second working day after it is posted to the recipient by first class post (as the case may be). The recipient's pigeonhole in the College lodge should only be used where the sender is reasonably satisfied that the recipient is in residence in Oxford at the time of delivery.

2. When does the Academic Disciplinary Procedure apply?

2.1 *General scope.* This ADP applies to any current student of University College ('the Student'), whether undergraduate or graduate, and whether in residence or out of residence at the time, who is in an Academic Disciplinary Situation (ADS).

2.2 *Academic Disciplinary Situations.* A Student is in an ADS if and only if

- (a) in the opinion of at least one of the Student's designated tutors, the Student has committed an academic offence within the terms of 2.3 below; or
- (b) in the opinion of at least one of the Student's designated tutors, the Student has been in dereliction of academic duties within the terms of 2.4 below.

A 'designated tutor', for the purposes of this ADP, is any person who meets at least one of the following conditions:

- (i) he or she is a praelector (tutorial fellow) of the College who is currently teaching or organising the teaching of the Student; or
- (ii) he or she is a person for the time being charged by the College with the task of organising the teaching of the Student; or
- (iii) in the case of a graduate Student, he or she is the Student's college adviser;
- (iv) in the case of a graduate Student, he or she is a fellow of the College who is also the Student's university supervisor.

2.3 *Offences.* The following constitute academic offences:

- (a) plagiarism, fabrication or falsification of research data, sources, or results, underhand use of *aides memoires* in assessments, and analogous forms of dishonesty and impropriety in the conduct of academic work;

- (b) attempting to commit an offence under (a) above;
- (c) knowingly or recklessly assisting other students in the commission of an offence under (a) or (b) above.

'Academic work' includes work undertaken by any student as part of or in preparation for a tutorial, a practical, an examination, or any other academic exercise forming part of that student's course of study, whether or not it forms a required part of that course.

2.4 Dereliction. The following constitutes dereliction of academic duties:

- (a) failure to attend; or
- (b) failure adequately to prepare for (include failure to submit written work of a substantial enough kind when required to do so); or
- (c) failure to make adequate effort in the conduct of

a tutorial, a practical, an examination, or any other academic exercise forming a required part of a student's course of study, where the failure is without adequate justification or excuse.

2.5 *Overlap with other College policies and procedures.* Where an ADS also constitutes a proper basis for steps to be taken under another policy or procedure of the College, and steps under this ADP and under that other policy or procedure have been proposed or initiated, the responsible Officers of the College will together determine, in consultation with the Student, whether all steps on the same basis should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation shall never have the effect of depriving the Student of an avenue of appeal that he or she 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 Master (or in the event that the Master is unable to act, the Vice-Master). The responsible Officer of the College for the purpose of this ADP is the Senior Tutor.

2.6 *Overlap with Proctors' jurisdiction.* Where an ADS 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 this ADP will be stayed until the conclusion of Proctorial proceedings. This ADP will not be used to add to the severity of a Proctorial disposal but may be used to determine what steps it is appropriate for the College to take to give effect to a Proctorial disposal. It should be understood, however, that certain Proctorial disposals have automatic implications for the Student's relationship with the College which do not require steps to be taken

under this ADP, e.g. a Student expelled or suspended from the University is automatically expelled or suspended from the College.

- 2.7 *Overlap with department/faculty codes for Graduates.* In the case of a graduate Student, where an ADS also constitutes a proper basis for disciplinary steps to be taken by the Student's university department or faculty, and such steps have been proposed or initiated, any steps proposed or initiated under this ADP will be stayed until the conclusion of the department's or faculty's proceedings. The College will make all reasonable efforts to liaise with the department or faculty concerned so as to ensure that any measures taken under this ADP do not subject the Student to disproportionate punishment for the same offence or dereliction. It should be understood, however, that certain disposals by the University have automatic implications for the Student's relationship with the College which do not require steps to be taken under this ADP, e.g. a Student expelled or suspended from the University is automatically expelled or suspended from the College.

3. Summary of procedure

- 3.1 *Four stages.* This ADP has four stages summarised here. Except as provided later in this ADP, no ADS is to progress to the next stage until the previous stage has been completed.

Stage One: First formal warning

Issued to the Student by a designated tutor. See section 4 below.

Stage Two: Second formal warning

Issued to the Student by the Senior Tutor. See section 5 below.

Stage Three: Disciplinary measures

Imposed by the Academic Committee on the recommendation of its Academic Disciplinary Panel (ADP). See section 6 below.

Stage Four: Appeal

Heard by an Academic Disciplinary Appeal Committee (ADAC) which is convened for that purpose. See section 7 below.

- 3.2 *Questions about progress.* Any student who is in an ADS is to be kept informed, in the ways provided for below, of the stage to which his or her case has progressed. In case of doubt the Senior Tutor is empowered, upon application by the Student, to make a determination of the stage to which his or her case has so far progressed and to give the Student notice in writing of this determination within 72 hours of the application.

4. Stage One: First formal warning

- 4.1 *First formal warning.* Any student who is in an ADS may be issued with a formal warning to that effect by any of his or her designated tutors.
- 4.2 *Leapfrog to stage two.* If, in the opinion of the designated tutor in question, the academic offence or dereliction is of such gravity or singularity that the primary purpose of this ADP cannot be served by the issue of a first formal warning under 4.1 above, the Student may instead be referred to the Senior Tutor for immediate progress to Stage Two (second formal warning) without the issue of a first formal warning.
- 4.3 *Timeline.* A first formal warning is to be issued within the shortest reasonable time of the events that give rise to it, and in any event within 14 days of the date on which those events (or the latest of them if they constitute a series of events) were drawn to the attention of the tutor issuing the warning. A referral to the Senior Tutor under 4.2 above is also to be made within a reasonable time of the events that give rise to it, and in any case within 14 days of the date on which those events (or the latest of them if they constitute a series of events) were drawn to the attention of the tutor making the referral.
- 4.4 *Chance to respond.* The issuer of a first formal warning need not hear representations from the Student before issuing it. However, a reasonable opportunity to respond to the warning must be allowed, which includes, but is not limited to, an opportunity to present a justification or excuse for dereliction if the warning is for dereliction, and an opportunity to contest the steps which the Student is expected to take under 4.5 below. The issuer of a first formal warning who is satisfied, upon hearing the response of the Student, that the first formal warning should not have been issued may cancel it. The issuer of a first formal warning who is satisfied, upon hearing the response of the Student, that the first formal warning should have been issued on different terms may vary it.
- 4.5 *Written record.* A first formal warning may be issued orally or in writing in any form of words. However a written record of the fact that it has been issued must be kept by the tutor and sent within 72 hours to the Student. A copy of this ADP (in either paper or electronic form) must be supplied to the Student by the tutor either at the time of issuing the warning or at the time of sending the written record of the warning to the Student or within 24 hours of sending that written record. The written record of the warning must state
- (a) that it records the issue of a first formal warning for the purpose of this ADP; and
 - (b) that the student has the right to respond to the issue of the warning and to ask for it to be cancelled or varied by the tutor issuing it; and

- (c) the grounds on which the warning was issued; and
- (d) what steps the Student is expected to take to avoid the progress of the ADS to the next stage of this ADP without further warning, and what is the expected timetable for the taking of those steps, this timetable not extending beyond the currency of the warning (see 4.7 below on currency).

If no indication is given of any steps or if no indication is given of any timescale then the implication, which need not be stated in the record of the warning, is that the Student is being warned only not to commit a further similar offence or to be in further similar dereliction of academic duty (as the case may be) during the currency of the warning.

- 4.6 *Reporting.* The issue of a first formal warning need not (but may) be reported to the Senior Tutor. It is not recorded in the Student's file in the College's Academic Office unless it comes to figure in the case for further disciplinary steps to be taken under this ADP. For the avoidance of doubt, a tutor may store his or her written record of the fact that a first formal warning has been issued in the Student's academic file in the Academic Office, on the understanding that the record will be removed from the file, and treated as expunged from the file, as soon as the first formal warning is no longer current. The written record of the first formal warning must be produced for the purpose of referring the case to the Senior Tutor for formal warning under the next stage of this ADP.
- 4.7 *Currency of warning.* For the purpose of taking further steps under this ADP, a first formal warning is current until (and including) the first anniversary of its issue, or until (and including) such earlier date as the issue of the warning may indicate at the time of issuing it, or until (and including) the date on which it is cancelled by its issuer, whichever is the earliest. The early cancellation of a first formal warning is to be notified promptly to the Student in writing, as is the variation of any first formal warning. A variation may not be used to extend the currency of a first formal warning beyond one year.
- 4.8 *Effect of non-compliance with procedure.* Subject to the general principle concerning deadlines in 1.3 above, the effect of any failure to follow these rules for the issue and recording of a first formal warning will be that the first formal warning will be ineffective for the purpose of proceeding with further stages of this ADP.
- 4.9 *Appeal against first formal warning.* Except as provided for under 4.4 above, there is no College procedure to appeal against the issue of a first formal warning.

5. **Stage Two: Second formal warning**

- 5.1 *Second formal warning.* Any student who, during the currency of a first formal warning, commits a further similar offence or dereliction, or fails to take any of the steps set out in the first formal warning within the timescale set out in that warning, may be referred to the Senior Tutor by the issuer of the warning, or by any other designated tutor, for consideration to be given to the issue of a second formal warning. The Senior Tutor may issue such a second formal warning if, in the Senior Tutor's opinion, the circumstances of the case warrant it.
- 5.2 *Leapfrog cases.* Any student who is referred to the Senior Tutor by a designated tutor under 4.2 above (grave or singular offence or dereliction) must be issued with a second formal warning by the Senior Tutor unless in the Senior Tutor's opinion, one of the following two conditions obtains:
- (a) the offence or dereliction was not so grave or so singular that it should have been referred to the Senior Tutor by the designated tutor, in which case the Student should be referred back to the same designated tutor for consideration of the issue of a first formal warning under 4.1 above; or
 - (b) the offence or dereliction is of such exceptional gravity and singularity that the primary purpose of this ADP cannot be served by the issue of any warning, in which case the Student must be referred to the Academic Committee for immediate progress to Stage Three (disciplinary measures) without the issue of any warning.
- 5.3 *Timeline.* A second formal warning is to be issued within the shortest reasonable time of the events that occasion it, and in any event within 21 days of the date of the referral to the Senior Tutor under 4.2 or 5.1 above. If the referral takes place later than 7 days before the end of full term then the latest date for issue of a second formal warning is within 7 days of start of the next full term.
- 5.4 *Inquiries by Senior Tutor.* In determining whether to issue a second formal warning, and if so on what terms, the Senior Tutor may make such inquiries as he or she sees fit, including consultation with the Student's tutors (designated or otherwise).
- 5.5 *Representations to Senior Tutor.* Before issuing a second formal warning, the Senior Tutor must offer the Student an opportunity to make representations as to the issue of the warning. Representations include, but are not limited to, representations regarding any justification or excuse for dereliction if the proposed warning is for dereliction, and representations concerning the appropriate conditions to be attached to the warning under 5.8 below. Normally such representations should be heard at a meeting in person between the Student and the Senior Tutor. However, where the Student is out of residence at the time, or it is not reasonably practicable for representations to be made in person, the opportunity to make representations in

writing may be substituted for the opportunity to make oral representations, at the discretion of the Senior Tutor.

5.6 *Meeting.* Any meeting between the Student and the Senior Tutor for the purpose of hearing representations under 5.5 above should be held in private, except as follows:

- (a) if in the Senior Tutor's opinion it is necessary to have another member of the College or of its staff present for the purpose of taking notes, then one such person may be present at the invitation of the Senior Tutor; and
- (b) if the Student wishes to be accompanied by another student of the College, for the purpose of giving support but not for the purpose of providing representation, then one such person may be present at the invitation of the Student.

It is not necessary for advance notice to be given of the fact that another person will be present or invited to be present under (a) or (b) above, but, if a note-taker will be present, the Student should be advised of that fact at the latest upon arrival at the Academic Office, before proceeding into the meeting with the Senior Tutor.

5.7 *Form of second formal warning.* A second formal warning must be issued in writing signed by the Senior Tutor (or emailed from the Senior Tutor's account) in a form of words that conveys

- (a) that it is a second formal warning for the purpose of this ADP; and
- (b) the grounds on which it is being issued; and
- (c) what conditions are included in the second formal warning; and
- (d) what consequence will attach to a breach of each condition included in the second formal warning.

A second formal warning must be accompanied (or followed within 24 hours) by a copy of this ADP in either paper or electronic form.

5.8 *Conditions included in warning.* Any one or any combination of the following conditions may be included in a second formal warning at the discretion of the Senior Tutor:

- (a) that the Student is to commit no academic offence of any type or of any specified type during the currency of the warning;

- (b) that the Student is not to be in dereliction of any academic duties, or of any specified academic duties during the currency of the warning;
- (c) that the Student is to pass (or to achieve any specified mark in²) any specified examination, which may include an examination to be set specifically for the purpose of this condition (a 'special collection');
- (d) that the Student is to take some other reasonable step or steps specified in the warning, the step or steps to be taken before a date specified in the warning or during the currency of the warning, whichever is the earlier.

5.9 *Consequences of breach of conditions.* At the discretion of the Senior Tutor, to be exercised at the time of issue of the warning, each condition included in a second formal warning under 5.8 above is to be such that one and only one of the following consequences is attached to its breach:

- (a) referral back to the Senior Tutor for consideration of whether the case should be referred to the Academic Committee for progress to the next stage of this ADP; or
- (b) referral to the Academic Committee for progress to the next stage of this ADP without further consideration by the Senior Tutor.

5.10 *Written record.* A second formal warning by the Senior Tutor is to be recorded in the Student's file in the Academic Office and a copy of the warning must be produced for the purpose of referring the case to the Academic Committee for disciplinary measures to be taken under the next stage of this ADP. After issue, a second formal warning cannot be varied or cancelled (except as provided for under 5.12 below).

5.11 *Currency of warning.* For the purpose of taking further steps under this ADP, a second formal warning is current until (and including) the date on which the Student sits his or her last examination for award of any degree or other qualification, upon the course of study towards which he or she had already embarked at the time when the second formal warning was issued, or until (and including) such earlier date as the Senior Tutor may indicate at the time of issuing it, whichever is the earlier. For these purposes a student is regarded as studying towards the same degree or other qualification even if he or she changes subject (so long as this does not involve a formal readmission to the College in ordinary competition).

² The College policy on *Academic Standing and Performance* lists considerations to which the College must have due regard in specifying marks to be achieved in examinations, including special collections, and due regard must be had to the same considerations in the context of this ADP.

5.12 *Effect of non-compliance with procedure.* Subject to the general principle concerning deadlines in 1.3 above, the effect of any failure to follow these rules for the issue of a second formal warning will be that

- (a) the second formal warning will be ineffective for the purpose of proceeding with further stages of this ADP; and
- (b) the second formal warning will be expunged from the Student's file upon application by the Student to Academic Committee.

For the avoidance of doubt, Academic Committee may not expunge a warning on the ground that it disagrees with the Senior Tutor's judgment about whether a second formal warning was called for under 5.1 or 5.2 above.

5.13 *Appeal.* Except as provided for in 5.12(b) above, there is no College procedure to appeal against the issue of a second formal warning.

6. Stage Three: Disciplinary measures

6.1 *Disciplinary Panels.* Any student who is referred to Academic Committee under 5.2(b) above (exceptionally grave and singular offence or dereliction) or 5.9 above (breach of a condition included in a second formal warning) must be considered for the imposition of disciplinary measures. Academic Committee must delegate this consideration to a Disciplinary Panel which operates as a subcommittee of Academic Committee and makes a recommendation to Academic Committee for an appropriate disposal of the case (whether by disciplinary measures or otherwise). By convention Academic Committee will follow the recommendation of its Disciplinary Panel in making a recommendation to the College's Governing Body. By convention, the College's Governing Body will in turn follow the recommendation of Academic Committee. A Student therefore has no right to make further representations to Academic Committee or to Governing Body in respect of any recommendation of a Disciplinary Panel. Any adjustment of the disposal by Academic Committee or Governing Body would, by convention, give the Student good grounds for appeal against the adjusted disposal under Stage Four of this ADP. Because of the strength of these conventions, the recommendation of a Disciplinary Panel is referred to in the following provisions as a 'determination'.

6.2 *Membership and convening of Panel.* A Disciplinary Panel consists of three members, all of whom shall be Fellows of the College. The convening of Disciplinary Panels and the assignment of cases to them shall be a responsibility of Academic Committee, always to be carried out as expeditiously as possible, bearing in mind the primary purpose of this ADP. A Disciplinary Panel

may be convened to consider a single case or a group of cases. Where there is a group of cases involving the same student it may elect to consolidate these into one case for the purpose of considering that student for disciplinary measures.

6.3 *Timeline.* Without prejudice to the general rule in 6.2 requiring expedition, the Disciplinary Panel will be convened within 14 days, or 21 days if any of the 14 days would be outside full term, of a referral by the Senior Tutor.

6.4 *Disqualifications.* The following are not eligible to serve on a Disciplinary Panel:

- (a) The Master, the Vice-Master, the Senior Tutor, the Dean, or the Welfare Fellow;
- (b) Any person who has served as a designated tutor as defined in 2.2 above to any student whose case is to be considered by the Disciplinary Panel in question;
- (c) Any person who has taught (in tutorials or in any other capacity where reporting on individual progress was required or expected) any student whose case is to be considered by the Disciplinary Panel in question;
- (d) Any person who has been directly involved, whether under this ADP or otherwise, with any of the events that have brought the case before the Disciplinary Panel in question, where membership of Academic Committee or Governing Body does not qualify as direct involvement merely because it involves routine scrutiny of reports on student progress and exam results.
- (e) Any person who has served on a Disciplinary Panel or an Disciplinary Appeal Committee under this ADP, or on any similar panel under another Procedure of the College, in another case involving the same student or students.

Within 24 hours of a Disciplinary Panel's being convened, each Student in whose case the Panel is intended to make a determination will be given notice by the Senior Tutor (on behalf of the Academic Committee) of the identities of its members. The Student will then have 24 hours to draw attention to the ineligibility of any member to serve on the Panel under (a) to (e) above (but not to object on any other ground). If satisfied that a member is indeed ineligible to serve, Academic Committee will replace that member within 48 hours. That replacement will count, for the purpose of any deadlines that follow, as the convening of a new Disciplinary Panel.

6.5 *Investigator and objections to Investigator.* For each case before it each Disciplinary Panel shall, within 72 hours of its being convened, appoint one of its number as Investigator in that case. Within 48 hours of the Investigator's appointment, the Student will be given notice by the Senior

Tutor of the identity of the Investigator, and will have 24 hours from the time of being given that notice to object to the appointment, stating the grounds for doing so (which are not restricted to ineligibility under 6.4 above). The Disciplinary Panel dealing with the case will appoint an alternative Investigator from its own number within 72 hours of the objection being made if, in the view of the Disciplinary Panel, the Student's grounds for objecting are reasonable ones.

- 6.6 *Conduct of investigation.* With all possible speed consistent with a careful investigation, the Investigator is to obtain a note from the Senior Tutor of how the case progressed through Stages One and Two of this ADP, and a copy of any second formal warning, together with any comments from any of the Student's current designated tutors and from the Senior Tutor that might, in the opinion of the Investigator, bear on the application of disciplinary measures. The Student's current designated tutors are to be informed, through the Senior Tutor, that the Student is being investigated by a Disciplinary Panel, and of the identity of the Investigator. The Student's current designated tutors may communicate to the Investigator their views on the suitability of disciplinary measures or other disposals in the case, or their views on any other relevant matter, whether or not the investigator solicits those views. In framing his or her report under 6.9 below, the Investigator is to draw attention to and take due account of any such views received.
- 6.7 *Representations to Investigator.* The Investigator must offer to the Student an opportunity to make representations as to the disciplinary measures or other disposals to be applied. Representations include, but are not limited to, representations regarding any justification or excuse for dereliction if the proposed measures are for dereliction. The Student must also be given the opportunity to comment more generally on the case against him or her under this ADP, a case which should be outlined to him or her by the Investigator, relying on the notes and comments obtained under 6.6 above. Normally such representations should be heard at a meeting in person and in private between the Student and the Investigator, at which the Investigator should take notes of the Student's representations. However, where the Student 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 in writing may be substituted at the discretion of the Investigator, in which case the Investigator may outline the case against the Student to the Student in writing.
- 6.8 *Meeting.* Any meeting between the Student and the Investigator for the purpose of hearing representations under 6.7 above should be held in private, except as follows:
- (a) if in the Investigator's opinion it is necessary to have another member of the College or of its staff present for the purpose of taking notes, then one such person may be present at the invitation of the Investigator; and

- (b) if the Student wishes to be accompanied by another Student of the College, who may assist with the making of representations as well as giving support to the Student, then one such person may be present at the invitation of the Student.

Notice of at least 24 hours is to be given of the fact that another person will be present or has been invited to be present under (a) or (b) above.

6.9 *Report and determination.* On completion of his or her investigation, the Investigator will make a written report to the Disciplinary Panel containing recommendations as to the disposal of the case. The report will be considered by the Disciplinary Panel at a meeting, at which the appropriate disposal of the case will also be determined by simple majority voting. It is normally expected that, where the Student's cooperates fully in the process, this process will be completed within 21 days of referral of the case to Academic Committee by the Senior Tutor.

6.10 *Possible disposals.* A Disciplinary Panel has the power to make the following disposals:

- (a) expulsion from the College; or
- (b) 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
- (c) expulsion from the College unless certain conditions are satisfied; 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
- (e) a conditional discharge, whereby no disciplinary measures under (a), (b), (c) or (d) will be applied to the Student so long as certain conditions are satisfied; or
- (f) an absolute discharge.

In determining the appropriate disposal from this list the Disciplinary Panel must always have regard to the primary purpose of this ADP. Disposals (a) to (d) qualify as disciplinary measures. Disposals (e) and (f) qualify as non-disciplinary measures. For the avoidance of doubt, the coming into effect of an expulsion or suspension by virtue of the Student's failure to meet any condition imposed under (b), (c), or (d) is an automatic process and does not itself qualify as a further disposal for the purposes of this ADP. The effect is that, where a condition as to return to College set under (b) or (d) is not satisfied, the suspension automatically becomes an expulsion without

further intervention by a Disciplinary Panel, by Academic Committee, or by the College's Governing Body.

6.11 *Conditions attached to disposals.* The conditions that may be attached by a Disciplinary Panel to a disposal under 6.10(b), (c), (d) or (e) above include, at the Panel's discretion,

- (a) that the Student is to commit no academic offence of any type or of any specified type for a specified period or indefinitely;
- (b) that the Student is not to be in dereliction of any academic duties, or of any specified academic duties for a specified period or indefinitely;
- (c) that the Student is to pass (or to achieve any specified mark in³) any specified examination, which may include an examination to be set specifically for the purpose of this condition (a 'special collection');
- (d) that the Student is to take some other reasonable step or steps specified in the disposal, the step or steps to be taken before a specified date.

6.12 *Communication of determination.* The Panel is to report its determination without delay to Academic Committee, via the Senior Tutor, supported by a copy of the Investigator's report on the case. If the Panel's determination departs from the Investigator's recommendation then a further report is to be included explaining the departure. Notice of the Panel's determination will be given in writing within 72 hours of its having been made to the Student by the Senior Tutor acting on behalf of the Academic Committee, supported by a copy of the Investigator's report and a copy of any other report submitted by the Panel in support of its determination.

6.13 *Failure to meet conditions.* If conditions attach to the disposal under 6.10 (b), (c), (d), or (e) above and, in the opinion of the Senior Tutor, the Student fails to meet those conditions, then notice of that failure, and of the consequences as determined by the terms of the disposal, will be given in writing to the Student by the Senior Tutor acting on behalf of the Academic Committee, within 72 hours of the failure's having come to the attention of the Senior Tutor. In case of dispute about whether the conditions specified in a disciplinary measure have been met by the Student, the appeal procedure under 7.2 below applies.

³ The College policy on *Academic Standing and Performance* lists considerations to which the College must have due regard in specifying marks to be achieved in examinations, including special collections, and due regard must be had to the same considerations in the context of this ADP. The College policy on *Academic Standing and Performance* also contains rules governing the use that may be made, for the purposes of this clause, of results in the First Public Examination.

7. Stage Four: Appeal

7.1 *Appeal against determination.* The Student has a right of appeal against any determination of a Disciplinary Panel that involves the imposition of a disciplinary measure. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being given notice under 6.12 above of the Disciplinary Panel's determination.

7.2 *Appeal against coming into effect of consequences.* The Student also has a right of appeal against the coming into effect of the consequences of his or her failure to meet any condition specified in any disciplinary measure, but only on one or both of the following grounds:

- (a) that the Senior Tutor was mistaken in his or her opinion under 6.13 above that the Student failed to meet the condition; or
- (b) that the Student's failure to meet the condition was excusable.

For the avoidance of doubt, it is not a ground of appeal under this provision that the condition should not have been imposed. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being given notice under 6.13 above of his or her failure to meet the condition.

7.3 *Constitution of Academic Disciplinary Appeal Committee.* An appeal under 7.1 or 7.2 above is to be heard by an Academic Disciplinary Appeal Committee (ADAC) constituted by the Master specifically to hear the appeal. Any disciplinary measures appealed against are stayed pending determination of the appeal, save that it is still possible for a student to meet any conditions specified in the disciplinary measure, and hence to terminate the measure, while the appeal is pending.

7.4 *Membership.* An ADAC will comprise:

- (a) one Fellow of the College of suitable seniority and experience, who is a Member of Governing Body holding an academic post, and who will chair the ADAC; and
- (b) two further senior members of the College holding academic posts (who need not be members of the Governing Body).

7.5 *Disqualification.* The following shall not be eligible to serve on an ADAC:

- (a) The Master, the Senior Tutor, the Dean, or the Welfare Fellow;

- (b) Any person who has served as a designated tutor as defined in 2.2 above to any student whose case is to be considered by the ADAC;
- (c) Any person who has taught (in tutorials or in any other capacity where reporting on individual progress was required or expected) any student whose case is to be considered by the ADAC;
- (d) Any person who has been directly involved, whether under this ADP or otherwise, with any of the events that have brought the case before the ADAC, where membership of Academic Committee or Governing Body does not qualify as direct involvement merely because it involves routine scrutiny of reports on student progress and exam results.
- (e) Any person who has served on a Disciplinary Panel or an ADAC under this ADP, or on any similar panel under another Procedure of the College, in another case involving the same student or students.

If sufficient ADAC members not disqualified under these headings cannot be found from within the College then the Master shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of University College) fall under the descriptions in 7.4 above.

- 7.6 *Secretary of ADAC.* The ADAC shall be assisted by the Academic Registrar (or another senior administrative employee of the College enlisted by the Master) who will act as Secretary to the ADAC ('the Secretary').
- 7.7 *Objections to membership.* Within 48 hours of the constitution of the ADAC, the Student will be given notice by the Secretary of the identities of its members, and will have 24 hours from the time of being given that notice to object to the appointment of one or more of them, stating the grounds for doing so. The Master will appoint an alternative member or members of the ADAC within 72 hours of the objection being made if, in the Master's view, the Student's grounds for objecting are reasonable ones.
- 7.8 *Representation of Academic Committee before ADAC.* Within 4 days of the constitution of the ADAC (or of its reconstitution if required under 7.7 above) Academic Committee is to nominate a person ('the AC Representative') to make a case, before the ADAC, in favour of the implementation of the disciplinary measure. The AC Representative may be the Senior Tutor, any member of the Academic Disciplinary Panel that determined the measure, or any member of Academic Committee.

7.9 *Date of hearing.* Within 7 days of the constitution of the ADAC (or of its reconstitution if required under 7.7 above), the Secretary shall fix a date for an ADAC hearing. The hearing is to take place no later than one calendar month after the constitution (or reconstitution) of the ADAC. Subject to that one month limit, the date should be fixed in consultation with the Student, the AC Representative, and the members of the Panel.

7.10 *Hearing details.* At least 7 days before the hearing the Secretary will:

- (a) write to the ADAC members, the Student and the AC Representative to confirm the date, time and location of the hearing;
- (b) provide the ADAC members, the Student, and the AC Representative with a bundle containing copies of:
 - the second formal warning, if any, issued at Stage Two;
 - the Investigator's report from Stage Three;
 - the letter from the Senior Tutor giving the Student notice of the disposal;
 - the letter from the Senior Tutor giving the Student notice of his or her failure to meet the conditions in the disposal (if applicable);
 - the letter from the Student giving notice of appeal; and
 - any other relevant documents.

7.11 *Assistance and representation.* The Student shall also be informed by the Secretary that he or she is entitled to be represented or accompanied at the ADAC hearing by one other person. Except with the special leave of the Chair of the ADAC, this person ('the Friend') must be a member or employee of the College. Cases for the granting of special leave include but are not limited to those in which no suitable member or employee of the College is available to assist, or in which the Student has reasonable grounds to wish his or her situation to remain unknown to those members or employees of the College who are available to assist. However an ADAC will not allow legal or other professional representation for the Student. At least 72 hours before the hearing the Student shall inform the Secretary of the identity his or her Friend, if any, indicating whether the Friend will be a representing or merely an accompanying Friend. It is the responsibility of the Student to inform his or her Friend, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of the Student, the Student will surrender the right to speak on his or her own behalf, except as a witness. Unless the Chair of the ADAC agrees that exceptional circumstances

prevent it, the Student must attend the hearing for the appeal to be heard, and must be ready to appear as a witness at the ADAC's request. This is so even if the Student has asked a Friend to speak on his or her behalf.

- 7.12 *Additional documentation.* If the Student or the AC Representative wishes the ADAC to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least five days before the hearing. The Secretary will then ensure that it is circulated to the ADAC and the other party as soon as possible. Any documentation submitted after this deadline will not be considered by the ADAC unless the Chair of the ADAC decides that exceptional circumstances warrant its inclusion.
- 7.13 *Identity of witnesses.* Not less than 5 days before the hearing, the Student and the AC Representative shall inform the Secretary of any witnesses they wish to call at the hearing. The Chair of the ADAC shall also inform the Secretary of any the witnesses that the ADAC itself intends to call if they are not called by the parties. The Secretary will in advance of the hearing provide a list of all these witnesses to the Student, the AC Representative and the ADAC members. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from ADAC members and from either party as allowed under 7.15 below. It is the responsibility of the person calling the witness to ensure that he or she attends.
- 7.14 *Written testimony.* Where the Student and the AC Representative agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the ADAC it would not be appropriate for a witness to attend, the ADAC may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least three working days before the hearing. The Secretary to the ADAC will then circulate them to the other parties and the members of the ADAC as soon as possible.
- 7.15 *Order of speaking and adducing evidence.* The Student (either in person or through his or her Friend) and the AC Representative will have the opportunity to address the ADAC at the hearing. The ADAC may also hear witnesses in any order and in any manner that to it seems appropriate, having regard to the requirements of natural justice. Questions will be asked of witnesses in the first instance by the members of the ADAC. At the discretion of the Chair, the Student (either in person or through his or her friend) and the AC Representative may also ask questions of any witnesses. Any witness of whom questions are asked by the calling party will also be subject to cross-examination by the other party. The AC Representative and the Student also have the right to make closing speeches, in that order.
- 7.16 *Regulation of procedure.* Subject to the above, the ADAC has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing,

and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as possible in view of the seriousness of the case, informal and flexible.

- 7.17 *Making of decision by ADAC.* When the ADAC members consider their findings and recommendations, each shall be given the opportunity to present and discuss his or her impressions and conclusions regarding the issues and the hearing. The ADAC will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any ADAC member other than the Chair. The success or failure of any motion shall be determined by simple majority vote. The ADAC will not take account of any information or documents which were not available to the Student or which were not available to the AC Representative at or before the hearing.
- 7.18 *Notification of decision by ADAC.* The decision of the ADAC is announced by notice in writing to the Master, the Student, and the AC Representative. The decision will not be announced until at least the next working day after the hearing. The ADAC may however take up to five days after the hearing to reach and to announce a decision. Within ten days of the hearing, the ADAC will produce a written report setting out their findings and recommendations, and the reasons for them. In case of a majority decision, the decision and the reasons shall be those of the majority. No dissenting opinion will be presented.
- 7.19 *Possible disposals by ADAC.* The ADAC may, at its discretion, uphold the implementation of the disciplinary measure or vary the conditions of its implementation or require those conditions to be satisfied afresh or override the whole measure and substitute any alternative disposal which it was open to the Disciplinary Panel to have imposed in place of the disposal, having regard to the same principles and purposes to which the Disciplinary Panel was required, under this ADP, to have regard.
- 7.20 *Finality and further appeals.* The decision of the ADAC is final and not open to further appeal within the College. By convention, the Governing Body of the College does not interfere with it. The finality of the ADAC's determination is without prejudice to the right of the Student to make appeals or other applications to bodies outside the College, in particular to the Conference of Colleges Appeal Tribunal (CCAT),⁴ or to the Office of the Independent Adjudicator (OIA).⁵ The Senior Tutor will, on request, issue to the Student a Certificate of Completion of Procedures once all in-College remedies have been exhausted.

⁴ For more details, see

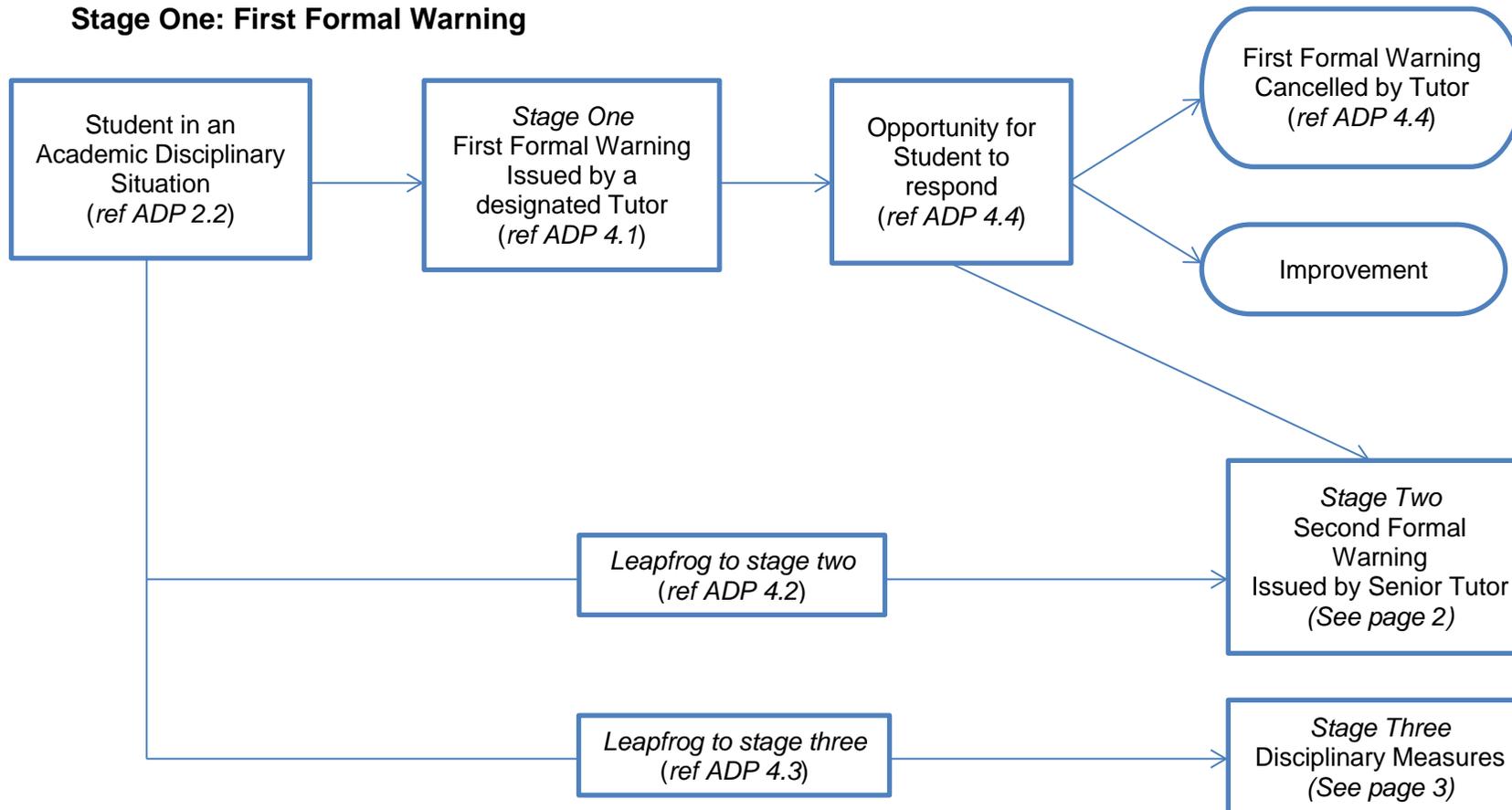
https://weblearn.ox.ac.uk/access/content/group/test1-conf_coll/Public%20Documents/Appeal%20Tribunal/

⁵ For more details, see <http://www.oiahe.org.uk/>

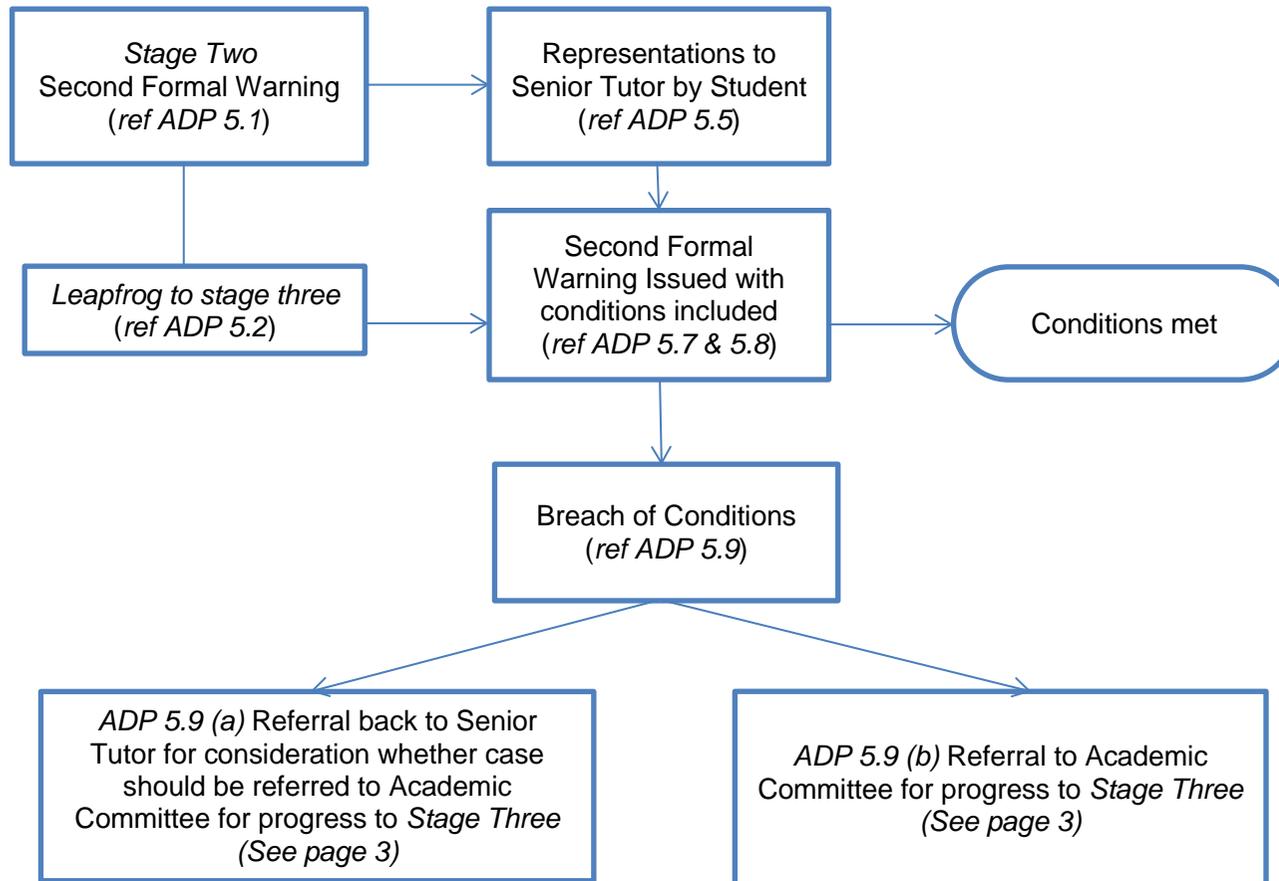
Flowchart of Academic Disciplinary Process

To be read in conjunction with the
Academic Disciplinary Procedure and
Policy on Academic Standing and Academic Performance

Stage One: First Formal Warning

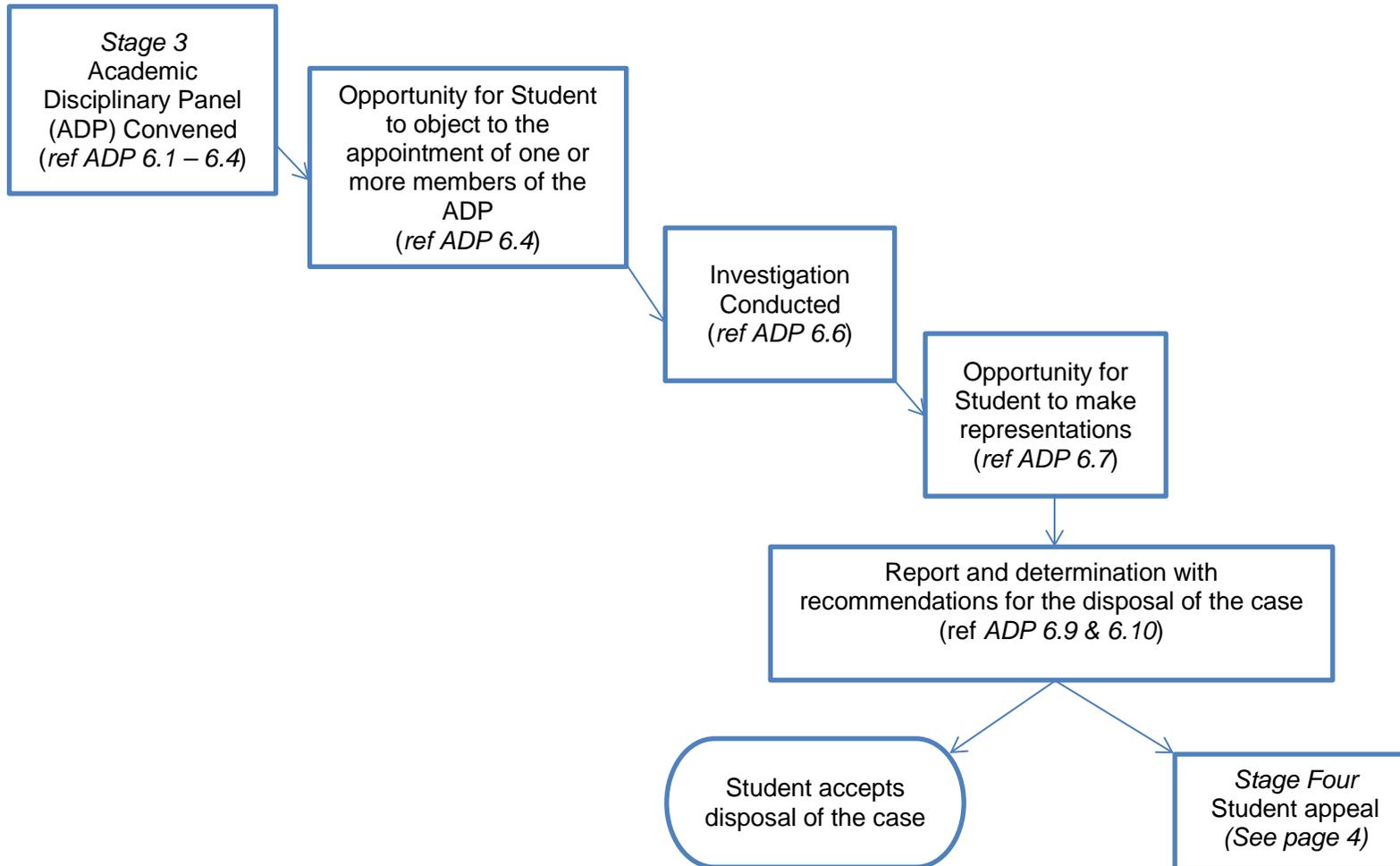


Stage Two: Second Formal Warning

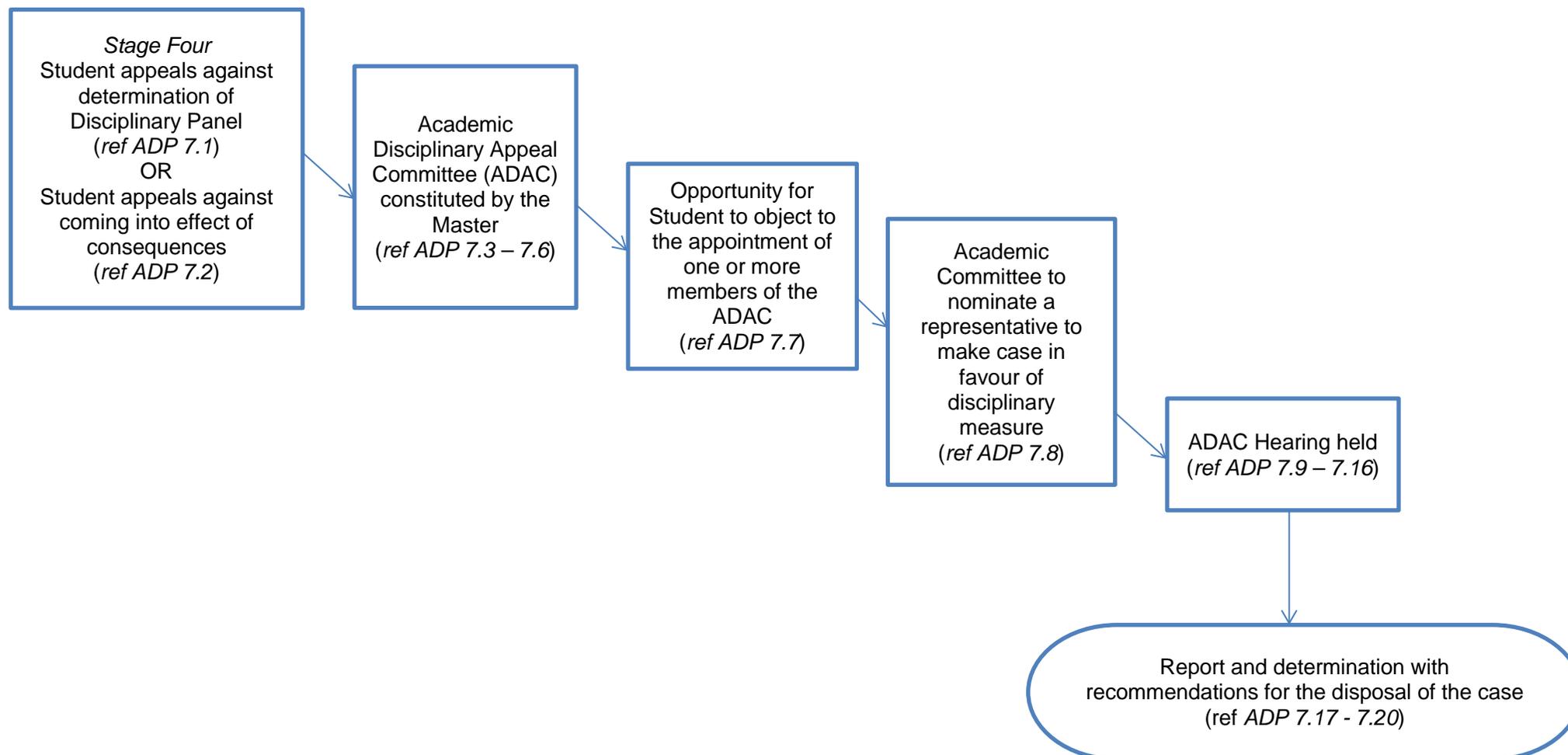




Stage Three: Disciplinary Measures



Stage Four: Appeal





Policy on Intermission*

1. Introduction

- 1.1. *Purpose.* This Policy on Intermission ('Pol') exists to enable the College to make suitable provision for those rare cases in which its junior members (students) are in medical or other difficulties which require them to take a temporary break from their studies, such that they will not be able to complete those studies according to the originally anticipated schedule. The College's first priority is to enable its students, so far as possible, to be thriving participants in their courses of study. In service of this goal, the primary purpose of this Pol is to ensure that students remain in good academic standing, fulfilling their academic potential and completing their studies in a timely way. Already implicit in this statement is the College's view that breaks in study (including postponements of examinations) are undesirable, and can be allowed only in exceptional cases, and even then only within strict limits. Students admitted for a course of study of fixed or limited duration are expected to complete the course of study within that duration, without interruption, unless major life-events conspire to make that impossible. Sometimes the nature of those life-events may be such that, regrettably, the course of study cannot be completed at all. The interruption may be too prolonged or too repeated to allow for the measure of continuity that is necessary to make satisfactory academic progress. This Pol also makes provision for this mercifully very rare eventuality.
- 1.2. *Support for students.* Students whose situations are or may be covered by this Pol have a number of sources of support available to them, including the College's welfare team, the OUSU sabbatical officers, and the relevant JCR or WCR officers.¹ The College has an arrangement with the College Doctors whereby they will provide opinions and certifications for the purpose of this Pol. This arrangement is explained in more detail in section 3 below. It still allows for students to consult the College Doctors confidentially for the normal range of advice and support, as opposed to for opinions and certifications under this Pol. The Pol is intended not to affect the normal interactions of students with the College Doctors acting as their general medical practitioners.
- 1.3. *Definitions.* In what follows 'the Applicant' means the person who is applying for (or who has applied for) intermission, whether the Student or not. 'The Student' means the junior member of

* v5.2, promulgated 24 August 2015. This Policy has the force and import of a Regulation of the College: see OCM MT2(2013)U, item 3, by which the Policy was adopted as a Regulation.

¹ For more details, see http://www.univ.ox.ac.uk/college_life/welfare/

college for whom intermission is sought or to whom intermission has been or will be granted or upon whom intermission has been or will be imposed. 'A student' (without initial capital letter) means any junior member of the College.

1.4 *Deadlines.* The College aims to deal with cases covered by this Pol as quickly as possible so that delay does not aggravate any difficulties with academic progress. Accordingly this Pol includes various deadlines with which the College and The Student must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time. All time periods mentioned (whether expressed in hours, days, or weeks) are to be read inclusively.

1.5 *Form of communication.* Where this Pol requires communication to the Applicant or the Student in writing, the normal method is by email to the recipient's personal ox.ac.uk email address, or where the recipient lacks such an address, to the email address which has been supplied by the recipient to the College for such purposes. Where this Pol requires communication to the Senior Tutor in writing, the normal method is by email to the Senior Tutor's own ox.ac.uk email address or to the ox.ac.uk email address of the Academic Officer. The email is regarded as having been delivered to the recipient at the time of sending. However a communication on paper is also valid for the purpose of this Pol and where that method is used, the communication is regarded as having been delivered when it is placed in the recipient's pigeonhole in the College lodge, or on the second working day after it is posted to the recipient by first class post (as the case may be). The recipient's pigeonhole in the College lodge should only be used where the sender is reasonably satisfied that the recipient is in residence in Oxford, and has reasonable access to the College, at the time of delivery.

2. General principles

2.1 *Intermission defined.* Subject to 2.2 below, any interruption of full-time studies (except where imposed by the College under disciplinary procedures) that has among its consequences the postponement of any University examination is an intermission for the purposes of this Pol. For the avoidance of doubt, this includes any case in which a student withdraws from a University examination during or immediately before that examination with a view to re-entering for that examination at a later date.

2.2 *Scope of Policy.* This Pol covers intermissions on medical or compassionate grounds only and the word 'intermission' in this Pol should be understood accordingly.

2.3 *Grounds of intermission.* The College will permit a student's intermission only where the Academic Committee is satisfied

- (a) that an intermission is necessary on medical or compassionate grounds (such as injury, illness, very recent bereavement, urgent need for the Student to act as a carer towards a close family member, or maternity/paternity); and
- (b) that the circumstances are such that the Student can reasonably be expected to be able to resume his or her studies at the end of the period of intermission.

For the avoidance of doubt the College will not grant intermission solely on the ground that the Student is or feels ill-prepared for examinations, giving rise to anxiety.

2.4 *Number of intermissions.* Under this Pol the College will permit at most one single period of intermission to any one student during any one course of study, where the limit of one includes intermissions imposed upon the Student under 2.7 below as well as those granted upon application of the Student. A course of study for this purpose means the whole period of study leading to one degree or other qualification of the University. A student is regarded as studying towards the same degree or other qualification of the University even if he or she changes subject (so long as this does not involve a formal readmission to the College in ordinary competition).

2.5 *Exceptional second intermission.* The College may permit a second period of intermission under this Pol in the following exceptional cases:

- (a) where a student, whose membership of the College would otherwise be at an end, is required to remain a member of the College solely in order to make a second or further attempt at a University examination, where the University permits a second or further attempt (whether it does so by general regulation or by special dispensation); or
- (b) where a student requires a second period of intermission for a reason that is substantially independent of those for which the first was granted.

Under this Pol no third period of intermission is granted. For the purpose of exception (a) above, notwithstanding anything said in 2.6 below, the period of intermission may be of one year or of such shorter period as will enable the intermitting student to return to College at the appropriate time to make his or her second or (as the case may be) further attempt at the examination.

2.6 *Period of intermission.* An intermission for the purposes of this Pol will last no more and no less than one year. The following are the only exceptions:

- (a) if in the judgment of the Academic Committee the circumstances warrant it, a student who applies for intermission under this Pol on or before Friday of week minus one of Hilary Term of his or her first year on any course of study may be permitted to restart the same course of study with effect from the start of Michaelmas term of the following academic year;
- (b) if in the judgment of the Academic Committee the circumstances warrant it, a student who withdraws from a University examination during or immediately before that examination and successfully applies for intermission under this Pol may be permitted to resume his or her studies at the start of the term, in the following academic year, in which he or she proposes to re-attempt the same examination;
- (c) if in the judgment of the Academic Committee the circumstances warrant it, a student who has already missed a substantial amount of work during a period in which he or she was not intermitted under this Pol may be granted an intermission of less than one year so as to allow resumption of work at the point at which, effectively, it was abandoned;
- (d) if in the judgment of the Academic Committee the circumstances warrant it, a student who is intermitted under 2.7(b) below may have his or her year of intermission calculated from the beginning of the term in which his or her intermission is imposed, or from the start of the next term, notwithstanding that the intermission will then be, in effect, longer than or shorter than one year;
- (e) if in the judgment of the Academic Committee the circumstances warrant it, a student studying for a research degree (being a degree for which the only public examination is the examination of a thesis) may be intermitted for a period of one term, or any multiple of one term up to three terms (which need not be consecutive), where such intermissions match suspensions of student status granted by the University on medical or compassionate grounds;
- (f) if in the judgment of the Academic Committee the circumstances warrant it, and if the College doctors certify the necessity of it, an intermission of up to two years may be granted (with such further adjustment to the period as may be warranted under (a) to (e) above) to enable a student to be treated for or to recuperate from a severe medical condition.

2.7 *Initiating intermission.* Intermission is normally at the Student's application. However in the following two classes of cases, and only in the following two classes of cases, it may be imposed upon a student by the College:

- (a) Where a student is subject to disciplinary proceedings (whether academic or non-academic) and makes or proposes to make an excuse in defending those proceedings of a kind that also discloses a possible medical ground of intermission, the disciplinary proceedings may be temporarily stayed (at the initiative of the panel or committee then having charge of the disciplinary proceedings) and the Student may be required to attend the College Doctors for an assessment of fitness to study according to the special procedure laid out in 3.3 below. If the Student is then certified unfit to study by the College Doctors an intermission may be imposed upon the Student by the Academic Committee with or without the Student's consent. If the Student refuses to attend the College Doctors for an assessment of fitness to study as required under this provision, then his or her excuse may be disregarded for the purpose of determining the disciplinary outcome by the officer or committee then having charge of the disciplinary proceedings. 'Disciplinary proceedings', for the purpose of this provision, do not include any steps that can lead, under the College's disciplinary procedures, only to a formal warning.
- (b) Where, in the judgment of the Dean or Senior Tutor, a student's physical or mental condition is such as to give rise to grave concerns for his or her safety or the safety or well-being of those around him or her, the Dean or Senior Tutor (as the case may be) may require certification of fitness to study by the College Doctors to be provided to the Senior Tutor pursuant to the special procedure set out in 3.3 below. If the Student is certified unfit to study by the College Doctors an intermission may be imposed upon the Student by the Academic Committee with or without the Student's consent. If the Student fails to attend the College Doctors for an assessment of fitness to study as required under this provision then that will be treated for the purpose of this provision as a case in which the Student was certified unfit to study by the College Doctors. In any case falling under this provision the Senior Tutor is empowered to impose an intermission provisionally on the Student, pending certification of fitness to study by the College Doctors, and without awaiting a decision by the Academic Committee. In any case in which an intermission is imposed provisionally and the imposition is subsequently confirmed by the Academic Committee under this provision, the date of provisional imposition shall qualify as the date of imposition of the intermission for the purposes of 2.6(d) above.

2.8 *Conditions as to return: academic.* In the interests of the Student, the College needs to assure itself that the Student is academically prepared for return to College following a period of intermission. To that end the College will always set one or more academic conditions as to return, usually including the sitting of a Special Collection (with a specified grade to be obtained).² The College will provide such academic advice and support as is reasonably necessary to enable the student to prepare to

² The level of performance required is to be determined in accordance with the College's *Policy on Academic Standing and Performance*, having due regard to the circumstances that necessitate the student's intermitting in accordance with this *Policy on Intermission*.

meet any academic conditions as to return, so far as is compatible with the student's intermitted status. The Senior Tutor shall determine what is reasonably necessary, having consulted the Student and the relevant College tutors. For the avoidance of doubt it is not compatible with the Student's intermitted status that any teaching be provided by or on behalf of the College during an intermission. In the case of a research student as defined in 2.6(e) above the College may set, by way of academic condition as to return, the following condition, viz. that the University is satisfied that the student is academically prepared to return to his or her studies.

- 2.9 *Conditions as to return: fitness to study.* In cases in which intermission is on medical grounds, or on other grounds where there is a question of fitness to study, the College will require certification of fitness to study as a condition of return. Where certification of fitness to study is required, that certification can only be made by the College Doctors, who may seek or rely on such further professional opinions as they in their professional judgment see fit. Where, in the professional judgment of the College Doctors, certification of fitness to study requires attendance at the College Doctors' surgery, such attendance forms part of the relevant condition as to return, whether expressed or not. The College Doctors will not issue a certificate of fitness to study unless they are satisfied that the Student is also fit to perform such tasks or exercises as the College may have specified in academic conditions as to return imposed under 2.8 above. In the case of a research student, the College may set its own fitness to study condition where it is satisfied that it is not merely duplicating a condition set by the University.
- 2.10 *Failure to meet conditions as to return.* If the Student fails to meet any condition as to return, then (subject to the outcome of any appeal he or she may launch under 4.4 below) the Student ceases forthwith to be a member of the College, and this is an automatic consequence of the failure rather than a new determination by the Academic Committee or the Senior Tutor. Pending any appeal under 4.4 below the Student remains a member of the College but is to be allowed back into residence only at the discretion of the Academic Committee. In the event of a failed appeal the Student's membership is regarded as having ceased at the time at which he or she failed to meet the condition as to return, not at the time of determination of the appeal. Subject to the exception in 3.4 below, the College does not allow for repeated attempts at meeting any conditions as to return.
- 2.11 *Further conditions to be met after return.* Where the College Doctors certify fitness to study at the end of a period of intermission, but add that the fitness to study of the Student is to be kept under review, or that the student is fit to study only under medical supervision, or that the student is fit to study only while taking prescribed medication, or where the College Doctors enter any other proviso in their certificate of fitness to study pursuant to 3.6(d) below, the College may at the stage of the Student's return set further conditions to be satisfied by the Student after return from a period intermission, so long as these are the very conditions specified by the College Doctors in the proviso to the certificate of fitness to study. If the Student fails to meet any such condition, then (subject to the outcome of any appeal he or she may launch under 4.4 below) the Student ceases

forthwith to be a member of the College, and this is an automatic consequence of the failure rather than a new determination by the Academic Committee or the Senior Tutor. Pending any appeal under 4.4 below the Student remains a member of the College.

3. Procedures in more detail

3.1 *Form of application.* An application for intermission of studies is to be made to the Senior Tutor in writing by the Student, or (in cases where the Student is gravely incapacitated) by a close family member or guardian acting on his or her behalf. Except where the opinion of the College Doctors has been (or will shortly be) sought by the Student or by the Applicant and has been (or will shortly be) communicated direct by the College Doctors to the Senior Tutor, evidence supporting the proposed intermission and showing the ground of it is to be included with the application. In the event that the Senior Tutor doubts the adequacy of the evidence supplied, the Senior Tutor may require additional evidence to be supplied and/or require the Applicant to obtain the opinion of the College Doctors, to be communicated direct to the Senior Tutor.

3.2 *Determination of application.* An application for intermission of studies under 3.1 is to be considered by the Senior Tutor who is to arrive at a recommendation. The Senior Tutor's recommendation is to be put to the Academic Committee, orally or in writing, and supported by a brief statement of reasons, at its next available meeting, which may be a special meeting called for the purpose of determining the application for intermission only. Members of the Academic Committee will be supplied with copies of the application letter and the supporting evidence only

- (a) if and to the extent that the Applicant so requests; or
- (b) if and to the extent that the Senior Tutor believes it necessary and proportionate for the proper consideration of his or her recommendation; or
- (c) where the Academic Committee is minded to reject the application (either in accordance with or contrary to the recommendation of the Senior Tutor) at the request of any member of the Academic Committee.

If the Applicant prefers the application letter or any item or items of supporting evidence not to be passed to the Academic Committee this should be made clear in the application letter, in which case the item or items in question will be withheld (irrespective of any potential importance to the success of the application). The Academic Committee is not to receive any representations direct from the applicant. The decision of the Academic Committee is to be communicated within 48 hours to the applicant in writing by the Senior Tutor and, in the event that the intermission is allowed by the Academic Committee, the Senior Tutor is to make timely arrangements for the intermission to take effect.

- 3.3 *Special procedure.* Where the College seeks to impose an intermission on the Student under 2.7 above, the committee or panel or officer responsible for initiating the imposition under 2.7 above shall write to the Student requiring the Student to make contact with the College Doctors for the purpose of obtaining a certificate of fitness to study, to be communicated direct to the Senior Tutor by the College Doctors. The letter to the Student shall state the grounds, under this PoI, for setting such a requirement and shall specify a reasonable time (not exceeding two weeks) for the Student to obtain the certificate. In cases to which this special procedure applies no evidence of fitness or unfitness to study, nor of any other matter bearing on the suitability or desirability of intermission, shall be relevant to the determination of the case for or against the intermission other than the certification of the College Doctors. Within 48 hours of receipt of certification, the Senior Tutor is to notify the committee or panel or officer responsible under 2.7 above of the verdict of the College Doctors. If the verdict is that the Student is not unfit to study, any stayed disciplinary proceedings will be resumed. If the verdict is that the Student is unfit to study, then a report on the case will be made by the Senior Tutor to the Academic Committee, orally or in writing, recommending that the Student be intermitted under this procedure, the intermission to take effect upon ratification by the Academic Committee at its next available meeting, which may be a special meeting called for the purpose of ratifying the Senior Tutor's recommendation. The Academic Committee is required to ratify the recommendation of the Senior Tutor except in cases in which, in the judgment of the Academic Committee, the special procedure set out here was not correctly followed. The Student shall be entitled to make a written representation to the Academic Committee via the Senior Tutor, but only to draw attention to any respect in which, in the Student's opinion, the special procedure was not followed. If the Academic Committee determines that the special procedure was not followed it may, where in its judgment this would not prejudice the Student's position, require the special procedure to be restarted, but if it does not so require then any stayed disciplinary proceedings will be resumed. The decision of the Academic Committee is to be communicated by the Senior Tutor within 3 working days to the Student in writing and, in the event that the intermission is to be imposed, the Senior Tutor is to make timely arrangements for it to take effect. In cases in which disciplinary proceedings resume under this special procedure, any time limits or deadlines applicable to those proceedings shall be calculated without counting the days during which the proceedings were stayed, unless there was unreasonable delay on the part of the College or its Doctors, in which case the days during which the proceedings were stayed shall be counted in calculating any time limit or deadline for action by the College or its officers or its committees (but not in calculating any time limit or deadline for action to be taken by the Student). The determination of whether a delay was unreasonable shall be made by the panel or committee then having charge of the disciplinary proceedings.
- 3.4 *Return into residence.* Where certification of fitness to study is required as a condition of an intermitted student's return into residence it shall be the responsibility of the Student to consult the College Doctors for the purpose of certification. That consultation is to take place no earlier than 14 weeks and no later than 10 weeks in advance of the first day of the full term in which the Student's

return is anticipated. This is to enable arrangements for return, including the setting of any collections that may need to be sat as a condition of return, to be put into effect. An intermitted student who believes that he or she cannot reasonably be expected to consult the College Doctors in accordance with the timetable above, or who wishes to have a second attempt following a failed attempt to obtain certification of fitness to study, may apply to the Senior Tutor in writing, no later than 9 weeks in advance of the first day of the full term in which the Student's return is anticipated, requesting to be permitted to consult the College Doctors for the purpose of certification no later than 8 weeks, or such shorter period as the Senior Tutor may specify for the avoidance of exceptional hardship, in advance of the start of the full term in which the Student's return is anticipated. Any such application shall include a reasoned explanation for the request, and shall be allowed only in the discretion of the Senior Tutor, to be exercised on reasonable grounds. Both the decision of the Senior Tutor and its grounds are to be communicated to the Student in writing within 7 days of any such request. In the case of any dispute as to whether the Senior Tutor's grounds for refusing the request are reasonable, the appeal procedure under 4.4 below applies, and (for the avoidance of doubt) the Student is to be permitted to attempt to satisfy any academic condition as to return pending the determination of any such appeal.

3.5 *Failure to meet conditions.* Where, in the judgment of the Senior Tutor, the Student fails to meet any condition as to his or her return set under this PoI, or fails to meet any condition to be satisfied after return, notice of that failure, and of the consequence, will be given in writing to the Student by the Senior Tutor acting on behalf of the Academic Committee, within 3 working days of the failure's having come to the attention of the Senior Tutor. In case of dispute about whether any condition as to return has been met by the Student, the appeal procedure under 4.4 below applies.

3.6 *Content of communication from the College Doctors.* Where the College Doctors provide the Senior Tutor with an opinion for the purposes of this PoI, that opinion will include such detail of the Student's medical or medically-related conditions as are necessary, in the opinion of the College Doctors, for their opinion to count as helpful evidence for the College in determining the success of an application of intermission. Where the College Doctors provide the Senior Tutor with a certificate of fitness to study for the purpose of this PoI, the certificate shall state

- (a) whether, in the view of the College Doctors, the Student is or is not fit to continue with or (as the case may be) resume his or her studies at the date of certification;
- (b) whether that view is informed by the direct observations of the College Doctors, or by material assembled from other sources, or by both methods together;
- (c) where the student is not certified fit to study, the main medical explanation or explanations for that being the case, in the briefest terms;

- (d) where the student is certified fit to study, any proviso to the effect that in the opinion of the College Doctors continuing review of the situation is required or continuing treatment or medication is required, or any similar proviso that will enable the College to set suitable conditions for the Student to meet, under 2.11 above, after his or her return to college.

3.7 *Doctor-patient confidentiality.* In cases in which the College Doctors are to communicate any matter (whether an opinion or a certification) direct to the Senior Tutor, the Student will be required to grant to the College Doctors a limited waiver of doctor-patient confidentiality for that sole purpose. The Senior Tutor undertakes to preserve the confidentiality of any matter communicated by the College Doctors under such a waiver except to the extent that further communication is required under 3.1 above or for the purpose of 4.12 below, and when such further communication is required a similar obligation to preserve confidentiality will be attached to the communication. The consequences, under this Pol, of failure to grant a waiver of confidentiality to the College Doctors are the same as the consequences, under this Pol, of failure to consult the College Doctors when so required. In exceptional and rare cases of grave emergency or severe incapacitation, the College Doctors reserve the right to follow their normal professional practice in communicating with the Senior Tutor without first obtaining from the Student a waiver of doctor-patient confidentiality. In such cases the Senior Tutor undertakes to preserve the confidentiality of any matter communicated exactly as if it were under a waiver of confidentiality.

4. Appeals

4.1 *Appeals against refusal of intermission.* Intermission instigated by the Student is a special concession granted out of compassion, not a right of the Student. There is therefore no right of appeal against the refusal of an application to intermit or against the College's decision as to the duration of intermission granted. There is no obstacle to the making of a fresh application supported by new evidence or on the basis of a change in situation or on any other basis such that the Academic Committee might reasonably be expected to reach a different determination. The Senior Tutor may, however, decline to accept, and hence to pass to the Academic Committee, a re-application which he or she judges to be in substance a mere repetition of a recently refused application. There is no right of appeal against such a judgment of the Senior Tutor.

4.2 *Appeals against imposition of intermission.* There is no appeal against the imposition of an intermission by the College under the special procedure in 3.3 above, except on the ground that a procedure in this Pol was not correctly followed. In particular, but without prejudice to the generality of the foregoing, there is no appeal on the ground that the certification or opinion of the College Doctors was incorrect or incorrectly formed. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being informed under 3.3 above of the decision to impose an intermission upon him or her. The Master may extend the 7 day time limit in this provision by any number of days in his or her discretion (up to a maximum of 84 days) in cases in which, in his or her judgment, the health of the Student was

such at the time of intermission that he or she could not reasonably have been expected to exercise his or her right of appeal within 7 days.

4.3 *Appeals against conditions as to return.* Any student granted an intermission, or who has an intermission imposed upon him or her, may appeal against the imposition of any academic condition as to return on the ground that the condition is not appropriate to his or her case.³ The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being informed under 3.2 above of the decision to allow his or her request for intermission, or under 3.3 above of the decision to impose an intermission upon him or her. The Master may extend the 7 day time limit in this provision by any number of days in his or her discretion (up to a maximum of 56 days) in cases in which, in his or her opinion, the health of the Student was such at the time of intermission that he or she could not reasonably have been expected to exercise his or her right of appeal within 7 days.

4.4 *Appeals upon failure to satisfy conditions.* Any student granted an intermission, or who has an intermission imposed upon him or her, may appeal against the coming into effect of the consequence of his or her failure to meet any condition as to his or her return, or any condition to be met after return, but only on one or more than one of the following grounds:

- (a) that the Senior Tutor unreasonably refused to allow the Student a second or belated attempt, under 3.4 above, to satisfy a fitness to study condition; or
- (b) that the Senior Tutor was mistaken in his or her judgment under 3.5 above that the Student failed to meet one or more of the conditions; or
- (c) that the Student's failure to meet any academic condition as to return, or any condition to be met after return, was excusable. Under this provision the Student is entitled to rely, by way of excuse, on the continuing or residual effect of the same circumstances that led to his or her intermission or to the imposition of the condition in question. However, a Student who does so rely may, exceptionally, be found on appeal to be unfit to study, and hence unfit to continue with his or her course as a member of the College, in spite of any certificate by the College Doctors to the contrary.

For the avoidance of doubt, it is not a ground of appeal under this provision that the condition in question should not have been imposed. It is also not a ground of appeal that any certification of the College Doctors as to the Student's fitness to study was incorrect or incorrectly formed. The

³ The level of performance required is to be determined in accordance with the College's *Policy on Academic Standing and Performance*, having due regard to the circumstances that necessitate the student's intermitting in accordance with this *Policy on Intermission*.

Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being given notice under 3.5 above of his or her failure to meet the condition.

4.5 *Constitution of Intermission Appeal Committee.* An appeal under 4.2, 4.3, or 4.4 above is to be heard by an Intermission Appeal Committee (IAC) constituted by the Master specifically to hear the appeal. Any determinations or consequences appealed against are stayed pending determination of the appeal.

4.6 *Membership.* An IAC will comprise:

- (a) one Fellow of the College of suitable seniority and experience, who is a Member of Governing Body holding an academic post, and who will chair the IAC; and
- (b) two further senior members of the College holding academic posts (who need not be members of the Governing Body).

4.7 *Disqualification.* The following shall not be eligible to serve on an IAC:

- (a) The Master, the Senior Tutor, the Dean, or the Welfare Fellow;
- (b) Any person who has served as a designated tutor to the Student as defined in 2.2 of the College's Academic Disciplinary Procedure;
- (c) Any person who has taught the Student (in tutorials or in any other capacity where reporting on individual progress was required or expected);
- (d) Any person who was a member of Academic Committee in the period during which the Student's intermission was under consideration, whether or not participating in such consideration;
- (e) Any person who has served on an IAC, or a Disciplinary Panel or Appeal Committee under the College's Academic Disciplinary Procedure, or on any similar panel under another policy or procedure of the College, in another case involving the same student.

If sufficient IAC members not disqualified under these headings cannot be found from within the College then the Master shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of University College) fall under the descriptions in 4.6 above.

- 4.8 *Secretary of IAC.* The IAC shall be assisted by the Academic Registrar (or another senior administrative employee of the College enlisted by the Master) who will act as Secretary to the IAC ('the Secretary').
- 4.9 *Objections to membership.* Within 48 hours of the constitution of the IAC, the Student will be given notice by the Secretary of the identities of its members, and will have 24 hours from the time of being given that notice to object to the appointment of one or more of them, stating the grounds for doing so. The Master will appoint an alternative member or members of the IAC within 72 hours of the objection being made if, in the Master's view, the Student's grounds for objecting are reasonable ones.
- 4.10 *Representation of Academic Committee before IAC.* Within 4 days of the constitution of the IAC (or of its reconstitution if required under 4.9 above) Academic Committee is to nominate a person ('the TC Representative') to make a case, before the IAC, in favour of the position taken by the College. The TC Representative may be the Senior Tutor or any member of Academic Committee.
- 4.11 *Date of hearing.* Within 7 days of the constitution of the IAC (or of its reconstitution if required under 4.9 above), the Secretary shall fix a date for an IAC hearing. The hearing is to take place no later than one calendar month after the constitution (or reconstitution) of the IAC. Subject to that one month limit, the date should be fixed in consultation with the Student, the TC Representative, and the members of the Panel.
- 4.12 *Hearing details.* At least 7 days before the hearing the Secretary will:
- (a) write to the IAC members, the Student and the TC Representative to confirm the date, time and location of the hearing;
 - (b) provide the IAC members, the Student, and the TC Representative with a bundle containing copies of any relevant documents, including (but not limited to) the application for intermission if any, the supporting evidence if any, any relevant correspondence between the Senior Tutor and the Student, any record or note of any certification by or opinion of the College Doctors, the minute of any relevant meeting of the Academic Committee, and any collection or other exercise which was sat by the Student in an attempt to meet the academic condition as to return, complete or together with any mark or comment thereon by any marker.
- 4.13. *Assistance and representation.* The Student shall also be informed by the Secretary that he or she is entitled to be represented or accompanied at the IAC hearing by one other person. Except with the special leave of the Chair of the IAC, this person ('the Friend') must be a member or employee

of the College. Cases for the granting of special leave include but are not limited to those in which no suitable member or employee of the College is available to assist, or in which the Student has reasonable grounds to wish his or her situation to remain unknown to those members or employees of the College who are available to assist. However an IAC will not allow legal or other professional representation for the Student. At least 72 hours before the hearing the Student shall inform the Secretary of the identity his or her Friend, if any, indicating whether the Friend will be a representing or merely an accompanying Friend. It is the responsibility of the Student to inform his or her Friend, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of the Student, the Student will surrender the right to speak on his or her own behalf, except as a witness. Unless the Chair of the IAC agrees that exceptional circumstances prevent it, the Student must attend the hearing for the appeal to be heard, and must be ready to appear as a witness at the IAC's request. This is so even if the Student has asked a Friend to speak on his or her behalf.

- 4.14 *Additional evidence.* Because the grounds of appeal under this Pol do not generally raise disputed questions of fact, it is not normally expected that witnesses or additional documentary evidence will need to be brought before the IAC. However, there may be rare cases in which such evidence will be relevant. In such cases, the rules under sections 7.12 to 7.15 of the College's Academic Disciplinary Procedure shall have effect (with references to the IAC substituting for references to the ADAC).
- 4.15 *Regulation of procedure.* Subject to the above, the IAC has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, including the order in which representations are to be heard, so as to ensure that the process is fair and reasonable and, so far as possible in view of the gravity of the situation, informal and flexible.
- 4.16 *Making of decision by IAC.* When the IAC members consider their findings and recommendations, each shall be given the opportunity to present and discuss his or her impressions and conclusions regarding the issues and the hearing. The IAC will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any IAC member other than the Chair. The success or failure of any motion shall be determined by simple majority vote. The IAC will not take account of any information or documents which were not available to the Student or which were not available to the TC Representative at or before the hearing.
- 4.17 *Notification of decision by IAC.* The decision of the IAC is announced by notice in writing to the Master, the Student, and the TC Representative. The decision will not be announced until at least the next working day after the hearing. The IAC may however take up to five days after the hearing to reach and to announce a decision. Within ten days of the hearing, the IAC will produce a written report setting out their findings and recommendations, and the reasons for them. In case of a

majority decision, the decision and the reasons shall be those of the majority. No dissenting opinion will be presented.

4.18 *Possible disposals by IAC on appeal against determination of Academic Committee.* Having heard an appeal under 4.2, 4.3, or 4.4 above, the IAC may, at its discretion

- (a) confirm the determination of the Academic Committee; or
- (b) remit the case for further consideration under this Pol by the Academic Committee; or
- (c) substitute for the determination of the Academic Committee any determination that the Academic Committee would have been entitled to make under this Pol.

4.19 *Possible disposals by IAC on appeal upon a student's failure to satisfy condition as to return.* Having heard an appeal under 4.4 above, the IAC may, at its discretion

- (a) confirm that the student concerned has ceased to be a member of the College; or
- (b) allow the student concerned to remain a member of College and to return into residence subject to such conditions as the IAC may prescribe; or
- (c) allow the student concerned to remain a member of College and to return into residence subject to such conditions as the Academic Committee may prescribe (the case having been remitted by the IAC to the Academic Committee for that purpose only); or
- (d) remit the case to the Governing Body for consideration under its prerogative of mercy.

For the avoidance of doubt, conditions imposed under (b) or (c) above are not restricted to conditions that could have been imposed under 2.11 above, and may include further academic conditions. Before setting any conditions under (b) or (c) above, the IAC or the Academic Committee (as the case may be) is expected to take advice from those involved in the teaching of the student (whether in College or elsewhere) and from those involved in the organisation or administration of such teaching (as appropriate) to establish the workability of the proposed conditions.

4.20 *Finality and further appeals.* The decision of the IAC is final and not open to further appeal within the College. By convention, the Governing Body of the College does not interfere with it. The finality of the IAC's determination is without prejudice to the right of the Student to make appeals or other applications to bodies outside the College, in particular to the Conference of Colleges Appeal

Tribunal (CCAT),⁴ or to the Office of the Independent Adjudicator (OIA).⁵ The Senior Tutor will issue to the Student a Certificate of Completion of Procedures once all in-College remedies have been exhausted.

- 4.21 *University's Fitness to Study Panel.* The college reserves the right, in exceptional circumstances not envisaged in the preparation of this policy, to refer cases for advice to the University's Fitness to Study Panel. There is no right of individual appeal or petition to this panel, which exists only to give additional advice to colleges and departments in rare and difficult cases.

⁴ For more details, see <https://weblearn.ox.ac.uk/portal/hierarchy/colleges/confcoll>

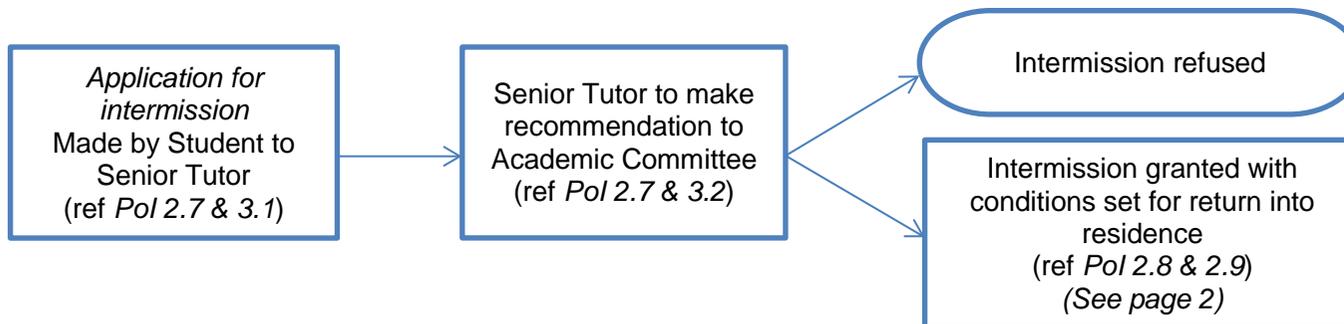
⁵ For more details, see <http://www.oiahe.org.uk/>



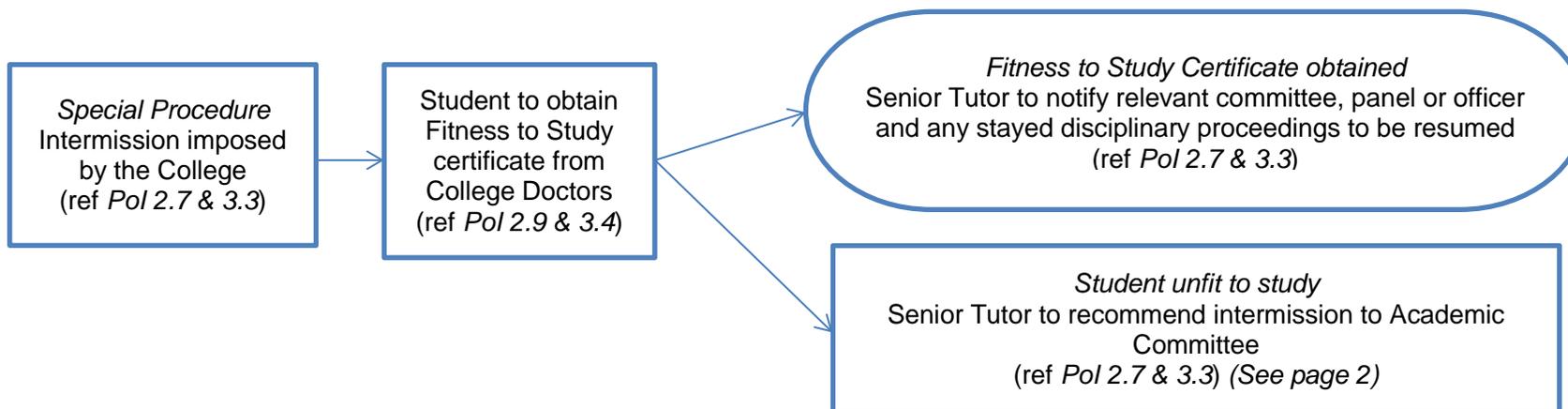
Flowchart of Student Intermission Process

To be read in conjunction with the
Policy on Intermission and
Policy on Academic Standing and Academic Performance

Application for Intermission

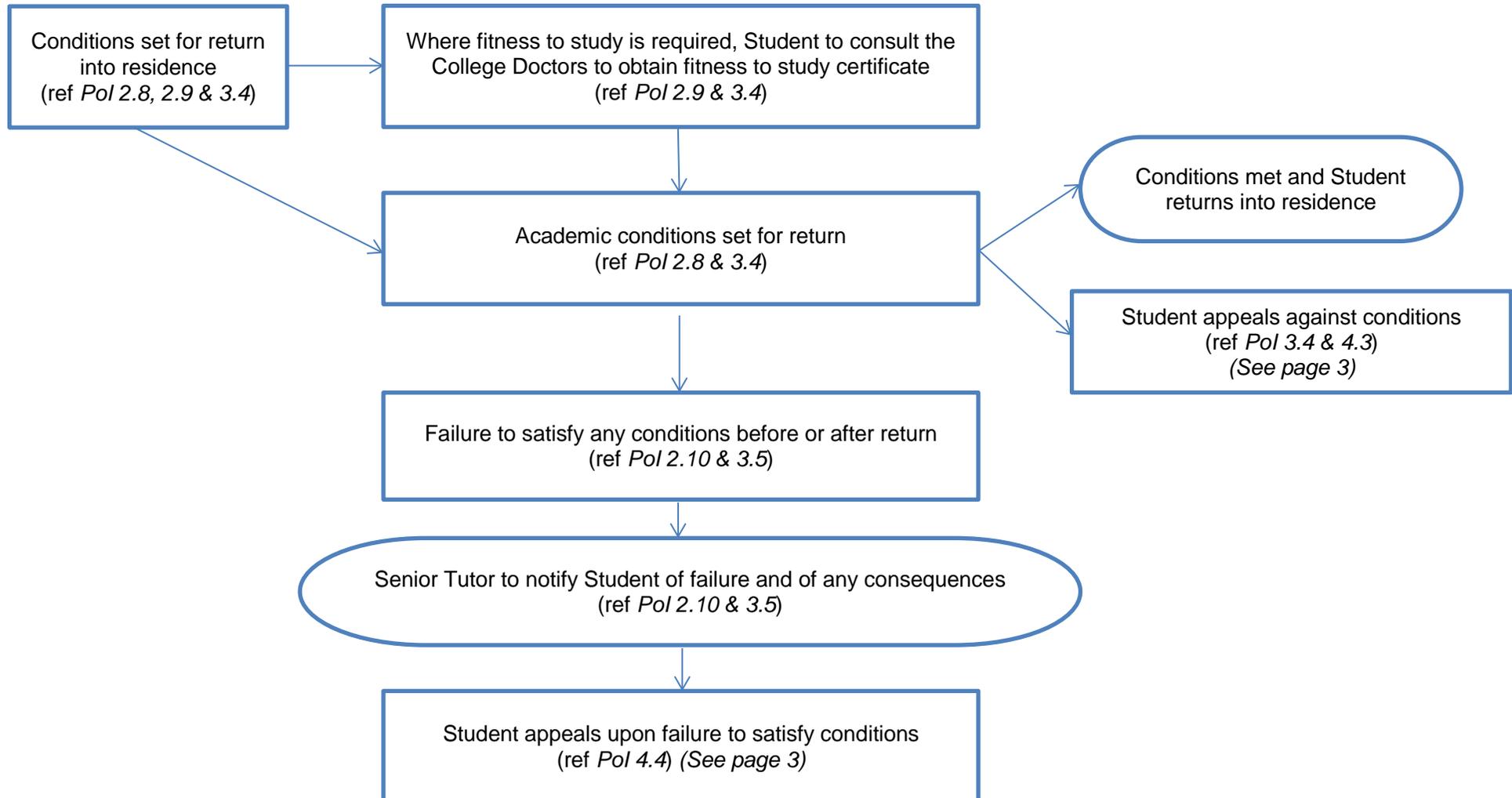


Special Procedure

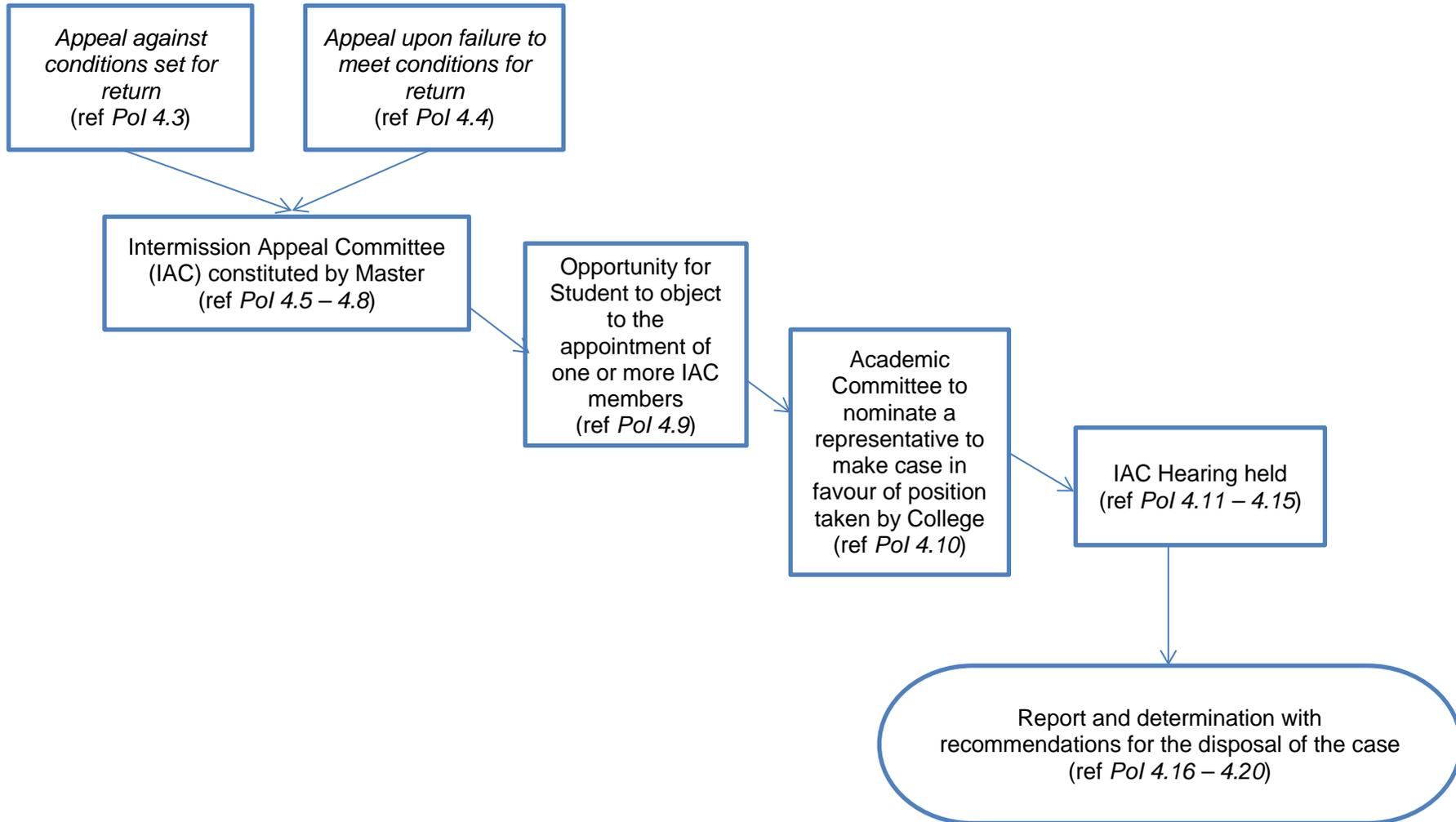




Intermission Granted: Conditions for Return into Residence



Appeals





Non-Academic Disciplinary Procedure¹

1. Introduction

- 1.1. *Purpose.* This Disciplinary Procedure ('NDP') exists to enable the College to take appropriate measures in cases in which one of its junior members (students) is in breach of his or her non-academic obligations as a member of the College.² Such breaches take various forms, and may attract various sanctions. Most are dealt with by the Dean, who reports direct to the Governing Body of the College on matters of non-academic discipline. The Dean is authorized by this policy to impose various penalties falling short of suspension and expulsion. This policy also governs cases in which the breach of obligation is so severe that suspension or expulsion is called for, in which case authority shifts from the Dean to a Disciplinary Panel of the College. This NDP does not regulate, and is without prejudice to, the power of the Dean to take steps to ensure the peace of the College and the safety of its members even in cases where no penalty is (yet) appropriate, for example by excluding someone from College premises.
- 1.2. *Student support.* Students who are subject to disciplinary proceedings under this NDP have a number of sources of support available to them, including the College's welfare team, the OUSU sabbatical officers, and the relevant JCR or WCR officers.³ Wherever practicable, the Dean will remind those against whom disciplinary proceedings under this NDP are contemplated of these sources of support. College policies may restrict the extent to which the College's welfare team may liaise with the Dean, but such liaison can always be authorised by individual students in their own cases.
- 1.3. *Deadlines.* The College, and the Dean acting on its behalf, aims to deal with problems covered by this NDP as quickly as possible so that delay does not hinder a fair resolution or interfere with academic progress. Accordingly this NDP includes various deadlines with which the College and any student subject to disciplinary proceedings must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time.
- 1.4. *Giving notice.* Where this NDP requires a notice or record to be given in writing, the normal way for this to be done is by email to the recipient's personal ox.ac.uk email address or, where the recipient lacks such an address, to the email address which has been supplied by the recipient to the College for such purposes. The email is regarded as having been delivered to the recipient at the time of sending. However a notice or record written on paper is also valid for the purpose of this NDP and where that method is used, the notice or record is regarded as having been delivered when it is

¹ v3.4, promulgated 24 August 2015.

² For a complete view of the College's disciplinary system this procedure must be read in conjunction with the College's Academic Disciplinary Procedure.

³ For more details, see <http://www.univ.ox.ac.uk/content/welfare>

placed in the recipient's pigeonhole in the College lodge, or on the second working day after it is posted to the recipient by first class post (as the case may be). The recipient's pigeonhole in the College lodge should only be used where the sender is reasonably satisfied that the recipient is in residence in Oxford at the time of delivery.

2. When does the Disciplinary Procedure apply?

- 2.1. *General scope.* This NDP applies to any current student of University College ('Student'), whether undergraduate or graduate, and whether in residence or out of residence at the time, who is in a Non-academic Disciplinary Situation (NDS).
- 2.2. *Non-academic Disciplinary Situations.* A Student is in an NDS if and only if, in the opinion of the Dean, the Student has committed one or more offences in his or her capacity as a member of the College within the terms of 2.3 and 2.4 below.
- 2.3. *Offences.* For the purposes of this NDP, the following constitute offences:
- a) any act, omission, or course of conduct prohibited by the criminal law of England and Wales;
 - b) any act, omission, or course of conduct contravening a Statute or Regulation of the University of Oxford, or a local rule of any University site or building, or a regulation promulgated by the Proctors or by the University's Rules Committee;⁴
 - c) any act, omission, or course of conduct contravening a regulation or code of conduct of the College (including any rules as to neighbourly or collegial conduct that may form part of any license to occupy College accommodation);
 - d) any act, omission, or course of conduct that is, in the opinion of the Dean, to the reasonable annoyance, discomfort or distress of any person, whether or not that person is a member of the College, and whether or not that person makes a complaint or petition to the Dean;
 - e) any act, omission, or course of conduct which is in contravention of an order or summons issued by the Dean, or which the offender has been warned in writing by the Dean not to repeat on pain of becoming an offender under this provision.
- 2.4. *The capacity to commit an offence.* An offence by the Student under 2.3 above may be the subject of disciplinary steps under this NDP, whether under part 3 or part 4 below, only if the Student committed it in his or her capacity as a member of the College. An offence counts as having been committed in that capacity if and only if:
- a) it was committed on College premises; or
 - b) it was committed on the premises of another college or on 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

⁴ The sources of University rules governing student conduct are set out in the *Proctors' and Assessors' Memorandum* §10. Clause 2.3(b) above is interpreted in the light of that *Memorandum*.

deal with the matter as an offence against College discipline; or

- c) it threatens to bring the College into disrepute among reasonable people; or
- d) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
- e) 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
- f) it was committed against any other member of the College.

- 2.5. *Overlap with other College policies and procedures.* Where an NDS also constitutes a proper basis for steps to be taken under another policy or procedure of the College, and steps under this NDP and under that other policy or procedure have been proposed or initiated, the responsible Officers of the College will together determine, in consultation with the Student, whether all steps on the same basis should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation shall never have the effect of depriving the Student of an avenue of appeal that he or she 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 Master (or in the Master's absence the Vice-Master). The responsible Officer of the College for the purpose of this NDP is the Dean.
- 2.6. *Overlap with Proctors' jurisdiction.* Where an NDS 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 this NDP will be stayed until the conclusion of Proctorial proceedings. For the avoidance of doubt, disciplinary steps may subsequently be taken under this NDP notwithstanding that Proctorial proceedings were discontinued or that Proctorial charges were dismissed, and no finding of fact by the Proctors or absence of any such finding shall bind the College.
- 2.7. *Overlap with the criminal justice system.* Where an NDS 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 NDP will be stayed until the conclusion or abandonment of the investigation or prosecution. For the avoidance of doubt, disciplinary steps may subsequently be taken under this NDP notwithstanding that criminal proceedings were discontinued or that criminal charges were dismissed, and no finding of fact by the criminal courts or absence of any such finding shall bind the College. The fact that proceedings under this NDP are stayed pending the outcome of criminal investigation or prosecution shall not prevent the Dean from taking interim measures, which are not regulated by this NDP, to ensure the peace of the College and the safety of its members, which may include the exclusion of the Student from College premises, or from certain College facilities or activities.

- 2.8. *College response to proctorial or criminal conviction.* Where the Student is found guilty of a criminal offence or a breach of University regulations, the College retains the right subsequently to pursue the same matter under this NDP, and to attach its own penalty or other disciplinary measure to the same offence or breach, making due allowance for any penalty or other measure already imposed by the courts or by the Proctors. The College also retains the right, following any criminal or Proctorial 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, steps which are not regulated by this NDP.

3. The Dean's summary jurisdiction and appeals to the Master

- 3.1. *Power to summon.* The Dean may summon to appear before him or her any student who is in an NDS ('the Student') and any student of the College who, in his or her opinion, may be able to provide evidence relevant to the investigation or determination of whether any offence contrary to this NDP has been committed. Notice of summons must be given in writing, unless the Dean or a Junior Dean is present at or immediately after the time at which the NDS arises and the student is then and there orally summoned, with reasonable cause for expedition, to appear before the Dean immediately or at any specified time within 24 hours. Where notice of summons is required to be given in writing under this provision the minimum period of notice of the date and time of appearance shall be 24 hours, and the notice shall state what offence, in substance, is alleged.
- 3.2. *Proceedings in absentia.* Investigation and determination of whether any offence has been committed may proceed without any appearance before the Dean of the Student, provided that, before proceeding to any determination (except in respect of an offence of failure to answer a summons of the Dean under 2.3(e) above) the Student has been summoned to appear before the Dean at least twice, the second summons to be issued only when the Student did not appear before the Dean in response to the first.
- 3.3. *Dean's determination of jurisdiction by determination of suitable penalty.* Where the Dean is of the opinion that the penalties provided for in 3.5 below provide a sufficient disposal for an offence under his or her investigation, he or she may proceed to determine whether that offence has been committed and to impose a penalty under 3.5 for that offence. For the avoidance of doubt, the Dean may impose multiple penalties for multiple offences arising out of the one and the same NDS, so that the total penalty in respect of that NDS rises beyond any limits set in 3.4 below, so long as the penalties in question are not, in substance, multiple penalties for the same offence.
- 3.4. *Due process.* Before the Dean determines under 3.3 above whether an offence has been committed and before the Dean imposes a penalty under 3.5 below, he or she shall
- a) make reasonable efforts to obtain all relevant evidence from the Student and from others, whether orally or in writing, to the exclusion of hearsay;
 - b) satisfy himself or herself from that evidence that, on the balance of probabilities, the offence was committed by that student, and in circumstances warranting a penalty;
 - c) allow the student a reasonable opportunity to present a justification or excuse for

the offence, and a plea in mitigation bearing on the penalty, whether orally or in writing.

Where the student did not appear in response to a second summons to appear before the Dean under 3.2 above, he or she is to be regarded as having had a reasonable opportunity for the purposes of (c) above unless he or she has a justification or excuse for having failed to respond to both of the two summonses that were issued.

3.5. *Decanal penalties.* The penalties that may be imposed by the Dean for any offence under this NDP are:

- a) a fine of up to £300⁵ to be added to the Student's College batells, so calculated as not to expose the Student to disproportionate hardship; or
- b) community service of up to 10 hours on College premises, so scheduled as to give priority to the Student's academic work; or
- c) a ban, not exceeding 14 days in duration, from any specified College location, facility, or service, not including the student's own College-provided living accommodation or the route to it, special regard to be had to any impact that the ban may have on the Student's ability to progress with his or her academic work during the period of the ban;
- d) a ban, not exceeding 70 days in duration, from the College Bar, or from the JCR or the WCR, or from the College boathouse, or from the College sports ground, or from any specified College location, facility, or service which, for the Student, serves an exclusively or almost exclusively recreational function;
- e) a combination of penalties under any two of (a), (b), (c), or (d), or a combination of a penalty under any of (a), (b), (c), or (d) with a conditional discharge under 3.6(a).

3.6. *Decanal disposals other than penalties.* The following non-penal disposals are also available to the Dean in respect of any offence under this NDP:

- a) a conditional discharge, whereby penalties or further penalties will not be applied to the Student, so long as certain conditions are satisfied; or
- b) an absolute discharge.

Conditions to be satisfied for the purposes of (a) may be set out in a conduct agreement, where assent to the agreement is itself a condition of the discharge.

3.7. *Provision for passing on of costs.* Irrespective of the penalty or other disposal imposed for an offence under this NDP, it is always open to the Dean to pass on to the Student who has committed an offence under this NDP, in addition, any reasonable costs that have been borne by the College in direct consequence of the offence, not including any cost attributable only to the time spent on the detection, investigation or determination of the Student's case by any Officer of the College, including the Dean and Junior Deans.

⁵ £300 at January 2012. The College may periodically revise this maximum in line with RPI.

- 3.8. *Notice of decision.* The Dean shall give notice to the Student in writing, within 48 hours of reaching determinations as to whether an offence was committed and as to the penalty or other disposal (including costs) to be imposed, of the determinations reached. In the same communication the Dean shall remind the student of his or her right of appeal, appending the words of 3.9, 3.10 and 3.11 below and stating their source in this NDP.
- 3.9. *Appeal.* An appeal lies from the Dean to the Master (or in the Master's absence the Vice- Master) in respect of any matters which are for the Dean to determine under 3.1 to 3.7 above. In exercising his or her appellate jurisdiction the Master may determine any matter afresh that the Dean had power to determine under 3.1 to 3.7 above. However, the Master shall not revisit any conclusions of fact drawn by the Dean except to the extent necessary
- a) to satisfy himself or herself that the Dean's conclusions were not such that no reasonable Dean could have drawn them, and
 - b) to satisfy himself or herself that the Dean's duties under 3.4 were performed.
- 3.10. *Notice of appeal.* Any appeal to the Master under 3.9 above shall be initiated by written notice sent by the Student to the Master within 48 hours of the giving of written notice under 3.8 above by the Dean.
- 3.11. *Outcome of appeal.* The possible outcomes of an appeal to the Master under 3.9 above are:
- a) confirmation by the Master of the Dean's determination that an offence has been committed and of the penalty imposed by the Dean for the offence;
 - b) confirmation by the Master of the Dean's determination that an offence has been committed coupled with a recommendation by the Master to the Dean, for which the Master is to give reasons, that the penalty should be reduced, or varied from one type of penalty under 3.9 above to another in such a way that the variation is regarded by the Student as a reduction;
 - c) a recommendation by the Master to the Dean, for which the Master is to give reasons, that the Dean should reconsider his or her determination that an offence has been committed.
- 3.12. *Notice of outcome of appeal.* The Master shall determine the outcome of the appeal with all reasonable expedition and shall give notice of that outcome, together with reasons if applicable, to the Student and to the Dean within 48 hours of that determination. The Dean shall then proceed with all reasonable expedition to consider, and if appropriate implement, any recommendation made by the Master.
- 3.13. *Finality and further appeals.* No further appeal within the College lies from the determinations of the Master under 3.9 above. The finality of the Master's determinations is without prejudice to the right of the Student to make appeals or other applications to bodies outside the College, in particular to the Conference of Colleges Appeal Tribunal (CCAT), or to the Office of the Independent Adjudicator (OIA). The Master will issue to the Student a Certificate of Completion of Procedures once all in-

College remedies have been exhausted.

4. Proceedings before disciplinary panels

- 4.1. *Disciplinary panels.* Where the Dean is of the opinion that the penalties provided for in 3.5 above do not provide a sufficient disposal for an offence under his or her investigation, he or she may refer the NDS to a Disciplinary Panel which operates as an ad hoc committee of the College's Governing Body and makes a recommendation to Governing Body for an appropriate disposal of the case (whether by disciplinary measures or otherwise). By convention, the Governing Body will follow the recommendation of a Disciplinary Panel under this NDP. A Student therefore has no right to make further representations to Governing Body in respect of any recommendation of a Disciplinary Panel. Any adjustment of the disposal by Governing Body would, by convention, give the Student good grounds for appeal against the adjusted disposal under part 5 of this NDP. Because of the strength of these conventions, the recommendation of a Disciplinary Panel is referred to in the following provisions as a 'determination'.
- 4.2. *Notice of panel.* Within 48 hours of referring an NDS to a Disciplinary Panel the Dean shall give notice to the Student in writing that the referral has been made, and the notice shall state what offence or offences, in substance, is or are alleged such as to warrant the referral. The jurisdiction of the Disciplinary Panel is limited to investigating the offence or offences that are identified, in substance, in the notice of referral, and to determining whether that offence was or those offences were committed by the Student, and to attaching a disposal to that offence, or to those offences, in accordance with 4.14 below.
- 4.3. *Membership and convening of panels.* A Disciplinary Panel consists of three members drawn from a standing pool of ten, to be nominated by Governing Body of the College. The convening of Disciplinary Panels and the assignment of cases to them shall be a responsibility of the Master, always to be carried out as expeditiously as possible. A Disciplinary Panel may be convened to consider a single case or a group of cases. Where there is a group of cases involving the same student a Disciplinary Panel may elect to consolidate these into one case for the purpose of considering that student for disciplinary measures.
- 4.4. *Timeline.* Without prejudice to the general rule in 4.3 requiring expedition, the Disciplinary Panel will be convened within 14 days, or 21 days if any of the 14 days would be outside full term, of a referral by the Dean.
- 4.5. *Disqualification.* The following are not eligible to serve on a Disciplinary Panel:
 - a) The Master, the Vice-Master, the Senior Tutor, the Dean, or the Welfare Fellow;
 - b) Any person who has taught (in tutorials or in any other capacity where reporting on individual progress was required or expected), any student whose case is to be considered by the Disciplinary Panel in question;
 - c) Any person who has organised teaching falling under the description in (c) for any student whose case is to be considered by the Disciplinary Panel in question;

- d) Any person who has been directly involved, whether under this NDP or otherwise, with any of the events that have brought the case before the Disciplinary Panel in question, where membership of Governing Body does not qualify as direct involvement merely because it involves routine scrutiny of reports from the Dean on disciplinary matters;
 - e) Any person who has served on a Disciplinary Panel or a Disciplinary Appeal Committee under this NDP, or on any similar panel under another Procedure of the College, in another case involving the same student or students.
- 4.6. *Notice of constitution of panel.* Within 24 hours of a Disciplinary Panel's being convened, each Student in whose case the Panel is intended to make a determination will be given notice by the Master of the identities of its members. The Student will then have 24 hours to draw attention to the ineligibility of any member to serve on the Panel under (a) to (d) above (but not to object on any other ground). If satisfied that a member is indeed ineligible to serve, the Master will replace that member within 48 hours. That replacement will count, for the purpose of any deadlines that follow, as the convening of a new Disciplinary Panel.
- 4.7. *Investigator and objections to Investigator.* For each case before it each Disciplinary Panel shall, within 72 hours of its being convened, appoint one of its number as Investigator in that case. Within 48 hours of the Investigator's appointment, the Student will be given notice by the Master of the identity of the Investigator, and will have 24 hours from the time of being given that notice to object to the appointment, stating the grounds for doing so (which are not restricted to ineligibility under 4.5 above). The Disciplinary Panel dealing with the case will appoint an alternative Investigator from its own number within 72 hours of the objection being made if, in the view of the Disciplinary Panel, the Student's grounds for objecting are reasonable ones.
- 4.8. *Conduct of investigation.* With all possible speed consistent with a careful investigation, the Investigator is to obtain a note from the Dean of how the case progressed to the point at which a Disciplinary Panel was convened, including a note of any evidence already obtained (and how and when and from whom) and of the identities of any persons who might, in the opinion of the Dean, provide further evidence bearing on the disposal of the case.
- 4.9. *Representations to Investigator.* The Investigator must offer to the Student an opportunity to make representations as to the disciplinary measures or other disposals to be applied. Representations may include, but are not limited to, representations regarding any justification or excuse for the offence or offences under investigation, and any plea in mitigation that may bear on disposal of the case. The Student must also be given the opportunity to comment more generally on the case against him or her under this NDP, a case which should be outlined to him or her by the Investigator, relying on the notes and comments obtained under 4.8 above. Normally such representations should be heard at a meeting in person and in private between the Student and the Investigator, at which the Investigator should take notes of the Student's representations. However, where the Student 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 in writing may be substituted at the discretion of the Investigator, in which case the Investigator may outline the case

against the Student to the Student in writing.

4.10. *Meeting.* Any meeting between the Student and the Investigator for the purpose of hearing representations under 4.9 above should be held in private, except as follows:

- a) if in the Investigator's opinion it is necessary to have another member of the College or of its staff present for the purpose of taking notes, then one such person may be present at the invitation of the Investigator; and
- b) if the Student wishes to be accompanied by another member of the College or of its staff, who may assist with the making of representations as well as giving support to the Student, then one such person may be present at the invitation of the Student.⁶

Notice of at least 24 hours is to be given of the fact that another person will be present or has been invited to be present under (a) or (b) above.

4.11. *Report and determination.* On completion of his or her investigation, the Investigator will make a written report to the Disciplinary Panel containing a recommended verdict on the question of whether the offence was committed, and, if so, recommendations as to the disposal of the case. The report will be considered by the Disciplinary Panel at a meeting, at which the verdict and the disposal of the case will be determined by simple majority voting. It is normally expected that, where the Student co-operates fully in the process, this process will be completed within 21 days of referral of the case to the Master by the Dean.

4.12. *Due process.* Before the Disciplinary Panel determines whether an offence has been committed and before it makes a disposal under 4.14 below, it shall

- a) satisfy itself that reasonable efforts have been made to obtain all relevant evidence from the Student and from others, whether orally or in writing, to the exclusion of hearsay;
- b) satisfy itself from that evidence obtained that, on the balance of probabilities, the offence was committed by that student, and in circumstances warranting the proposed disposal; and
- c) satisfy itself that the Student has had a reasonable opportunity to present a justification or excuse for the offence, whether orally or in writing.

4.13. *Plea in mitigation.* If the Disciplinary Panel determines that an offence has been committed, it shall notify the Student promptly of that determination and shall give the Student an opportunity to make representations to the Panel as a whole, within 7 days of notification of the determination, regarding the appropriate disposal. Such representations may be made, at the Student's discretion, either orally or in writing, and either by the Student personally or by the member of the College or its staff (if any) who accompanied the Student under 4.10(b) above.

⁶ The JCR and WCR may make available a list of people from among their memberships who have indicated a willingness to be approached to assist with representations and support for the purpose of this NDP. Members of the College welfare team may also be approached if required. These are optional facilities. The Student may bring any member of the College or of its staff who is willing to assist, or nobody at all if preferred.

4.14. Possible disposals. A Disciplinary Panel constituted under this NDP has the power to make the following disposals:

- a) expulsion from the College; or
- b) 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
- c) expulsion from the College unless certain conditions are satisfied; 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
- e) a referral back to the Dean for the imposition of a penalty for the offence, the penalty to be in the Dean's discretion but limited to those that the Dean could have imposed under 3.5 above in the exercise of his or her original summary jurisdiction;
- f) a conditional discharge, whereby no disciplinary measures under (a), (b), (c), (d) or (e) will be applied to the Student so long as certain conditions are satisfied; or
- g) an absolute discharge.

Disposals (a) to (d) qualify as disciplinary measures for the purpose of grounding a right to appeal under part 5 of this NDP. Disposal (e) puts the Student in the same position, with regard to an appeal, as if the Student had been dealt with by the Dean under part 3 of this NDP. Disposals (f) and (g) qualify as non-disciplinary measures and do not give rise to a right of appeal under this NDP.

4.15. *Consequences of failure to meet condition.* For the avoidance of doubt, the coming into effect of an expulsion or suspension by virtue of the Student's failure to meet any condition imposed under 4.14 (b), (c), or (d) is an automatic process and does not itself qualify as a further disposal for the purposes of this NDP. The effect is that, where a condition as to return to College set under 4.14 (b) or (d) is not satisfied, the suspension automatically becomes an expulsion without further intervention by a Disciplinary Panel or by the College's Governing Body.

4.16. *Conditions attached to disposals.* The conditions that may be attached by a Disciplinary Panel to a disposal under 4.14 (b), (c), (d) or (f) above include, at the Panel's discretion,

- a) that the Student is to commit no offence under this NDP of any type or of any specified type for a specified period or indefinitely;
- b) that the Student is to report to the Dean at such intervals and for such period as the Disciplinary Panel may determine with a view to keeping the Student's conduct under review, whether offences are committed or otherwise, and for the purposes of which review the Student's assent to a conduct agreement may be required;
- c) that the Student 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 shall not be one designed to penalise the student.

- 4.17. *Academic condition as to return.* Whether or not a Disciplinary Panel sets a condition as to return under 4.14 (b) or (d), the College reserves the right to set a separate academic condition as to return for any student who goes out of residence for any period, whether by way of disciplinary measure or otherwise. Such an academic condition will be set by the Tutorial Committee and communicated to the Student by the Senior Tutor. The Senior Tutor will also determine, in due course, whether it has been satisfied by the Student. The rules governing the setting and communication of academic conditions, and appeals in relation to them, are those applicable in Academic Disciplinary cases⁷.
- 4.18. *Communication of determination.* Subject to the completion of the procedure in 4.13 above, the Panel is to report its determination and disposal to the Master with all due speed, supported by a copy of the Investigator's report on the case. If the Panel's determination departs from the Investigator's recommendation then a further report is to be included explaining the departure. Notice of the Panel's determination and disposal will be given in writing to the Student by the Master within 72 hours of its having been reported, supported by a copy of the Investigator's report and a copy of any other report submitted by the Panel in support of its determination and disposal.
- 4.19. *Failure to meet conditions.* If conditions are attached to the disposal under 4.14 (b), (c), (d), or (f) above and, in the opinion of the Dean, the Student fails to meet those conditions, then notice of that failure, and of the consequences as determined by the terms of the disposal, will be given in writing to the Student by the Dean within 72 hours of the failure's having come to the attention of the Dean. In case of dispute about whether the conditions specified in a disciplinary measure have been met by the Student, the appeal procedure under 5.2 below applies.

5. Appeals following Disciplinary Panel proceedings

- 5.1. *Appeal against determination of Disciplinary Panel.* The Student has a right of appeal against any determination of a Disciplinary Panel that involves the imposition of a disciplinary measure, and against any disciplinary measure imposed. The Student exercises the right of appeal under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being given notice under 4.18 above of the Disciplinary Panel's determination and disposal.
- 5.2. *Appeal against coming into effect of consequences.* The Student also has a right of appeal against the coming into effect of the consequences of his or her failure to meet any condition specified in any disciplinary measure, but only on one or both of the following grounds:
- a) that the Dean was mistaken in his or her opinion under 4.19 above that the Student failed to meet the condition; or
 - b) that the Student's failure to meet the condition was excusable.

For the avoidance of doubt, it is not a ground of appeal under this provision that the condition should not have been imposed. The Student exercises the right of appeal

⁷ See *Academic Disciplinary Procedure*, 6.11-6.13

under this provision by giving notice of appeal in writing to the Master within 7 days of the Student's being given notice under 4.18 above of his or her failure to meet the condition.

- 5.3. *Constitution of Non-academic Disciplinary Appeal Committee.* An appeal under 5.1 or 5.2 above is to be heard by a Non-academic Disciplinary Appeal Committee (NDAC) constituted by the Master specifically to hear the appeal. Any disciplinary measures appealed against are stayed pending determination of the appeal, save that it is still possible for a student to meet any conditions specified in the disciplinary measure, and hence to terminate the measure, while the appeal is pending.
- 5.4. *Membership.* An NDAC will comprise:
- a) one Fellow of the College of suitable seniority and experience, who is a Member of Governing Body holding an academic post, and who will chair the NDAC; and
 - b) any two of the following in any combination:
 - i. senior members of the College who hold academic posts (but who need not be members of the Governing Body);
 - ii. senior members of the College who are members of the Governing Body (but who need not hold academic posts).
- 5.5. *Disqualification.* The following shall not be eligible to serve on an NDAC:
- a) The Master, the Senior Tutor, the Dean, or the Welfare Fellow;
 - b) Any person who has taught (in tutorials or in any other capacity where reporting on individual progress was required or expected) any student whose case is to be considered by the NDAC;
 - c) Any person who has been directly involved, whether under this NDP or otherwise, with any of the events that have brought the case before the NDAC, where membership of Governing Body does not qualify as direct involvement merely because it involves routine scrutiny of reports from the Dean on disciplinary matters, or merely because Governing Body has already received a report of a Disciplinary Panel in the same case;
 - d) Any person who has served on a Disciplinary Panel or an NDAC under this NDP, or on any similar panel under another Procedure of the College, in another case involving the same student or students.

If sufficient NDAC members not disqualified under these headings cannot be found from within the College then the Master shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of University College) fall under the descriptions in 5.4 above.

- 5.6. *Secretary of NDAC.* The NDAC shall be assisted by the Academic Registrar (or another senior administrative employee of the College enlisted by the Master) who will act as Secretary to the NDAC ('the Secretary').
- 5.7. *Objections to membership.* Within 48 hours of the constitution of the NDAC, the Student will be given notice by the Secretary of the identities of its members, and will have 24 hours from the time of being given that notice to object to the appointment of one or more of them, stating the grounds for doing so. The Master will appoint an alternative member or members of the NDAC within 72 hours of the objection being made if, in the Master's view, the Student's grounds for objecting are reasonable ones.
- 5.8. *Representation of the College before NDAC.* Within 4 days of the constitution of the ADAC (or of its reconstitution if required under 5.7 above) the Master is to nominate a person ('the College Representative') to make a case, before the NDAC, in favour of the implementation of the disciplinary measure. The College Representative is to be, at the Master's discretion, either the Dean or a member of the Disciplinary Panel that determined the measure, or if none of these are available to act then another senior member of the College selected by the Master.
- 5.9. *Date of hearing.* Within 7 days of the constitution of the NDAC (or of its reconstitution if required under 5.7 above), the Secretary shall fix a date for an NDAC hearing. The hearing is to take place no later than one calendar month after the constitution (or reconstitution) of the NDAC. Subject to that one month limit, the date should be fixed in consultation with the Student, the College Representative, and the members of the Panel.
- 5.10. *Hearing details.* At least 7 days before the hearing the Secretary will:
- a) write to the NDAC members, the Student and the College Representative to confirm the date, time and location of the hearing;
 - b) provide the NDAC members, the Student, and the College Representative with a bundle containing copies of:
 - the notice of referral by the Dean to the Disciplinary Panel;
 - the Investigator's report;
 - any report by the Disciplinary Panel explaining its departure from the Investigator's recommendations;
 - the letter from the Master giving the Student notice of the Disciplinary Panel disposal;
 - the letter from the Dean giving the Student notice of his or her failure to meet the conditions in the disposal (if applicable);
 - the letter from the Student giving notice of appeal; and
 - any other relevant documents.

- 5.11. *Assistance and representation.* The Student shall also be informed by the Secretary that he or she is entitled to be represented or accompanied at the NDAC hearing by one other person. Except with the special leave of the Chair of the NDAC, this person ('the Friend') must be a member of the College or of its staff.⁸ Cases for the granting of special leave include but are not limited to those in which no suitable member of the College or of its staff is available to assist, or in which the Student has reasonable grounds to wish his or her situation to remain unknown to those members of the College or of its staff who are available to assist. However an NDAC will not allow legal or other professional representation for the Student. At least 72 hours before the hearing the Student shall inform the Secretary of the identity his or Friend, if any, indicating whether the Friend will be a representing or merely an accompanying Friend. It is the responsibility of the Student to inform his or her Friend, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of the Student, the Student will surrender the right to speak on his or her own behalf, except as a witness. Unless the Chair of the NDAC agrees that exceptional circumstances prevent it, the Student must attend the hearing for the appeal to be heard, and must be ready to appear as a witness at the NDAC's request. This is so even if the Student has asked a Friend to speak on his or her behalf.
- 5.12. *Additional documentation.* If the Student or the College Representative wishes the NDAC to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will then ensure that it is circulated to the NDAC and the other party as soon as possible. Any documentation submitted after this deadline will not be considered by the NDAC unless the Chair of the NDAC decides that exceptional circumstances warrant its inclusion.
- 5.13. *Identity of witnesses.* Not less than 5 days before the hearing, the Student and the College Representative shall inform the Secretary of any witnesses they wish to call at the hearing. The Chair of the NDAC shall also inform the Secretary of any the witnesses that the NDAC itself intends to call if they are not called by the parties. The Secretary will in advance of the hearing provide a list of all these witnesses to the Student, the College Representative and the NDAC members. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from NDAC members and from either party as allowed under 5.15 below. It is the responsibility of the person calling the witness to ensure that he or she attends.
- 5.14. *Written testimony.* Where the Student and the College Representative agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the NDAC it would not be appropriate for a witness to attend, the NDAC may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least three working days before the hearing. The Secretary to the NDAC will then circulate them to the other parties and the members of the NDAC as soon as possible.

⁸ The JCR and WCR may make available a list of people from among their memberships who have indicated a willingness to be approached to assist with representations and support for the purpose of this NDP. Members of the College welfare team may also be approached if required. These are optional facilities. The Student may bring any member of the College or of its staff who is willing to assist, or nobody at all if preferred.

- 5.15. *Order of speaking and adducing evidence.* The Student (either in person or through his or her Friend) and the College Representative will have the opportunity to address the NDAC at the hearing. The NDAC may also hear witnesses in any order and in any manner that to it seems appropriate, having regard to the requirements of natural justice. Questions will be asked of witnesses in the first instance by the members of the NDAC. At the discretion of the Chair, the Student (either in person or through his or her Friend) and the College Representative may also ask questions of any witnesses. Any witness of whom questions are asked by the calling party will also be subject to cross-examination by the other party. The College Representative and the Student also have the right to make closing speeches, in that order.
- 5.16. *Regulation of procedure.* Subject to the above, the NDAC has the power (having regard to the requirements of natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as possible in view of the seriousness of the case, informal and flexible.
- 5.17. *Making of decision by NDAC.* When the NDAC members consider their findings and recommendations, each shall be given the opportunity to present and discuss his or her impressions and conclusions regarding the issues and the hearing. The NDAC will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any NDAC member other than the Chair. The success or failure of any motion shall be determined by simple majority vote. The NDAC will not take account of any information or documents which were not available to the Student or which were not available to the College Representative at or before the hearing.
- 5.18. *Notification of decision by NDAC.* The decision of the NDAC is announced by notice in writing to the Master, the Student, and the College Representative. The decision will not be announced until at least the next working day after the hearing. The NDAC may however take up to 5 days after the hearing to reach and to announce a decision. Within 10 days of the hearing, the NDAC will produce a written report setting out their findings and recommendations, and the reasons for them. In case of a majority decision, the decision and the reasons shall be those of the majority. No dissenting opinion will be presented.
- 5.19. *Possible disposals by NDAC.* The NDAC may, at its discretion, uphold the implementation of the disciplinary measure or vary the conditions of its implementation or require those conditions to be satisfied afresh or override the whole measure and substitute any alternative disposal which it was open to the Disciplinary Panel to have imposed in place of the disposal, having regard to the same principles and purposes to which the Disciplinary Panel was required, under this NDP, to have regard.
- 5.20. *Finality and further appeals.* The decision of the NDAC is final and not open to further appeal within the College. By convention, the Governing Body of the College does not interfere with it. The finality of the NDAC's determination is without prejudice to the right of the Student to make appeals or other applications to bodies outside the College, in particular to the Conference of Colleges Appeal Tribunal (CCAT), or to the Office of the Independent Adjudicator (OIA). The Master will issue to the Student a Certificate of Completion of Procedures once all in-College remedies have been exhausted.

Proctors' Memorandum on Drugs Misuse

Guidelines from Proctors' Office on Dealing with Drugs Misuse

The use of specified drugs is illegal within the UK, and is inimical to the University's primary objectives of the pursuit of academic study and research. The presence of drugs within the University community is detrimental to the welfare of its members generally, and will not be tolerated. Taking illegal substances, including so-called 'soft' drugs, has a rapid and serious effect on academic study, and is likely to lead to long-term health problems. Although addiction to drugs is sometimes curable, it is often not, and therapy is a prolonged, expensive and specialised treatment, which is certainly disruptive. There are secondary but very real health risks such as exposure to infection with hepatitis, and AIDS. The University also recognises its duty to take firm action to protect people who may be affected or put at risk by drug misuse by other people, such as through dealing and supplying, or from the anti-social behaviour consequent upon misuse. The Colleges and the University are forbidden by law knowingly to allow drug misuse to take place on their premises. Students should be aware that the pastoral and disciplinary frameworks for action set out below, apply to activities within a 'University context' which under the University Statutes is defined as 'activities on University or College premises; in the course of University activity within or outside Oxford, whether academic, sporting, social, cultural, or other'.

The Pastoral Framework

One step which anyone who has become involved with drugs needs to take is to recognise that a problem exists. The University and its constituent Colleges also recognise the need to provide appropriate support to students needing help. A variety of sources of help is available. All consultations will be treated in strict confidence subject to the provisions of the law.

Advice is available at both college and University level. Colleges will supply details of persons within the College (e.g. College Advisers, Chaplain), to whom individuals might turn for advice. The Student Counselling Service provides a source of confidential counselling outside the College context. OUSU's Student Advice Service will assist students in finding appropriate support.

Medical Help. One practical way to start the process of recovery is to recognise the medical issues, and to seek help, from a college doctor, who will be able to provide medical help, and will be bound by the conventions of medical confidentiality. Self-referral to The Ley Clinic at Sandy Croft, Sandy Lane, Yarnton, could be considered. Free and confidential advice can be obtained from LIBRA (01865 749800), or from the National Drugs Helpline 'FRANK' (0800 776600), and other contacts are available at <http://www.talktofrank.com>.

The Disciplinary Framework

Those involved with using or supplying drugs should be aware, however, that the

University and its constituent Colleges must operate within the framework of national legislation. This is reflected in the University Statutes. Statute XI, section 2.(1)(l) makes it a disciplinary offence for members of the University intentionally or recklessly to possess, use, offer, sell, or give to any person drugs, the possession or use of which is illegal.

Personal use of drugs. Students found using illegal drugs within their own Colleges or in College-owned accommodation are likely to be subject to the provisions of their College's disciplinary code. Students found using illegal drugs in another College or on University premises will be referred to the Proctors. In the case of use or possession for personal use of Class C drugs, the University and its constituent Colleges, on the advice of the local police, will normally on the occasion of the first offence, issue formal warnings, together with such conditions (such as drugs counselling) as they think appropriate to enable the student to address the problem. A record will be made of such formal warnings. Disciplinary action (e.g. a fine) may be appropriate at this stage, depending on the circumstances. Further offences, or failure to address the problem, will lead to more serious disciplinary action. In the case of Class A and B drugs (e.g. cannabis, heroin, amphetamine sulphate, LSD, cocaine, crack, ecstasy), the University or College authorities will as a matter of policy report suspects to the local police, and will consider suspending the student while police and court proceedings take place. The University Statutes provide that if a student has been convicted of a criminal offence of such seriousness that a term of imprisonment might have been imposed (whether or not such a sentence was in fact imposed upon the student member), then the Proctors may refer the case to the Student Disciplinary Panel. The Disciplinary Panel has the power to rusticate or expel student members.

Supplying and dealing in drugs will be treated severely. Those suspected of dealing in any drugs (including cannabis) can expect to be referred to the local police. Students should be aware that 'supply' includes all forms of passing drugs to someone else, irrespective of whether payment is made. For example, passing a cannabis joint around a group involves a series of 'supplies'. Suspension while police and court proceedings take place will be considered, and criminal convictions may be treated as indicated above.

[Amended July 2014]



Code on Harassment*

1. Purpose

- 1.1. The College is committed to maintaining a humane and fair environment which is conducive to scholarly pursuits and the free and civil exchange of ideas, and in which the personal rights of everyone who lives in, works in, or visits the College are respected. Any harassment of or by members of the College community or visitors to the College damages that environment, demeans the victim, and is unacceptable.
- 1.2. This code applies to students and employees of the College alike and the definition of harassment is the same in both cases (part 2 below). However, because the code must integrate with the contractual and statutory rights of the College's employees, the code has different procedures for students who are concerned that they may be being harassed (part 3 below) and for employees who are concerned that they may be being harassed (part 4 below). The College wishes to emphasise that it is one community and that it aims to extend support and assistance of the same high quality to all who live, work, and/or study here.
- 1.3. Nothing in this code should deter or delay someone who is assaulted, threatened, or stalked from reporting such matters to the police, or from seeking professional advice, or from resorting to any other mechanisms that would be available apart from this code. In particular, student misconduct may be reported to the Dean at any point for him or her to consider taking action under the College's Non-academic Disciplinary Procedure, or under the Dean's inherent powers referred to in clause 1.1 of that Procedure. The special procedures in this Code exist to allow those who are or regard themselves as being harassed to deal with their situation in a methodical way and with greater scope to remain in control of the process.

2. Definition of harassment

- 2.1. Harassment includes behaviour falling into one or more of the following categories (which are not exhaustive):
 - i. bullying;
 - ii. behaviour, whether physical or verbal, that can reasonably be regarded as threatening or gravely insulting or belittling to the recipient;
 - iii. requesting sexual favours with an express or implied threat of penalty for refusal or promise of reward for acquiescence;
 - iv. importunate behaviour of a sexual nature or any other form of offensive

* v2.0, promulgated 24 August 2015. This Policy has the force and import of a Regulation of the College: see OCM TT3(2015)U, item 9, by which the Policy was adopted as a Regulation.

pestering or unwanted and unwarranted conduct which has the purpose or effect of violating another person's dignity, or of creating an intimidating, hostile, degrading, humiliating or offensive environment for that person.

- 2.2. Harassment may consist of a single serious incident or of a series of repeated incidents that might individually appear mild or trivial. It may be inside or outside the College, and during Term or Vacation. It is particularly grave where there is inequality of personal status or power. No less serious is the explicit or implied threat of reprisal if complaint is made. Making a false complaint of harassment maliciously, or otherwise in bad faith, may itself amount to harassment.

3. What to do if you believe you are being harassed (for students)

Getting support

- 3.1. A student of the College who believes that he or she is being or has been harassed, or who wishes to discuss any situation in which harassment may be or may become an ingredient, has a number of sources of support available to him or her, including the College's Harassment Advisors; his or her in-College tutor or graduate Advisor; a College Officer such as the Chaplain, the Senior Tutor, or a Junior Dean. Alternatively, he or she may wish to contact one of the University's harassment advisers,¹ or other agencies listed as sources of advice and support by the University.²
- 3.2. Those identified in clauses 3.8 and 3.10 below as the officers responsible for overseeing a formal process should not normally be approached for support as this may interfere with their discharge of formal responsibilities later. If approached for support they should make all reasonable efforts to refer the matter to a suitable alternative person.
- 3.3. Those approached for support may take steps to achieve a resolution of the situation (for example by speaking to the person said to be a harasser) if requested to do so by the student seeking support. However such an intervention does not fall under this code and does not substitute for the process set out in the following paragraphs.

Seeking an informal resolution

- 3.4. A student of the College who wishes assistance under this code in seeking an informal resolution of a situation in which harassment may be or may become an ingredient should request such assistance from one of the College's Harassment Advisors. The Advisor will discuss possible approaches to informal resolution, and will participate in the process to the extent that such participation is, in the opinion of the Advisor, likely to be productive in achieving an informal resolution.
- 3.5. An informal resolution for the purposes of this Code might involve apology, an undertaking not to repeat behaviour complained of, or other remedies. However the Advisor cannot require any remedy and any informal resolution process will require the co-operation of all parties in bringing it to a successful conclusion. At any stage, the Advisor may also form the opinion that there is no harassment and may then decline to be further involved.

¹ <https://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/>

² <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/>

- 3.6. If, in the opinion of the Advisor
- i. the situation is not suitable for informal resolution, or
 - ii. the Advisor's participation is not likely to be productive in achieving an informal resolution, or
 - iii. reasonable attempts to achieve an informal resolution have failed, or
 - iv. no behaviour amounting to harassment has taken place, or
 - v. the student who has sought assistance was not the victim of such harassment as may have taken place

the Advisor will advise the student who has sought assistance to that effect. The Advisor will also advise the student of further steps or measures that may in the Advisor's opinion be taken to resolve the situation, whether under this Code or otherwise, including the steps available under clauses 3.7 to 3.12 following.

Invoking a formal process

- 3.7. A student of the College who believes that he or she is being or has been harassed may request to have a formal process instigated against an alleged harasser under clauses 3.8 or 3.10 following, but only if either

(a) one of the Harassment Advisors certifies that the options for informal resolution under clause 3.5 above have been attempted without success or have not be attempted for one or more of the reasons specified in clause 3.6 above or for any other reason; or

(b) the officer responsible for overseeing a formal process under the following provisions is satisfied, on reasonable grounds and having consulted the Harassment Advisor involved if one has been involved under clauses 3.4 to 3.6 above, that the matter is too serious or too urgent for informal resolution, or for further informal resolution, to have been regarded as an option.

For the avoidance of doubt, it is the duty of any Harassment Adviser to make a certification under (a) above in any case in which, having been consulted by a student under clause 3.4 above, he or she declines to be further involved. The exception is a case in which he or she refers the student to a different Harassment Adviser, who then acquires the same duty as if he or she had been the Harassment Adviser first consulted under clause 3.4 above.

- 3.8. A student of the College may request to have a formal process instigated **against another student** of the College under either or both of the following:

(a) under the College's Non-Academic Disciplinary Procedure and/or under the inherent powers referred to in clause 1.1 of the same Procedure, overseen by the Dean;

(b) under the special complaints procedure detailed in Annex 1 of this code, overseen by the Master or Vice-Master or another Fellow as the circumstances may require.

In cases in which a student requests to have formal processes instigated under both (a)

and (b) and makes allegations of harassment in one request that are substantially the same as allegations of harassment in the other, the student making the request is required to notify both of the overseeing officers to that effect. In respect of the handling of such allegations, the overseeing officers will be entitled to consult with each other and to share information to whatever extent may reasonably appear to them to be necessary to avoid duplication or interference of processes or of remedies. In consultation with the officer overseeing a process under (b), the officer overseeing a process under (a) will have the power to delay consideration of the relevant allegations until completion of the process under (b), or to consider forthwith the relevant allegations under (a) only if the request under (b) is withdrawn, subject always to any contrary rules in the applicable procedures.

- 3.9. Where a student reports a matter to the Dean under clause 3.8(a) above, he or she shall have the right to be kept informed of the Dean's deliberations and decisions in the matter and to be consulted in respect of any disciplinary steps that the Dean is minded to take and in respect of any decision to delay or discontinue the process. This right does not exist in respect of matters reported to the Dean other than under clause 3.8(a) above.
- 3.10. A student of the College may request to have a formal process instigated **against an employee** of the College (including for these purposes any other person providing services to the College akin to those of an employee) by making a complaint under the College's Student Complaints Procedure, overseen by the officer there identified. In the event that the investigation of the complaint reveals harassment, the College shall take such steps as are warranted under its Disciplinary Procedure for College Employees (or under such other terms as may govern its relationship with the person found to have been an harasser) and in any event shall take such steps as are reasonably necessary, consistent with its legal obligations, to protect the complainant from repetition or perpetuation of the harassment. In urgent cases the overseeing officer may take such interim steps as are reasonably necessary, consistent with its legal obligations, to protect the complainant pending the resolution of the complaint.
- 3.11. A student or employee of the College whose behaviour has been the subject of a request under clause 3.8 or 3.10 above shall be informed by the overseeing officer with all reasonable expedition that the request has been received, unless in the opinion of the overseeing Officer such early disclosure would tend to expose the person making the request, or other persons, to the risk of further harassment or other victimization. In the event that disclosure is postponed, the overseeing officer shall nevertheless inform the student or employee concerned as soon as, in the Officer's opinion, it becomes safe to do so.
- 3.12. A student or employee of the College who is informed or otherwise becomes aware that his or her behaviour has been made the subject of a request under clause 3.8 or 3.10 above is entitled to support from the College and may consult any of the persons listed in clause 3.1 above as appropriate. In the event that the person consulted is already too closely involved in the case, however, he or she may refer the employee or student concerned to a different person for support.

4. What to do if you believe you are being harassed (for employees)

Getting support

- 4.1. An employee of the College who believes that he or she is being or has been harassed, or who wishes to discuss any situation in which harassment may be or may become an ingredient, has a number of sources of support available to him or her, including the College's Harassment Advisors; his or her immediate supervisor, a College Officer such as the Chaplain, Dean, or Senior Tutor, or a Trade Union representative. Alternatively, he or she may wish to contact one of the University's harassment advisers,³ or other agencies listed as sources of advice and support by the University.⁴
- 4.2. Those identified in clause 4.7 below as the officers responsible for overseeing a formal process should not normally be approached for support as this may interfere with their discharge of formal responsibilities later. If approached for support they should make all reasonable efforts to refer the matter to a suitable alternative person.
- 4.3. Those approached for support may take steps to achieve a resolution of the situation (for example by speaking to the person said to be a harasser) if requested to do so by the employee seeking support. However such an intervention does not fall under this code and does not substitute for the process set out in the following paragraphs.

Seeking an informal resolution

- 4.4. An employee of the College who wishes assistance under this code in seeking an informal resolution of a situation in which harassment may be or may become an ingredient should request such assistance from one of the College's Harassment Advisors. The Advisor will discuss possible approaches to informal resolution, and will participate in the process to the extent that such participation is, in the opinion of the Advisor, likely to be productive in achieving an informal resolution.
- 4.5. An informal resolution for the purposes of this Code might involve apology, an undertaking not to repeat behaviour complained of, or other remedies. However the Advisor cannot require any remedy and any informal resolution process will require the co-operation of all parties in bringing it to a successful conclusion. At any stage, the Advisor may also form the opinion that there is no harassment and may then decline to be further involved.
- 4.6. If, in the opinion of the Advisor
 - i. the situation is not suitable for informal resolution, or
 - ii. the Advisor's participation is not likely to be productive in achieving an informal resolution, or
 - iii. reasonable attempts to achieve an informal resolution have failed, or
 - iv. no behaviour amounting to harassment has taken place, or
 - v. the employee who has sought assistance was not the victim of such harassment as may have taken place

the Advisor will advise the employee who has sought assistance to that effect. The

³ <https://www.admin.ox.ac.uk/eop/harassmentadvice/advisornetwork/>

⁴ <https://www.admin.ox.ac.uk/eop/harassmentadvice/sourcesofadvice/>

Advisor will also advise the employee of further steps or measures that may in the Advisor's opinion be taken to resolve the situation, whether under this Code or otherwise, including the steps available under clauses 4.7 to 4.10 following.

Invoking a formal process

4.7. Irrespective of whether informal resolution has been sought under clauses 4.4 to 4.6 above, an employee of the College may request to have a formal process instigated **against another employee** of the College (including for these purposes any other person providing services to the College akin to those of an employee) under one or more of the following:

(a) the applicable Disciplinary Procedure for College Employees;

(b) the applicable Grievance Procedure for College Employees;

(c) where the person in respect of whom the request is made is not an employee, such other terms as may govern the College's relationship with that person.

Formal processes under this clause shall be overseen by the persons designated in the respective Procedures or terms, and any duplication of processes shall be dealt with in accordance with the principles laid down in those Procedures or terms.

4.8. Irrespective of whether informal resolution has been sought under clauses 4.4 to 4.6 above, an employee of the College may request to have a formal process instigated against a student of the College by making a formal complaint in writing to the Dean, who shall consider the matter under the College's Non-Academic Disciplinary Procedure and/or under the inherent powers referred to in clause 1.1 of the same Procedure.

4.9. An employee or student of the College whose behaviour has been the subject of a request under clause 4.7 or 4.8 above shall be informed by the overseeing Officer with all reasonable expedition that the request has been received, unless in the opinion of the overseeing Officer such early disclosure would tend to expose the person making the request, or other persons, to the risk of further harassment or other victimization. In the event that disclosure is postponed, the overseeing officer shall nevertheless inform the student or employee concerned as soon as, in the Officer's opinion, it becomes safe to do so.

4.10. An employee or student of the College who is informed or otherwise becomes aware that his or her behaviour has been made the subject of a request under clause 4.7 or 4.8 above is entitled to support from the College and may consult any of the persons listed in clause 4.1 above as appropriate. In the event that the person consulted is already too closely involved in the case, however, he or she may refer the employee or student concerned to a different person for support.

5. Harassment beyond the college community (or not otherwise covered by this code)

5.1. The College is prepared to consider complaints of harassment made by persons outside the College (or persons associated with the College but not otherwise covered by the provisions of this code) against a student or employee of the College (or a person

associated with the College but not otherwise covered by the provisions of this code), where the place in the College community of the person against whom the complaint is made has allegedly facilitated, enabled, occasioned or otherwise contributed to the alleged harassment. Such complaints shall be addressed to the Master or the Vice-Master who will determine the appropriate process for considering them.

- 5.2. The University has its own Policy and Procedure on Harassment,⁵ applicable to University Departments and Libraries, and other colleges have their own codes. Any student or employee of the College who wishes to complain of harassment by a student or employee of the University who is not a student or employee of the College should first proceed informally as explained above in clauses 3.4 to 3.6 (students) and clauses 4.4 to 4.6 (employees). In such a case the Advisor will as appropriate (and subject to the consent of the complainant) consult the Master or the Dean, who will as appropriate (and subject to the consent of the complainant) take the matter up with the Head or the Dean of the other College concerned, or, in the wider University, with the Head of Department or other appropriate person. Where appropriate (and subject to the consent of the complainant) the matter may then be handed over for resolution under the University's or the other college's arrangements.

6. Confidentiality

- 6.1. Confidentiality will be respected at all times, so far as is consistent with the College's 'Guidance on Confidentiality in Student Health and Welfare' and subject to specific exceptions provided for in this code or in the other College rules to which it refers.

7. Reporting and Review

- 7.1. At the end of each academic year the Harassment Advisors will report to the Equality Officer (a) how many (if any) requests for informal intervention were received under clauses 3.4 to 3.6, 4.4 to 4.6, and 5.2 above, (b) what kind of situation was reported in each, (c) leading to what types of intervention (if any) by the Harassment Advisors, and (d) how many of these requests (if any) led to the instigation of formal processes under clauses 3.7 to 3.12 or under clauses 4.7 to 4.10 above, and (e) how the cases were resolved. The Equality Officer will compile the reported information into a report for General Purposes Committee.

⁵ <http://www.admin.ox.ac.uk/eop/harassmentadvice/policyandprocedure/>

Annex 1: Complaints procedure under clause 3.8(b) of this code

The College's Student Complaints Procedure does not provide for complaints by one student against another. However in the event of a request for a formal process under clause 3.8(b) of this code, the following adapted procedure shall apply.

1. If the student alleging harassment wishes to pursue a formal complaint under clause 3.8(b) of this code against another student alleged to be his or her harasser, he or she should do so within one month of receiving the advice mentioned in clause 3.6 of this code, unless a written explanation for the delay is provided by the complainant alongside the complaint, and the addressee of the complaint considers the explanation to be reasonable.
2. The formal complaint should be addressed to the Master or to the Vice-Master. It may include the request (whether giving reasons for the request or not) that the the Master or Vice-Master appoint a senior Fellow of the College to oversee the complaint in place of the Master or Vice-Master. All reasonable steps should be taken to accede to such a request. Once such a senior Fellow has been appointed, the formal complaint should be forwarded to him or her and should then be treated as having been addressed to him or her.
3. The person to whom the formal complaint is addressed under paragraph 2 above is the 'overseeing officer' for the purpose of clauses 3.8 and 3.10 of this code and for the purpose of the following paragraphs, subject to the provision for the complainant to be referred to a different overseeing officer under paragraph 5(ii) below.
4. The formal complaint must be made in writing and identified by the heading 'Formal Complaint of Harassment' and should include at least the following:
 - i. a description of what has happened to give rise to the complaint, including dates, times and all other relevant details;
 - ii. the name of the student about whom the complaint is made;
 - iii. details of the steps which have been taken so far to resolve the complaint;
 - iv. an explanation of why the complainant is dissatisfied with the outcome of the informal procedure under clauses 3.4 to 3.6 of this code.
5. Within five working days of the complaint's delivery, the overseeing officer will
 - i. consider the matters set out in the complaint and determine whether they are matters covered by this code, and whether he or she has any conflict of interest requiring the complaint to be dealt with by a different overseeing officer; and
 - ii. acknowledge receipt of the formal complaint and either confirm that more detailed investigation will follow under this code, or notify the complainant that the complaint falls outside this code (with an explanation of the reasons) or that it should be sent to a different overseeing officer (with an explanation of the reasons); and
 - iii. if the complaint is to proceed, notify the student who is the subject of the complaint that the complaint has been made under this code and that more detailed investigation will follow under this code.
6. If the complaint is to proceed, the overseeing officer will appoint an investigator, usually another senior member of the College with no previous involvement in the matter complained about, who will investigate the complaint in an independent and impartial manner, and with all due sensitivity. Both the complainant and the student complained against will be informed of the identity of any proposed investigator before that investigator is appointed, and each will

be given a reasonable opportunity to object to the appointment, stating the grounds for doing so. The overseeing officer will appoint an alternative investigator if, in the overseeing officer's opinion, either party's grounds for objecting are reasonable ones.

7. The investigator may make such inquiries as he or she thinks fit, and the accepting of the appointment of an investigator under this code implies consent by the complainant to all such inquiries. In particular the investigator may request additional information and documents from the complainant or any other person, and may hold interviews with or seek written statements from the complainant, the student complained against, any witnesses named by the complainant or the person complained against, and any other person. Notes will be taken of all interviews. Although there is no time limit for the completion of the investigation, it will be conducted as expeditiously as the subject-matter allows.
8. Without prejudice to the generality of the previous clause, both the complainant and the student complained against shall be given a reasonable opportunity to speak in person to the investigator. The investigator shall put the substance of the complaint to the student complained against with a degree of detail sufficient to allow the student to make an adequate response. Should either party decline to speak to the investigator, the investigator may draw such inferences as may seem reasonable to him or her about the weight to be attached to any other evidence from that party.
9. Within ten working days of the completion of the investigation, the investigator will produce a report setting out details of the investigation together with copies or notes of any evidence relied upon, and will provide copies of the report (complete with the supporting documentation) to the complainant and to the student complained against, inviting both parties to submit written comments or objections within a further five working days.
10. Upon receipt of the response or (if no response is provided within the time allowed) after the expiry of five working days, the investigator will provide to the overseeing officer copies of the report and any accompanying documents and any written response received from the complainant or the student complained against.
11. The overseeing officer will consider the complaint and the investigator's report, and decide whether further action is to be taken against the student complained against. In making this decision the overseeing officer will not (without the agreement of both parties) take account of information or documents which are not available to both parties.
12. If further action is to be taken the matter will be referred to the Dean for action to be taken under the College's Non-Academic Disciplinary Procedure or under the inherent powers of the Dean preserved by that Procedure, and/or to the Domestic Bursar for action to be taken under the College's accommodation agreement. The investigator's report will be supplied to the Dean or Domestic Bursar as the case may be.
13. Within five working days of receiving the investigator's Report the overseeing officer will write to the complainant and to the student complained against to notify them of the outcome of the complaint and the steps that it is now proposed to take, if any.
14. If either party is aggrieved by the handling of the complaint under this code, including by a finding of fact made in the course of such handling, their remedy is a complaint against the College under the Student Complaints Procedure.



Student Complaints Procedure*

1. Introduction

- 1.1. This Student Complaints Procedure (SCP) exists to enable junior members (students) of University College to bring matters of concern about the College to its attention, and to enable those matters to be investigated and responded to, with the aim of reaching a resolution satisfactory to all within a reasonable timescale and having due regard to the requirements of natural justice.
- 1.2. The College welcomes feedback and takes complaints seriously. Students will not suffer any disadvantage as a result of making a complaint in good faith. However, making a complaint which is frivolous, vexatious or malicious is likely to be a breach of a student's obligations to the College and may result in disciplinary action being taken against that student under the College's Academic and Other Disciplinary Procedures (AODP) as set out from time to time in the College's Handbook of Information and Regulations.
- 1.3. The College will endeavour to resolve complaints informally and quickly between the relevant parties and this SCP will only take effect if that approach fails. Where such a good faith attempt has been made to deal with the matter outside this SCP, and that attempt has failed, stage one of the Procedure may be waived by agreement between the student and the College.
- 1.4. The College aims to deal with complaints promptly so that delay does not hinder fair resolution. Accordingly this SCP includes various deadlines with which the College and any student making a complaint must make every reasonable effort to comply. In a case where delay is unavoidable, the delaying party must explain the situation giving rise to the delay before the deadline expires, or failing that at the earliest possible opportunity afterwards, and must also keep the other party informed of progress in making up for lost time.

2. When does the Student Complaints Procedure apply?

- 2.1. The College makes a distinction between Complaints and Appeals, and there are separate procedures for dealing with each.
- 2.2. A Complaint is an objection to the College's academic, pastoral, or domestic provision, the behaviour of its senior members (Fellows) or employees, or any other aspect of College life, where what is objected to is alleged to have had a special individual impact upon the student making the Complaint. The procedures in this SCP are those that apply to Complaints.

* v1.1, adopted 17 June 2015; promulgated 24 August 2015.

- 2.3. An Appeal is an application by a student for reconsideration of a disciplinary decision made against that student by an officer or committee of the College under the AODP. Where a student wishes to object to a disciplinary decision under the AODP, this SCP is not applicable. Instead, the student should consult the AODP which makes specific provision for Appeals.
- 2.4. In addition, this SCP does not apply to:
- a) complaints about another junior member of the College. The College would normally deal with such matters by invoking its AODP against the other student, where there is cause to do so.
 - b) complaints that a member or employee of the College has committed an act of bullying or harassment (including sexual or racial harassment), except as otherwise provided in the College's Code on Harassment.
 - c) complaints falling within the reach of any other more specific procedures that may be established from time to time by the College.
 - d) private disputes between students and members or employees of the College, meaning those that do not arise out of the conduct of those members or employees acting or holding themselves out as acting in their capacity as members or employees of the College.
 - e) complaints about people who are not members or employees of the College.
 - f) complaints of matters affecting a wider circle of students, where there is no special individual impact upon the student making the complaint. These should instead be raised through the College's consultative mechanisms, which include a Joint Consultative Committee as well as student representation elsewhere in the governance of the College.

3. Who may make a Complaint?

- 3.1. Those eligible to make a Complaint under this SCP are current students of the College, students temporarily suspended from the College for disciplinary, medical or pastoral reasons (whether or not a condition attaches to their return), and former students of the College whose Complaint relates to a matter that arose while they were current or temporarily suspended students.
- 3.2. A Complaint may be made and pursued by another person ('a Nominee') on behalf of a student eligible to make a Complaint under 3.1 but only in exceptional circumstances of illness or other severe difficulty. In such a case the Nominee must be authorised in writing by the student to make and pursue the Complaint, and an explanation must be given for why the student is unable to pursue it personally. The College will not be in communication with more than one person at a time in connection with any Complaint under this SCP, so the appointment of a Nominee to make and pursue such a Complaint is also, until revoked in writing, the surrender of the student's own right to make and pursue the same Complaint. The College will not entertain a Complaint under this SCP made or pursued on the student's behalf by the student's legal or other professional representatives. In what follows 'Student' refers to student complainants and their

Nominees alike.

4. Summary of Procedure

- 4.1. Before making a Complaint, a Student can seek the advice of the Welfare Fellow (or any senior member of the College who seems appropriate and is prepared to be consulted) and discuss confidentially whether there is a Complaint to be addressed and, if so, how to proceed.
- 4.2. There are four stages to follow when making a Complaint. Subject to the exception in 6.1 below, the Student should start at Stage One and follow the stages only in the sequence set out below:
 - a) Stage One: Informal Stage
 - b) Stage Two: Formal Stage
 - c) Stage Three: Application for Review of the Handling of Stage Two
 - d) Stage Four: Complaint to the Office of the Independent Adjudicator under the national Student Complaints Scheme

5. Stage One: Informal Stage

- 5.1. The Student should raise the Complaint informally as soon as possible after the problem arises. If there has been a delay, the Student should explain why. The College will not normally consider Complaints which are made more than three months after the problem originally arose or (in the case of a gradually emerging problem) more than three months after the actions or events that, according to the Student, brought the problem to a head.
- 5.2. The Complaint should initially be made, in person or in writing, to the College Officer who seems most appropriate to deal with it. A list of College Officers is to be found in the College's Handbook of Information and Regulations. A Student making a Complaint in person may be accompanied in doing so by another student of the College. A College Officer who feels that he or she is not the most appropriate to deal with the Complaint may, in consultation with the Student, make inquiries to identify the most appropriate College Officer, to whom the handling of the Complaint may then be transferred.
- 5.3. The College Officer handling the Complaint will investigate and attempt to resolve the Complaint expeditiously by informal means. In doing so, he or she may seek further information from the Student or from any others involved, subject to the consent of the Student. The Student should give full and prompt assistance if asked to provide further details.
- 5.4. If the Complaint is about a particular person, the College Officer handling the Complaint will normally expect to be at liberty to inform that person that the Complaint has been made, and may decline to proceed further with Stage One of this SCP if the Student's consent to inform that person is not given.

- 5.5. The College Officer handling the Complaint will advise the Student either orally or in writing of the results of the investigation, and any suggested resolution of the Complaint, within one week of the completion of the investigation. If the Student is dissatisfied with the results or the suggested resolution, he or she may proceed to Stage Two of this SCP.

6. Stage Two: Formal Stage

- 6.1. The Student must exhaust Stage One above before registering the Complaint formally, or give a good reason for not doing so. A good reason might be that the problem is particularly grave, or that when the Student raised the matter informally there was a refusal to deal with it (under 5.3 above or otherwise). The College and the Student may also agree to waive Stage One where there have already been efforts to resolve the problem outside this SCP (1.4 above).
- 6.2. If it appears that the informal procedure under Stage One has not been exhausted, and the Student has not given a good reason under 6.1 above, a Complaint taken to Stage Two may be referred back by the College for informal resolution under Stage One.
- 6.3. If the Student decides to pursue the Complaint to Stage Two, he or she should do so within one month of hearing the outcome of Stage One.
- 6.4. At Stage Two, the Complaint should be addressed to the appropriate Senior College Officer according to the following criteria:
- Complaints about academic provision and support: the Senior Tutor;
 - Complaints about welfare and pastoral support: the Welfare Fellow;
 - Complaints about non-academic staff and non-academic facilities, and related financial matters: the Domestic Bursar;
 - Complaints about other financial matters: the Estates Bursar;
 - Complaints about the conduct of Junior Deans or other delegated exercisers of disciplinary authority: the Dean;
 - Complaints about one of the above College Officers and Complaints not assigned on the list above: the Master or Vice-Master;
 - Complaints about the Master: the Vice-Master;
 - Complaints about the Vice-Master: the Master.
- 6.5. At Stage Two, the Complaint must be made in writing and identified by the heading 'Formal Complaint' and should include at least the following:
- a) a description of what has happened to give rise to the Complaint, including dates, times and all other relevant details;
 - b) if applicable, the name of the person or body within the College about whom or

which the Complaint is made (although a Complaint need not necessarily be against a specific person or body);

- c) details of the steps which have been taken so far to resolve the Complaint;
- d) an explanation of why the Student is dissatisfied with the outcome of the informal procedure at Stage One;

6.6. Within ten working days of its delivery, the Senior College Officer to whom the Complaint is addressed at Stage Two will

- a) consider the matters set out in the Complaint and determine whether it is covered by this SCP and whether he or she is the appropriate Senior College Officer to consider it further;
- b) acknowledge receipt of the Student's Formal Complaint and either confirm that more detailed investigation will follow under Stage Two of this SCP, or notify the Student that the Complaint falls outside the SCP (with an explanation of the reasons) or should be sent to a different College Officer (with an explanation of the reasons).

6.7. If the Complaint is to proceed under this SCP, the Senior College Officer handling the Complaint will appoint an Investigator, usually another senior member of the College with no previous involvement in the Complaint or the matter complained about, who will investigate the Complaint in an independent and impartial manner. The Student will be informed of the identity of any proposed Investigator before that Investigator is appointed, and will be given a reasonable opportunity to object to the appointment, stating the grounds for doing so. The Senior College Officer handling the Complaint will appoint an alternative Investigator if, in that Senior College Officer's opinion, the Student's grounds for objecting are reasonable ones.

6.8. The Investigator may make such inquiries as he or she thinks fit, and the taking of a Complaint to Stage Two implies consent by the Student to all such inquiries. In particular the Investigator may request additional information and documents from the Student or any other person, and may hold interviews with or seek written statements from the Student, any witnesses named by the Student, and any other person. Notes will be taken of all interviews. Although there is no time limit for the completion of the investigation, it will be conducted as expeditiously as the subject-matter allows.

6.9. Within ten working days of the completion of the investigation, the Investigator will produce a report setting out details of the investigation together with copies or notes of any evidence relied upon, and will provide copies of the report (complete with the supporting documentation) to the Student and to any person or body who or which is the subject of the Complaint (as identified in 6.5.b above), inviting both parties to submit written comments or objections within a further five working days.

6.10. Upon receipt of the response or (if no response is provided within the time allowed) after the expiry of five working days, the Investigator will provide to the Senior College Officer handling the Complaint at Stage Two copies of the report and any accompanying documents and any written response received from the Student or the person who is directly the subject of the Complaint.

- 6.11. The Senior College Officer handling the Complaint at Stage Two will consider the Student's Complaint and the Investigator's report, and make a decision about the remedies, if any, to be implemented or any other action to be taken. In making this decision the Senior College Officer will not (without the agreement of those concerned) take account of information or documents which are not available to the Student or any person who is the subject of the Complaint.
- 6.12. Within ten working days of receiving the Investigator's Report the Senior College Officer will write to the Student to notify him or her of the outcome of the Stage Two Complaint and the action which the Senior College Officer proposes to take, including recommendations, if any, to the College's Governing Body.

7. Stage Three: Application for Review of the Handling of Stage Two

- 7.1. If the Student is dissatisfied with the response to the Complaint at Stage Two, and wishes to take it further, he or she should pursue the Complaint to Stage Three. This must be done within ten working days of the date of the letter from the Senior College Officer setting out the outcome of the Stage Two Complaint.
- 7.2. The Complaint at Stage Three should be addressed to the Master, or (if the Complaint is against the Master or the Master was the Senior College Officer handling the Complaint at Stage Two) to the Vice-Master.
- 7.3. A Stage Three application must be made in writing, marked 'Application for Review of Handling of Formal Complaint' and should set out:
 - a) an explanation of why the Student is dissatisfied with the response to the Complaint at Stage Two; and
 - b) an outline of what action the Student would like to be taken instead of that proposed by the Senior College Officer handling the Complaint at Stage Two.
- 7.4. The Master or Vice-Master (as the case may be), together with one other senior member of the College chosen by the Master or the Vice-Master (as the case may be), will together review the Stage Three application and the Stage Two response within fifteen working days of receipt to determine whether there is a prima facie case for enlisting a Complaint Panel. If in their shared view there is no prima facie case the Complaint will not be pursued further by the College, and the Student will be issued with a Completion of Procedures letter. The letter will contain the final decision and the reasons for it, which allows the Student to proceed to Stage Four if desired.
- 7.5. If the view of either person reviewing the matter under 7.4 above is that the Complaint, or any part of it, should be heard by a Complaint Panel, the matter must be put before a Complaint Panel. In that case the Master or Vice-Master (as the case may be) will
 - a) inform the Student of the decision to enlist a Complaint Panel within fifteen working days of receipt of the Stage Three application; and
 - b) enlist a Complaint Panel to hear the Complaint.

- 7.6. A Complaint Panel will comprise:
- a) one senior member of the College of suitable seniority and experience, holding an academic post, who will chair the Complaint Panel.
 - b) one further senior member of the College, holding either an academic or a non-academic post
 - c) one junior member of the College nominated by the Junior Common Room (for a Complaint by an undergraduate student) or by the Weir Common Room (for a Complaint by a graduate student)
- 7.7. The members of the Complaint Panel must have no previous involvement in the Complaint or the matter complained about, and must act in an independent and impartial manner. If Panel members meeting these conditions cannot be identified from within the College then the Master or Vice- Master (as the case may be) shall have the option of substituting one or more members from another College or other Colleges of the University of Oxford who do meet these conditions, and who (apart from the fact that they are members of another College, not of University College) fall under the descriptions in 7.6 above.
- 7.8. The Complaints Panel shall be assisted by the College Registrar (or another senior administrative employee of the College enlisted by the Master or the Vice-Master as the case may be) who will act as Secretary to the Panel. The Secretary to the Panel shall fix a date for the hearing which should take place no later than one calendar month after the appointment of the Panel. Subject to that one month limit, the date should be fixed in consultation with the Student and the members of the Panel as well as any person who or body which is identified as the subject of the Complaint under 6.5.b above ('the Subject').
- 7.9. At least ten working days before the hearing, the Secretary to the Panel will:
- a) write to the Student and the Subject to inform them of the date, time and location of the hearing;
 - b) provide the Panel Members with a bundle containing copies of:
 - the Complaint as received at Stage Two;
 - the Investigator's Report from Stage Two;
 - any written comments on the Investigator's Report made by the Student or a person who is the subject of the Complaint;
 - the letter from the Senior College Officer handling the Complaint at Stage Two to the Student setting out the Stage Two response;
 - the Complaint as received at Stage Three;
 - any other relevant documents; and
 - c) ensure that the Student and the Subject have copies of all of the documents

which are before the Panel.

- 7.10. The Student and the Subject shall also be informed that they are each entitled to be represented or accompanied at the hearing by a Friend. This Friend will normally be a member or employee of the College. A Panel will not allow legal or other professional representation for the Student or the Subject. The Student and the Subject shall inform the Secretary to the Panel of the identity of their respective Friends, indicating whether they will be representing or merely accompanying Friends, at least two working days before the hearing. It is the responsibility of the Student and the Subject to inform their Friends, if any, of the arrangements for the hearing. If a Friend is speaking on behalf of any person that person will surrender the right to speak on his or her own behalf, except as a witness. Unless the Panel agrees that exceptional circumstances prevent it, the Student must attend the hearing for the Complaint to be heard, and must be ready to appear as a witness at the Panel's request. This is so even if the Student has asked a Friend to speak on his or her behalf. The attendance of the Subject or a Friend of the Subject is not compulsory.
- 7.11. If the Student or the Subject wishes the Panel to take account of any additional documentation or written submissions, copies must be provided to the Secretary at least two working days before the hearing. Any documentation submitted after this date will not be considered by the Panel unless the Panel decides that exceptional circumstances warrant its inclusion. The Secretary will then ensure that it is circulated to the Panel and the other party as soon as possible.
- 7.12. At least five working days before the hearing, the Student and the Subject shall inform the Secretary of any witnesses they wish to call at the hearing. The Secretary will in advance of the hearing provide a list of witnesses to the Student, the Subject and the Panel. Witnesses will normally be required to give evidence in person at the hearing, and will be expected to answer questions from the Panel and from either party as allowed under 7.14 below. It is the responsibility of the person calling the witness to ensure that he or she attends. The Panel Chair may also request the attendance of witnesses not nominated by the parties, in which case it will be for the Secretary to ensure attendance and to notify the parties of the additional witnesses being called by the Panel.
- 7.13. Where the Student and the Subject agree that a witness need not attend, or where it is impracticable for a witness to attend, or where in the opinion of the Chair of the Panel it would not be appropriate for a witness to attend, the Panel may accept evidence given in a written statement. Any written statements should be submitted to the Secretary at least three working days before the hearing. The Secretary to the Panel will then circulate them to the other parties and the Disciplinary Panel as soon as possible.
- 7.14. The Student and the Subject will have the opportunity to address the Panel at the hearing, either in person or through their respective Friends. The Panel may also hear witnesses in any order and in any manner that to it seems appropriate, having regard to the requirements of natural justice. Questions will be asked of witnesses in the first instance by the members of the Panel. At the discretion of the Chair, the Student and the Subject may also (personally or through their Friends as the case may be) ask questions of any witnesses.
- 7.15. Subject to the above, the Panel has the power (having regard to the requirements of

natural justice) to regulate the procedures governing preparations for the hearing, and the hearing itself, so as to ensure that the process is fair and reasonable and, so far as appropriate, informal and flexible.

- 7.16. When the Panel members consider their findings and recommendations, each shall be given the opportunity to present and discuss his or her impressions and conclusions regarding the Complaint and the hearing. The Panel will attempt to reach a unanimous conclusion regarding its findings and recommendations. If a unanimous conclusion cannot be reached, a motion for a decision may be made by any Panel member other than the Chair. The success or failure of any motion shall be determined by majority vote. The Panel will not take account of any information or documents which were not available to the Student or which were not available to the Subject (if there is one) at or before the hearing.
- 7.17. The decision of the Panel will not be announced until at least the next working day after the hearing. The Panel may take up to five working days after the hearing to reach a decision. Within ten working days of the hearing, the Panel will produce a written report setting out their findings and recommendations, and the reasons for them. In case of a majority decision, the decision and the reasons shall be those of the majority. No dissenting opinion will be presented.
- 7.18. The decision of the Complaint Panel is final. Within five working days of the Panel's reaching a decision, the College will issue a Completion of Procedures letter to the Student, which allows the Student to proceed to Stage Four. The letter will contain or append the decision of the Panel and the reasons for it.

8. Stage Four: Complaint to the Office of the Independent Adjudicator under the national Student Complaints Scheme

- 8.1. A Student who is dissatisfied with the outcome of the internal procedures for hearing their Complaint may have their case reviewed by the Office of the Independent Adjudicator for Higher Education (OIA).
- 8.2. If the Student wishes to pursue the Complaint, he or she must apply to the OIA within 12 months of the issue of the Completion of Procedures letter.
- 8.3. The application form and guidance notes may be downloaded from the OIA's website: www.oiahe.org.uk. Hard copies are available from the Academic Office or the Student Welfare Office.



Equality Policy

1. The College's Aims

- 1.1 University College Oxford (the College) aims to provide an inclusive environment which promotes equality, and values diversity. The College aims to provide education of excellent quality for undergraduates and graduates, whatever their background in pursuit of this aim. We will work to remove any barriers which might deter people of the highest potential and ability from applying to the College. We will also maintain a working, learning and social environment in which the rights and dignity of all staff and students are respected.
- 1.2 In exercising its policies, practices, procedures and other functions the College will have due regard to its duties under The Equality Act 2010 and to the protected characteristics specified within it*
- 1.3 No prospective or actual student or member of staff (including all fellows, academic, academic-related and non-academic staff) will be treated less favourably than any other, whether before, during or after their study or employment at the College (subject to any legal constraints) in relation to the protected characteristics laid out in the Equality Act 2010: for the purposes of the Act, Fellows are members of staff/employees.

2. The College's commitment

- 2.1 The College will encourage applications for study and employment from the widest pool of potential candidates.
- 2.2 With regard to students, the College is committed to ensuring that all of its activities are governed by principles of equality of opportunity, and that all students are supported to achieve their full academic potential. Decisions on the admission of both undergraduate and graduate students will be based solely on the individual merits of each candidate and the application of selection criteria appropriate to the course of study.
- 2.3 This policy applies to (but is not limited to) admissions, to teaching, learning and research provision, to scholarships, grants and other awards under the College's

*The characteristics protected by the Equality Act 2010 are: age, disability, gender reassignment, marital or civil partnership status (in employment), pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation

control, to student support, to accommodation and other facilities, to health and safety, to personal conduct, and to student complaints and disciplinary procedures

- 2.4 With regard to staff (including all fellows, academic, academic-related and non-academic staff) , the College will ensure that entry into and progression within employment is determined solely by the criteria which are related to the post, the relevant pay band and personal merit. In all cases the ability to perform the job would be the primary consideration.
- 2.5 This policy applies to (but is not limited to) recruitment and selection (including advertising of jobs); training and development; promotion; pay and benefits (and conditions of service); facilities; health and safety; grievance and disciplinary procedures and termination of employment.
- 2.6 The Equality Act introduced a new Public Sector General Equality Duty, which requires the University to pay 'due regard' to the need to: eliminate unlawful discrimination, victimisation and harassment; advance equality of opportunity and foster good relations. This came into force on 5 April 2011, and replaced the previous separate equality duties for race, disability and gender. 'Specific duties', which aim to show how HEIs are responding to the general duty, were commenced on 10 September 2011. Institutions must meet both the general duty and the specific duties.

In order to realise its commitment, the College will:

- promote the aims of this policy
- promote equality and good relations between people who share a relevant protected characteristic and people who do not share it
- be proactive in eliminating discrimination, including harassment and bullying through training and the production and dissemination of codes of practice and guidance
- have regard to its obligations under relevant legislation, including the requirement to meet the Public Sector Equality Duties (the general duty and specific duty), ensure that its policies, codes of practice and guidance mirror the same, and reflect the provisions of new legislation
- whilst acknowledging that they are not legally binding, have regard to any Codes of Practice issued or adopted by the Equality and Human Rights Commission and relevant non-Statutory bodies
- make this policy, as well as all codes of practice and guidance, available to all staff and students; and
- regularly review the terms of this policy and all associated codes of practice and guidance.

3. Roles and Responsibilities

Governing Body and its major committees.

It is the responsibility of the Governing Body and its major committees to provide mechanisms through which the College's strategic objectives for equality and diversity can be delivered and also to work in partnership with the University to agree a fair and equitable division of responsibility under current and future equality legislation. The Governing Body provides leadership in all matters relating to equality and diversity and oversees the development of equality policy frameworks and their application in the College. The committee charged by the Governing Body with procedural advice and review will be the General Purposes Committee.

Heads of Department.

Heads of both academic and administrative departments are responsible for the day-to-day implementation and delivery of the College's strategic objectives for equality and diversity in accordance with the guidance attached to this policy.

4. Application.

- 4.1 This policy applies to all members of the College community, , both students and staff (including all fellows, academic, academic-related and non-academic staff) whether permanent, temporary, casual, part-time, or on fixed-term contracts, to job applicants, to student applicants, current and former students, to associate members, and to visitors to the College.
- 4.2 All members of the College community have a duty to act in accordance with this policy, and therefore to treat colleagues with respect at all times and not to discriminate against or harass other students or members of staff, whether junior or senior to them.
- 4.3 The College expects all its staff (including all fellows, academic, academic-related and non-academic staff) to take personal responsibility for familiarising themselves with this policy and to conduct themselves in an appropriate manner at all times to respect equality of opportunity for all staff, students, applicants and visitors.
- 4.4 The Equality Policy is closely linked to the Flexible Working Policy, the Parental Leave Policy and the Code on Harassment.

- 4.5 The existence of our Equality Policy, other related policies and legislation cannot by themselves prevent discrimination. The College's members, students and staff (including all fellows, academic, academic-related and non-academic staff) should critically examine their behaviours and seek to challenge themselves, and influence others, in order to ensure the College is achieving its aims.

5. Complaints

- 5.1 The College regularly assesses the impact of its policies on its students and its staff (including all fellows, academic, academic-related and non-academic staff), and on applicants for admission to or employment in the College. Students who consider they have experienced or perceived improper discrimination or anything adverse to equality of opportunity are requested to state their complaint or concern, as appropriate, to a Tutor, or the Dean, Senior Tutor, Domestic Bursar, Junior Deans, or other College officer, or to the Welfare Officer or Women's Officer of the Junior or Middle Common Room. Others associated with the College who have such a concern may state it as provided for by their terms of employment or by statute XII part VI.
- 5.2 The College monitors the admission and progress of students, and appointments and progress of staff by reference as legally required to categories such as sex, nationality (including citizenship), and ethnic or national origins. The collated results are considered at least once a year by a committee¹ responsible for advising the Governing Body whether considerations of equality of opportunity call for changing any policy, arrangement, or practice, corporate or individual. They are considered by the Governing Body at least annually, and after that are available on request from the Academic Office (for student data) and HR (for staff data).
- 5.3 The College regards any breach of this policy by any employee(s) or student(s) as a serious matter to be dealt with through its agreed procedures and which may result in disciplinary action. Any prospective or current student or member of staff who has a complaint concerning a breach of this policy may bring such a complaint to the College. The procedures for dealing with concerns about breaches of this policy are set out below:

5.3.1 Candidates for admission

Queries about admissions should be directed to;
Tutor for Admissions (andrew.bell@univ.ox.ac.uk) for undergraduate admissions
Tutor for Graduates (peter.jezzard@univ.ox.ac.uk) for postgraduate admissions

5.3.2 Students of the College

1. In relation to students, this is the Academic Committee; in relation to others associated with the College it is the General Purposes Committee.

Allegations of harassment and bullying are covered by the College Policy and Procedure on Harassment , which can be found here:

<http://www.univ.ox.ac.uk/content/regulations-and-policy-documents>

Any other complaint should be made under the Student Complaints Procedure, which can be found here:

<http://www.univ.ox.ac.uk/sites/www4.univ.ox.ac.uk/files/Student%20Complaints%20Procedure%20v1.1.pdf>

5.3.3 Applicants for employment

Applicants for employment should refer any concerns in writing to the HR Advisor/Manager in the first instance.

5.3.4 Members of staff

Allegations of harassment and bullying are covered by the College Policy and Procedure on Harassment and Bullying. Other complaints should be handled under the College Grievance Procedure

6. **Prevent Duty**

6.1 University College upholds its staff's and students' rights to freedom of expression and confidentiality. While securing and protecting the existing rights (in the absence of serious crime) to confidentiality and privacy and at all times to equal treatment under the law, it takes seriously its statutory duty under the Counter-Terrorism and Security Act 2015 (the 'Prevent' Duty) to have due regard for the need to prevent people from being drawn into terrorism. Any suspected breaches of those rights will be referred to the Master for investigation by a panel of College officers.

7. **Other relevant Policies and Review Date**

7.1 The Equality Policy is closely linked to other College policies which are available on the website or through the Equalities Officer:

- Flexible Working Policy
- Parental Leave Policy
- Code on Harassment
- Prevent Action Plan and Risk Assessment

7.2 The College will review the Equality Policy on a four-year cycle. The next review will take place in Hilary Term 2020.

Definitions of Equality and Diversity and Discrimination

¹**Equality** is about creating a fairer society where everyone can participate and has the same opportunity to fulfil their potential. Equality is backed by legislation designed to address unfair discrimination based on membership of a particular group.

²**Diversity** is about recognising that everyone is different in a variety of visible and non-visible ways. It is about creating a culture and practices that recognise, respect and value difference. It is about creating a workforce/student community who feel valued and respected and have their potential fully utilised in order to meet College goals. It is about harnessing this potential to create a productive environment in which the equally diverse needs of individuals can be met.

Discrimination

The areas of discrimination where the law offers protection are:

Direct discrimination is where a person is treated less favourably than another in a similar situation on a protected ground.

Specific forms of direct discrimination have also been defined:

- **Associative (transferred) discrimination** is now extended to cover age, disability, gender reassignment and sex. This is direct discrimination against someone because they associate with another person who possesses a protected characteristic.
- **Perceptive discrimination** is now extended to cover disability, gender reassignment and sex. This is direct discrimination against an individual because others think they possess a particular protected characteristic. It applies even if the person does not actually possess that characteristic
- **Disability related direct discrimination:** is where a person discriminates against a disabled person if, on the ground of that person's disability, he or she is treated less favourably than a person not having that particular disability has been or would have been treated.
- **Disability - reasonable adjustments:** is where employers are obliged to make reasonable adjustments to premises or working arrangements to prevent a disabled person from being placed at a substantial disadvantage compared with persons who are not disabled.

Indirect Discrimination is where a rule or practice is applied across the board, but it operates to particularly disadvantage a protected group when compared to others outside the group, unless the rule is needed to achieve a legitimate aim, and the means of achieving that aim are appropriate and necessary.

Victimisation is where an individual who has sought to enforce their rights, or has helped another to do so, has as a result been treated less favourably than others who have not complained.

Harassment where an individual is subjected to unwanted conduct on a protected ground which has the purpose or effect of violating his or her dignity or of creating an intimidating, hostile, humiliating, or offensive environment.

Protected Characteristics

The nine protected characteristics on the grounds upon which discrimination is unlawful are:

Age - refers to a person belonging to a particular age (e.g. 32 year olds) or range of ages (e.g. 18 - 30 year olds).

Disability - a person has a disability if s/he has a physical or mental impairment which has a substantial and long-term adverse effect on that person's ability to carry out normal day-to-day activities.

Gender reassignment - the process of transitioning from one gender to another.

Marriage and civil partnership - marriage is defined as a 'union between a man and a woman'. Same-sex couples can have their relationships legally recognised as 'civil partnerships'. Civil partners must be treated the same as married couples on a wide range of legal matters. The public sector equality duty does not apply to this characteristic.

Pregnancy and maternity - pregnancy is the condition of being pregnant or expecting a baby. Maternity refers to the period after the birth, and is linked to maternity leave in the employment context. In the non-work context, protection against maternity discrimination is for 26 weeks after giving birth, and this includes treating a woman unfavourably because she is breastfeeding.

Race - refers to a group of people defined by their race, colour, and nationality (including citizenship) ethnic or national origins.

Religion or belief - Religion has the meaning usually given to it but belief includes religious and philosophical beliefs including lack of belief (e.g. Atheism). Generally, a belief should affect your life choices or the way you live for it to be included in the definition.

Sex - a reference to a man or to a woman

Sexual orientation - Whether a person's sexual attraction is towards their own sex, the opposite sex or to both sexes



Guidance on Confidentiality in Student Health and Welfare

Executive Summary

The law has long recognised a general duty of confidence. This arises in relation to information which is not in the public domain and which is given to someone who knew (or should have known) that the information was being given to him or her in confidence. In addition to this general duty, obligations of confidentiality can arise through contract or under a number of statutory provisions including the Data Protection Act. The Human Rights Act 1998 has further added to existing obligations of confidentiality by providing a right to respect for private and family life. In all cases the duty of confidence is not absolute and may normally be overridden in circumstances where there is an overwhelming public interest or legal obligation to do so.

Information given in confidence by a student must therefore, as a general rule, be treated in a confidential manner. This would include information about a student's physical or mental health or financial circumstances. A failure to respect confidentiality might lead to legal action in certain circumstances.

Except in the special circumstances described in the full version of the College's Policy on Confidentiality in Student Health and Welfare, and summarized below, confidential information should be shared with others only with the explicit consent of the student concerned. Where consent is given, the information must be disclosed only to those with a need to know, preserving strict confidentiality in relation to other third parties. Where consent is withheld, the consequences of not being able to disclose the information should be explained clearly to the student, particularly where these are detrimental to their interest. For example, in the case of a student with a disability, it might not be possible to meet their particular needs unless information about their condition were disclosed to others.

Families do not enjoy special privileges which override the right of the student to respect for confidentiality. Except in the circumstances described below, confidential information should be disclosed to parents or other family members only with the consent of the student. (Special considerations apply to those under 16.)

Students have the same general obligation as staff to respect the privacy of others in their everyday behaviour, in what they say to the student, local and national press and in their use of electronic communication.

In certain very specific circumstances it might be necessary to break confidentiality, that is, to disclose information without consent, for example, where there appears to be a risk that the student will harm himself/herself or others, or where the student is seriously ill. The College owes a duty of care to all its members, staff and students, and in some circumstances it might not be able to discharge this duty without infringing

confidentiality. For example, if information were provided in confidence about a serious sexual assault, the College might be held liable if it failed to take steps to end the threat posed by the alleged perpetrator. However, even when it is judged necessary, for whatever reason, to break confidentiality, every effort should be made to obtain consent first, and to ensure that only those with a need to know are contacted.

Judging whether a student will harm themselves or others can be very difficult, requiring expertise beyond that which can be expected of most college staff; if in doubt, always seek the advice of the college doctor, the college nurse or a member of the University Counselling Service.

Those to whom information has been given in confidence, or who have acquired information which they regard as confidential, may be concerned about the welfare of a student but uncertain whether they should disclose this information or not. In these circumstances it may be sensible to seek advice from an appropriate person e.g. a senior college officer or the college doctor, on whether the matter is sufficiently important to breach confidentiality, and, if so, to whom they should report their concerns. This should be done without divulging the name of the student concerned. It is always possible to seek general advice without naming individuals. A concern for confidentiality need not, and should not, prevent communication that is necessary to help students in difficulty.

1. Introduction

- 1.1. This document is intended for all those involved in student health and welfare within the College for whom confidentiality might be an issue, and is designed to encourage consistency in the way individual cases are handled. "Health" covers both physical and mental health.

2. Legal context

- 2.1. By virtue of the Human Rights Act 1998, which came into force on 2 October 2000, the rights enshrined in the European Convention on Human Rights have been incorporated into English law. Article 8 of the Convention provides a right to respect for private and family life. The Article reads as follows:
 - i. Everyone has the right to respect for his private and family life, his home and his correspondence.
 - ii. There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others.
- 2.2. Although the qualifications on the right to privacy set out above reflect previously

accepted assumptions in relation to limits on confidentiality, the explicit inclusion of this right in the UK legislation is likely to enhance general awareness of the importance to be attached to individual privacy.

- 2.3. Individuals may reasonably expect information given in confidence to be treated in a confidential manner and a failure to respect confidentiality may give rise to a claim in certain circumstances. (Special considerations apply to those aged under 16).
- 2.4. The Data Protection Act of 1998, which has substantially revised and updated earlier legislation relating to data protection, imposes new obligations on those holding personal data both as to the purposes for which data may be held and to the persons to whom it may be disclosed, and those obligations are particularly stringent in the case of sensitive personal data (as defined in the Act). Further information is available on the University's website.
- 2.5. The Special Educational Needs and Disability Act (SENDA) extended the provisions of the Disability Discrimination Act to education with effect from September 2002. Institutions are required to treat people with disabilities no less favourably than others, and, where necessary, to make reasonable adjustments to policies, practices, and procedures in order to achieve this. This could have implications for confidentiality. Educational institutions will need to ensure that students are aware that information about their disability may need to be provided to others so as to meet their particular needs. If, however, a student insists on confidentiality, it may be necessary to inform him or her that it will not be possible to make certain provisions.

3. General Principles

Respect for confidentiality

- 3.1. A general respect for privacy means that matters relating to the health and welfare of individuals must be treated as confidential.
- 3.2. Those advising students should make it clear at the outset of a discussion whether the content is to be confidential and the extent of the confidentiality to be afforded to any disclosures. In particular they should inform the student of:
 - a) the concern on the part of the institution to respect privacy, wherever possible;
 - b) the circumstances, if any, under which information might be shared with a third party, taking account of the duty of care which may be owed to the individual and/or others; and
 - c) the individuals or body who might be informed in such circumstances.

Seeking consent

- 3.3. Those involved in advising students should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to

know. Where such consent is not forthcoming, the person entrusted with the information should make it clear that in exceptional circumstances, it may be necessary to disclose the information to others, whilst also making it clear that such disclosure would be on a need-to-know basis only, preserving strict confidentiality in relation to any other third party.

Duty of Care

- 3.4. Notwithstanding specific legislation and the expectation of an individual who provides information in confidence, the University and its colleges must bear in mind that in certain circumstances they may owe a duty of care to individuals that cannot be discharged unless the institution takes action on information provided in confidence. It is not possible to provide an exact delineation of the extent of such a duty of care. However, where information concerns potential harm to an individual or to others, the institution must weigh the duty of confidentiality against that potential harm. For example, if an individual provided information in confidence about a serious sexual assault, the institution would be at risk if it failed to take steps to ensure that the alleged perpetrator was not a continuing risk to that or other individuals.

Seeking advice

- 3.5. Those to whom information has been given in confidence, or who have acquired information which they regard as confidential, may not always be sure whether they should disclose this information or not. In these circumstances it may be sensible to seek advice from an appropriate person e.g. a college officer or the college doctor, on whether the matter is sufficiently important to breach confidentiality, and, if so, to whom they should report their concerns. This should be done without divulging the name of the student concerned. A concern for confidentiality need not, and should not, prevent communication that is necessary to help students in difficulty.

Promises of confidentiality

- 3.6. It is not always appropriate or sensible to give absolute assurances of confidentiality to those who may wish to talk about personal problems. It may be necessary to say that information may be shared with others who need to know it, if this is in the best interests of the individual and the community, and that this will be carried out with the utmost discretion. Persons with both pastoral and disciplinary responsibilities may need to say in particular that matters of a disciplinary nature may need to be discussed with others.

Discussion with college doctors, college nurses and the Student Counselling Service

- 3.7. It is often helpful for tutors or others to talk to college doctors, college nurses or members of the University's Student Counselling Service about undergraduate or graduate students' difficulties; the individual's consent to do so should be sought.

If consent is not forthcoming, it may still be helpful to seek general advice from the doctor, nurse or counsellor without identifying the student concerned.

In exceptional circumstances college doctors, college nurses and counsellors may wish to speak to the senior members of a college about a student. If the student is unwilling, confidentiality will be respected unless there are reasons not to within the relevant professional guidelines (see section 4 below).

The Student Counselling Service's Liaison Scheme, whereby colleges may elect to have a named counsellor with whom they can liaise, is specifically designed so that college members can seek the advice of someone who is familiar with the college context.

Contact with families

- 3.8. Since students are over 16 and therefore technically adults, it is generally inappropriate to speak to a student's family against the student's wishes. Contact may occasionally be justified in the students' best interests e.g. when a student is at risk of self-harm or suffering from a serious physical illness. The decision to do so should be made at the highest level and the student should normally be informed.

Students on professional courses

- 3.9. Special considerations apply to students on courses leading to qualifications for professions governed by codes of conduct and health intended to protect the public e.g. medicine, social work and teaching. Any concerns about the health or behaviour of a student on one of these courses may be discussed with the department concerned, in the first instance without divulging the name of the student. Advice may also be sought from the college doctor or the Head or Deputy Head of the Student Counselling Service.

4. Professional guidelines

Doctors and their professional colleagues

- 4.1. There are explicit and strict guidelines on medical confidentiality which are codified by the General Medical Council. Doctors have the discretion to share information with other members of the healthcare team, for example, college nurses. There are limited exceptions to confidentiality – statutory and in the public interest. The General Medical Council states:

"Disclosures may be necessary in the public interest where a failure to disclose information may expose the patient, or others, to risk of death or serious harm. In such circumstances you should disclose information promptly to an appropriate person or authority."

Student Counselling Service

- 4.2. The Student Counselling Service is an organisational member of the British Association for Counselling and Psychotherapy and abides by its Ethical Framework for Good Practice. Confidentiality remains with the staff of the Service and information will not normally be conveyed outside the Service without permission. If a student were considered to be a danger to him/herself or to others then the student's consent would still be sought before information was conveyed to others. If this consent were not given then a counsellor would consult with a senior member of the team before a decision to break confidentiality was taken. This would have particular relevance if the student were considered to be no longer able to take responsibility for his/her actions. Any breach of confidentiality would be minimised by restricting the information conveyed both to that which is pertinent to the immediate situation and to those persons who can provide the help required by the client.

Chaplains

- 4.3. The College Chaplain, as a minister of religion, operates with strict ethical codes as regards information disclosed to him or her in confidence. Like counsellors and doctors, he or she may very occasionally be required to divulge information given in confidence if the person concerned is seen to be a danger to him/herself or to others. The Chaplain, like other college officers, is a member of the same community in which he or she exercises pastoral care, so students often encounter him or her in a variety of social settings. Confusion can result as to the exact status of a conversation and the information imparted in these circumstances. The Chaplain, like other college officers and staff, should make clear the understanding of confidentiality within which he or she works.

Others subject to specific confidentiality requirements

- 4.4. All members of the College's welfare team, and other officers and staff who may become involved in any matter relating to health, welfare, disability support or financial hardship are also subject to the College's policy on confidentiality in student health and welfare. They too recognize both the need to maintain privacy and, very occasionally, to divulge information given in confidence if the person concerned is seen to be a danger to him/herself or to others.
- 4.5. Students are welcome to speak to their own tutors or to the Senior Tutor about any issue that may be concerning them, especially if they think that it might affect their academic work. They are also welcome to approach the Chaplain & Welfare Fellow, the College Nurse, or any other member of the College's welfare team. Members of the welfare team will treat their concerns in confidence, except in the exceptional circumstances described above. The Student Welfare Office operates independently of the Academic Office, and information is normally only passed from the former to the latter with the consent of the student involved.

5. Offering students a choice of help

- 5.1. Students may speak to any member of the College's welfare team, to their own tutor or, in the case of graduate students, to their college adviser, about any personal or medical circumstances that may be troubling them. They may also approach their Doctor. Sharing such information with another member of the College or with a Doctor may be very helpful, and should not in general be seen as resulting in adverse academic or other consequences. In all such cases, care is taken to respect an individual's privacy, and to respect confidentiality. The College Doctor is bound by the normal medical practice of confidentiality, but there are often circumstances in which it is desirable for the student concerned to be asked to give permission for information to be passed on in confidence to the relevant College Officer. It will not necessarily be the case that all the people available for consultation will need to be informed about such problems in all cases. Who is informed in each case will depend on the particular circumstances and individual judgment will be required. While assurance about absolute confidentiality cannot be given on respect of personal discussions between junior and senior members, information will only be disclosed in exceptional circumstances and on a need to know basis.
- 5.2. Students may also speak to any member of the College's welfare team, to their own tutor or, in the case of graduate students, to their college adviser, if they have concerns about another student, or if they wish to raise a general area of concern without naming an individual. They may also approach their Doctor. Sharing such information with another member of the College or with a Doctor may be very helpful, and should not in general be seen as resulting in adverse academic or other consequences. In all such cases, care is taken to respect an individual's privacy, and to respect confidentiality. The College Doctor is bound by the normal medical practice of confidentiality, but there are often circumstances in which it is desirable for the student concerned to be asked to give permission for information to be passed on in confidence to the relevant College Officer. It will not necessarily be the case that all the people available for consultation will need to be informed about such problems in all cases. Who is informed in each case will depend on the particular circumstances and individual judgment will be required. While assurance about absolute confidentiality cannot be given on respect of personal discussions between junior and senior members, information will only be disclosed in exceptional circumstances and on a need to know basis.
- 5.3. It is possible that students may share their problems with other students. The students consulted should be aware that they also have the same obligation as Fellows and College Officers to respect the privacy of others in their everyday behaviour, and also in what they say to the student, local and national press and in the use of electronic communication. It is often helpful for students consulted in this way to talk to a member of the College's welfare team, or to a College Doctor. However, the individual's consent to do so should normally be sought, unless the student is concerned that there is significant risk of serious harm to the student who has consulted him or her or to other people. In some circumstances, students may wish to seek general advice from a college officer without divulging the name of a particular individual for whom they have concerns.
- 5.4. Students may also seek help outside the College. Those whom they might approach outside the College include the University Counselling Service, OUSU, Nightline and the

NHS.

6. Specific problems

Major behavioural and emotional problems

- 6.1. Major mental illness may well impair capacity to take decisions about confidentiality, seeking help and any other course of action. The senior member responsible for college welfare should act in the public interest. It is important to seek the advice and help of the college doctor. Counselling and psychiatric treatment can help people with mental health problems to gain a clearer understanding of their own and other people's boundaries.
- 6.2. If a student is causing considerable college concern but is initially unwilling to consult the college doctor or to allow a senior member to consult the college doctor, a senior member with pastoral experience may well be able to achieve a satisfactory solution. Alternatively a senior member may wish to contact the Student Counselling Service to discuss possible sources of help. There may be circumstances in which the college will feel that the concern about individual welfare or of disruption of college life is so great that they must insist upon a medical report as a condition of continuing residence.

Discipline and ill health

- 6.3. The College has formal procedures for dealing with serious problems arising from ill health which come to light in the course of a disciplinary investigation or otherwise.

Discharge from hospital

- 6.4. Hospital staff can be expected to contact general practitioners about students discharged from the emergency department or inpatient wards with significant medical problems. Doctors, together with the College Nurse, will be able to undertake continuing responsibility and will be fully aware of the consequences for the College. Student patients will often be willing for hospital or college doctors to speak to college senior members as appropriate and it is helpful if those responsible for student welfare have discussed issues and procedures with their college doctor and nurse.

Risk of self-harm

- 6.5. If it appears that a student is at risk of self-harm worries should be reported to a senior member of the College with pastoral responsibilities. It is often sensible to discuss these concerns directly with the student. The College Doctor or Student Counselling Service should be consulted. The doctor or counsellor may have confidential information and be unable to comment about a particular case. Even so, it can be useful to discuss general issues rather than individuals. Self-harming activity can vary in its level of immediate danger. That is why discussion with a professional is important to assess what action is needed. Where there are clear indications that the student is in imminent and serious danger a doctor should be consulted as quickly as possible and if necessary the

emergency services contacted.

- 6.6. When students have been admitted to the John Radcliffe Hospital following self-harm they will routinely receive a psychiatric assessment and the College Doctor will be informed (apart from a small proportion of non-admitted emergency department attendees). The College Doctors and Nurse will consider further care, including the implications for the College and other students. If, additionally, a student is referred to the Student Counselling Service after assessment at the John Radcliffe Hospital the service receives the same discharge information as the college doctor.

Serious crime

- 6.7. Victims of serious crime, including sexual crime may fear reporting the matter to the police. Victims can be assured that complaints can be made to the police discreetly and no further action will be taken without full discussion with the complainant.

7. Dealing with the media

It is important that all staff and members of the College should be careful about speaking to the media. It's the College's policy that it is usually the Dean or the Master who speaks to the media on behalf of the College.

[Amended August 2014]