



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

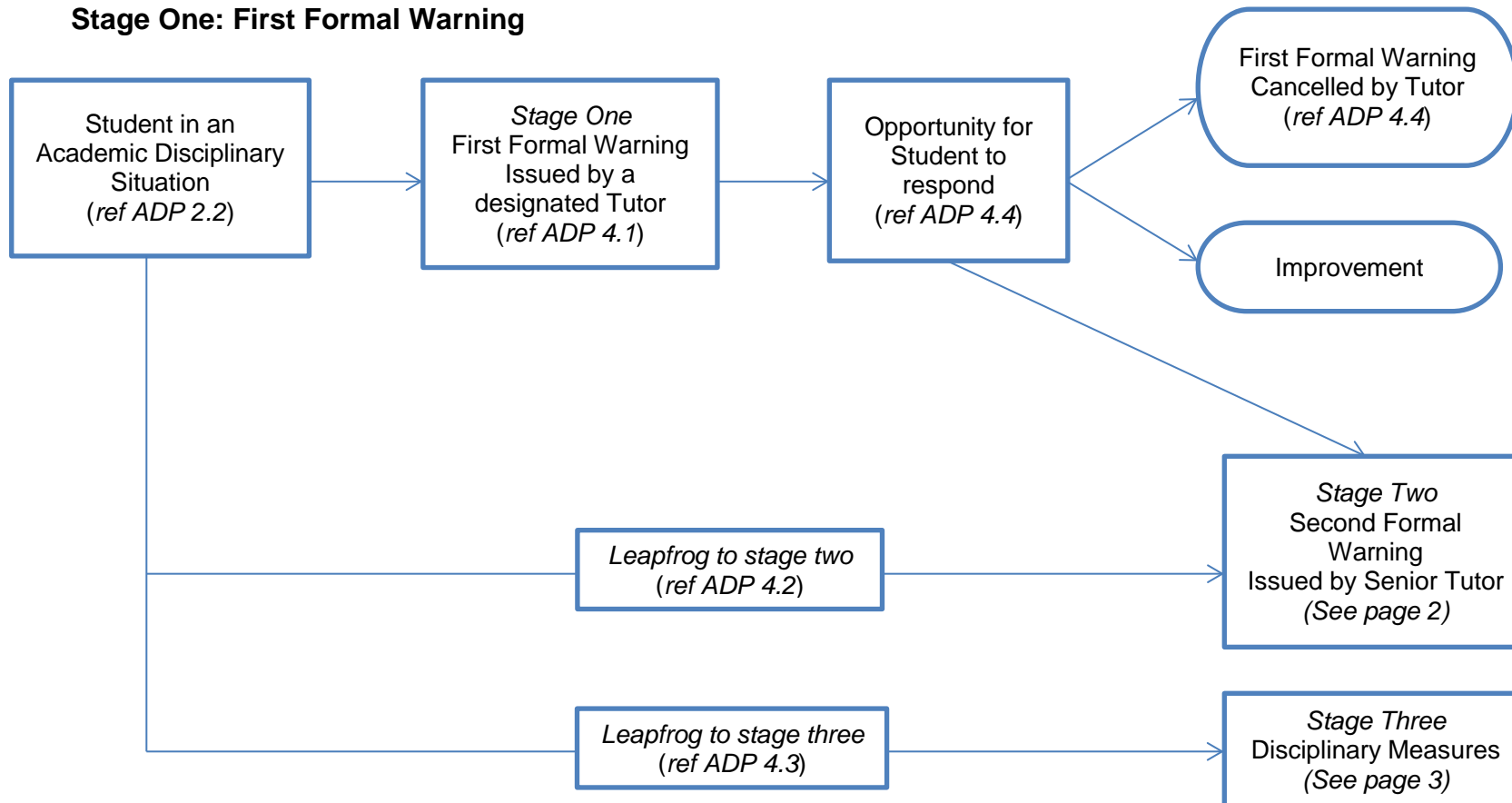
https://weblearn.ox.ac.uk/access/content/group/test1-conf_coll/Public%20Documents/Appeal%20Tribunal/

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

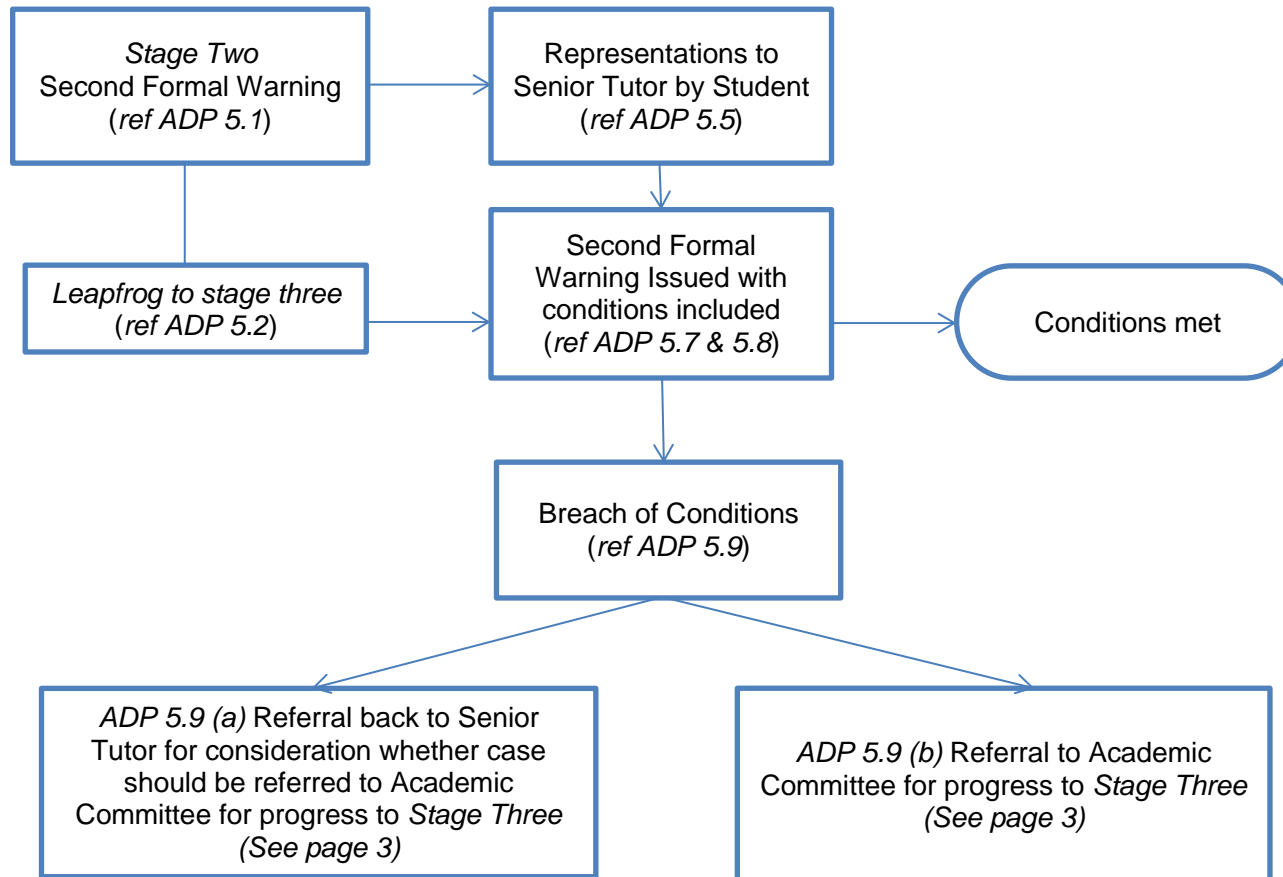
Flowchart of Academic Disciplinary Process

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

Stage One: First Formal Warning

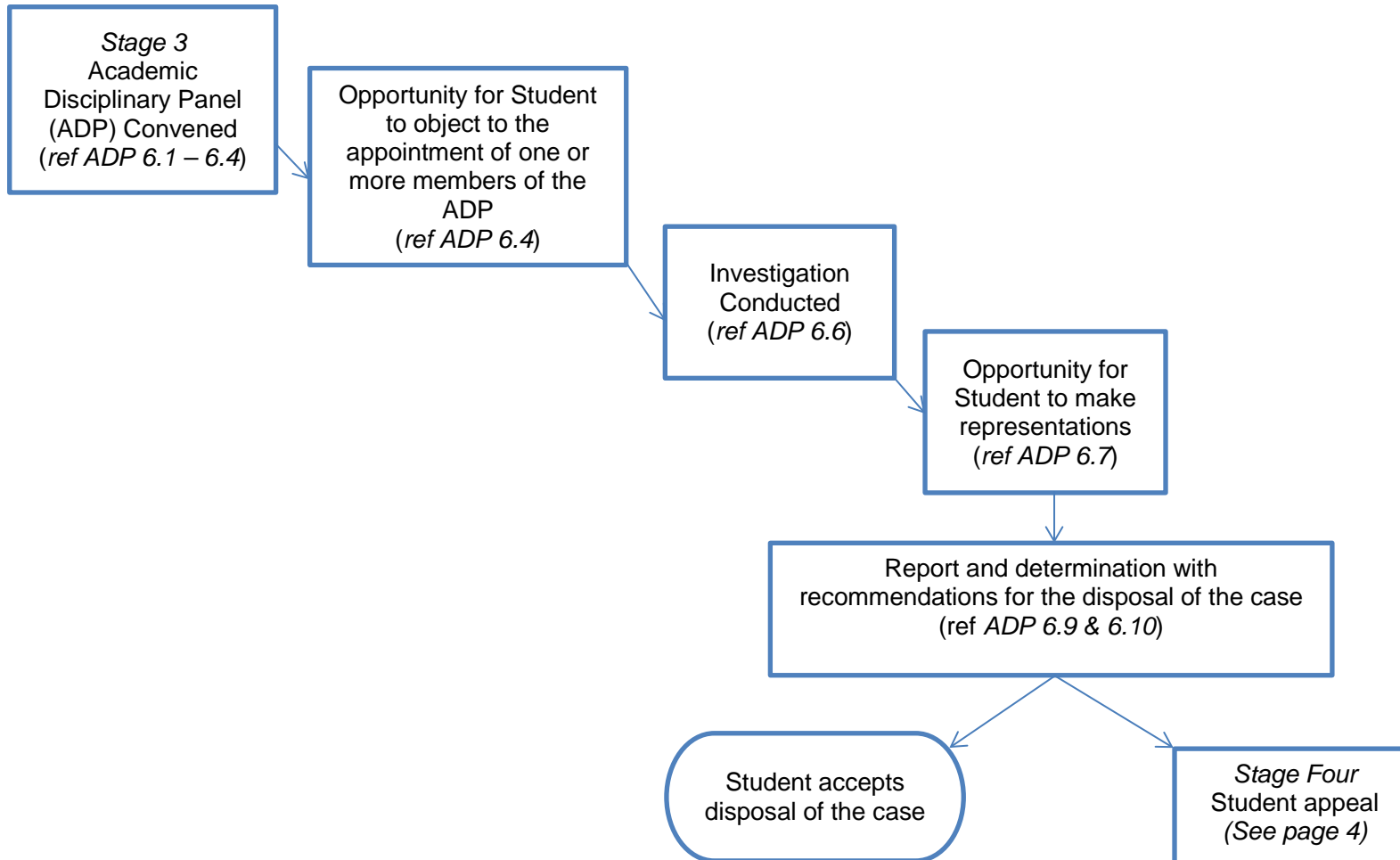


Stage Two: Second Formal Warning





Stage Three: Disciplinary Measures



Stage Four: Appeal

