

BY-LAW ON DISCIPLINE, ILL-HEALTH AND STUDENT MEMBERS

I. Definition of terms

For the purposes of this by-law, the following words and terms have the following meanings:

- a) The term 'Student Member' includes any person who is registered or enrolled at the College for a degree or diploma or otherwise, whether matriculated or not e.g. as a Visiting Student.
- b) 'Expulsion' by the College means the permanent loss of membership of the College and the University.
- c) 'Rustication' by the College means the withdrawal of the right of access to all of the premises or facilities of the College for a fixed period or pending the fulfilment of certain conditions.
- d) 'Banning' by the College means a withdrawal of the right of access to specified premises or facilities for a fixed period or pending the fulfilment of certain conditions.
- e) 'Suspension' by the College means a withdrawal of a right of access to all of the College premises or facilities as an interim measure pending further investigation, or where action is required in a non-disciplinary situation. Suspension may be for a limited period pending the fulfilment of certain conditions or may be indefinite.
- f) 'Harassment' means unwanted and unreasonable behaviour which has the purpose or effect of either violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.
- g) "In a College context" means:
 - i. on College premises;
 - ii. in the course of College activity within or outside Oxford, whether academic, sporting, social, cultural or other.

h) Ill-health means medical, psychological or emotional problems which have a deleterious impact on the health, safety and/or welfare of a Student Member and/or any other member of College or staff.

i) The masculine shall include the feminine.

II. Complaints of misconduct

1. The Disciplinary Procedure may be initiated by any employee or member of the College or the Common Room who has good reason to believe that a Student Member has breached the College rules. The complainant shall refer the matter to the Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the Student Member concerned and giving details of the alleged breach.
2. No member of the College shall intentionally or recklessly:
 - a) Disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College;
 - b) Disrupt or attempt to disrupt the lawful exercise of the freedom of speech by members, employees and visiting speakers invited by the College. Student Members are expected to comply with the College's Code of Practice on Freedom of Speech (<http://www.linacre.ox.ac.uk/About/Policies/FreeSpeech>);
 - c) Obstruct or attempt to obstruct any officer, employee or agent of the College in the performance of their or her duties;
 - d) Damage or deface any property of the College or of any member, officer or employee of the College, or knowingly misappropriate such property;
 - e) Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by College authorities concerned;
 - f) Forge or falsify expressly or by implication any University or College certificate or document or knowingly make false statements concerning standing or results obtained in examination;
 - g) Engage in any activity likely to cause injury or to impair safety;

- h) Engage in violent, indecent, disorderly, threatening or offensive behaviour or language;
- i) Engage in the harassment of any member, visitor, employee or agent of the College;
- j) Engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College office;
- k) Refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given;
- l) Use, offer, sell or give to any person drugs the possession or use of which is illegal;
- m) Engage in conduct in breach of the Statutes and Regulations of the University (<http://www.admin.ox.ac.uk/proctors/info/pam/section10/>);
- n) Engage in conduct in breach of College Regulations;
- o) Fail to comply with a previously-imposed penalty under this by-law.

III. Jurisdiction

1. Where an alleged breach of the rules constitutes, in the opinion of the Dean, a violation of the law, the Dean shall immediately refer the matter to the Police. Where a Student Member is subject to criminal proceedings arising out of the alleged breach of the rules, the Dean shall not normally proceed with the case other than, if appropriate, temporarily to suspend him from residence or from use of College facilities.
2. If the alleged breach of the rules is not proceeded with as a criminal matter by the prosecuting authorities, the Dean shall then deal with the matter as though it had not been referred to the Police.

3. If a Student Member is convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (whether or not such a sentence was in fact imposed) the Governing Body shall have power, after hearing any representation that the Student Member may wish to make, to expel the Student Member or impose such lesser penalty as it shall see fit.
4. Where an alleged breach of the University Statutes or regulations has not in the opinion of the Dean, occurred within a College context, the Dean shall immediately refer the matter to the Proctors. Where a Student Member is subject to an investigation by the Proctors arising out of the alleged breach of the rules, the Dean shall not normally proceed with the case other than, if appropriate, temporarily to suspend him from residence, or from use of College facilities.
5. If the complaint relates to activity which falls within the College's Code of Practice on Harassment [http://www.linacre.ox.ac.uk/uploads/image/docs/Harassment \(member version\).doc](http://www.linacre.ox.ac.uk/uploads/image/docs/Harassment%20(member%20version).doc) whether or not it constitutes 'harassment' for the purpose of this by-law, the Dean shall consider whether the complaint should more appropriately be dealt with under the informal procedures set out in the Code. If she takes the view that the complaint should not be so dealt with she shall deal with the matter under the Disciplinary Procedure.
6. In the event that a Student Member is expelled by the University, such expulsion shall apply to the College also, subject to a right of appeal to the Governing Body.
7. In the event that a Student Member is disciplined by the University for conduct in breach of College and/or University statutes or regulations, a penalty of suspension or rustication imposed by the University shall apply also to College premises and facilities, subject to a right of appeal to the Governing Body.

IV. Disciplinary Procedure

1. When an alleged breach of the College rules involves a Student Member resident in College or in College premises, the Dean shall have the authority, where the seriousness of the alleged breach justifies it, to suspend the Student Member from

residence or from use of College facilities, with immediate effect, for as long as the Disciplinary Procedure is in operation.

2. Provided that, in the opinion of the Dean, the complaint is not frivolous or vexatious, she shall, if possible within 24 hours of receiving the report of the alleged breach, require in writing the Student Member concerned to come for an interview with him. she will stipulate the time and place for the interview and shall normally provide the Student Member with 24 hours' notice of the interview. The notification of the interview shall give particulars of the alleged breach of the College rules and information on the support that is available to the Student Member. The Student Member shall be told that they may bring a member of the College or an Oxford University Student Union adviser to the interview to assist him.
3. At the interview, the Dean shall explain to the Student Member that they can:
 - i. admit the alleged breach and continue with the interview so that the Dean may gather information relevant to the penalty;
 - ii. deny the alleged breach and continue with the interview as an investigative process, which may be adjourned if either the Dean or the Student Member reasonably require evidence in relation to the alleged breach to be provided by other persons.
4. At the close of the interview the Dean may, dependent on its nature and outcome, either:
 - i. take no further action;
 - ii. accept an admission that a breach has been committed. After hearing any mitigation she may:
 1. EITHER impose an admonition or one or more of the penalties (a) to (c) listed in Paragraph 5 below.
 2. OR refer the case to the Disciplinary Committee if the breach is of such seriousness that it warrants a penalty outside the Dean's own powers.

- iii. if the breach is not admitted, refer and present the case to the Disciplinary Committee;
- iv. or, if in the Dean's opinion the nature and seriousness of the alleged offence would not warrant a penalty outside the Dean's own powers she may offer the Student Member the choice of accepting the Dean's jurisdiction or having the matter referred to the Disciplinary Committee. The Student Member must be reminded that the scope of the penalties available to the Disciplinary Committee is wider than those available to the Dean.

5. The Dean may impose one or more of the following penalties:

- a) a fine up to a maximum value of £200;
- b) payments in compensation for damage to College property or the property of an employee or College member or fines imposed on the College as a consequence of the breach of rules;
- c) banning from specified premises or facilities for a fixed period of time not exceeding ten weeks;

6. The details of any breach established and any admonition and/or penalty imposed shall be entered on an appropriate record and signed by the Dean and the Student Member. One copy of the record shall be given to the Student Member and one retained by the Dean. The Dean will file her record in a sealed envelope that may only be opened by him or the Principal. This will be held in the student's file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.

7. A Student Member may appeal to the Disciplinary Committee against a determination or penalty imposed by the Dean. The Student Member shall inform the Dean of their or her intention to exercise the right of appeal within seven days of the receipt of the Dean's determination.

8. The appeal shall include:

- a) A copy of the decision being challenged;
- b) A brief statement of the facts;

- c) A statement of the arguments on which the application is based;
 - d) The appellant's request for a remedy.
9. The Student Member may not introduce new evidence at this appeal stage unless they can show that they could not reasonably have obtained the evidence in time to put it before the Dean.
10. The Dean shall report to the Governing Body at the end of each academic year on the number and kinds of complaints of misconduct (if any) considered during the year, and the number and kinds of penalty imposed.

V. Disciplinary Committee

1. There shall be a Disciplinary Committee to consider charges of misconduct which may be brought against Student Members by the Dean and appeals by a Student Member against a finding of a breach or imposition of any of the penalties (a) to (c) imposed by the Dean under Section IV, Paragraph 5 above.
2. The Committee shall consist of:
- i. two members of the Governing Body, not being officers of the College, appointed by the Governing Body;
 - ii. two Student Members of the Common Room chosen by lot from a panel of five members who shall be appointed by the Common Room; and
 - iii. a non-voting chairman, who shall be either a Fellow of the College who is not a member of the Governing Body, or a member or former member of the College, being a member of the Congregation of the University but not a member of the Governing Body, appointed by the Governing Body after considering recommendations from the Executive Committee of the Common Room.

Members of the Disciplinary Committee shall hold office for one academic year and shall be eligible for re-appointment.

3. Members of the Disciplinary Committee shall confirm, through the Chairman, that they have no conflict of interest in the matter to be considered by way of a

close personal relationship with the student concerned, or involvement in the alleged breach. If the Student Member against whom an allegation of misconduct has been made objects to an appointment they should advise the Chairman without delay.

4. If a member of the Disciplinary Committee appointed under Sub-paragraph 2:i or iii above is unable or unwilling to attend a hearing, the Governing Body shall appoint another member to serve in their place, provided that if there is no convenient meeting at which such an appointment can be made, the appointment of a member with the specified qualifications shall be made by the Principal.
5. If a member of the Committee selected under Sub-paragraph 2:ii above is unable or unwilling to attend a hearing, another member of the panel shall be chosen by lot to fill their place.
6. In the event of the procedures prescribed in paragraphs 2-5 failing to produce a full complement of members able and willing to serve within reasonable time, the Committee may proceed, provided that not fewer than three members, excluding the Chairman, are present at the hearing.
7. If, after a hearing has begun, a member of the Disciplinary Committee cannot continue to attend, the remaining members, provided that there are not fewer than three, shall complete the hearing, if fewer than three members remain, the hearing shall be abandoned, and a fresh one convened.
8. A Student Member against whom an allegation of misconduct has been made shall be informed in writing of the nature of the allegation not later than fourteen days before the date set for the hearing by the Disciplinary Committee.
9. A Student Member appearing before the Disciplinary Committee to answer an allegation of misconduct or to make an appeal against a finding of a breach or a penalty imposed by the Dean shall be informed of the support that is available to them both within the University and elsewhere. The Student Member shall be told that they may bring a member of the College or an Oxford University Student Union adviser to the hearing to assist them.

10. At the hearing the Chairman shall explain the procedure to be followed and shall read out the allegation of a breach of the rules against the Student Member. The Chairman will explain that the Student Member can:
 - i. admit the alleged breach and continue with the hearing so that the Dean may make a recommendation to the Disciplinary Committee as to the penalty;
 - ii. deny the alleged breach and continue with the hearing so that both the Dean and the Student Member may present their case.
11. The case against the Student Member shall be presented by the Dean. The Dean and the Student Member shall be required to disclose to the Chairman of the Disciplinary Committee, at least 48 hours before the hearing, the evidence (including, if appropriate, witness statements) on which they intend to rely at the hearing. The Dean and the Student Member shall have the right to call, to examine, and to cross-examine witnesses.
12. If any person required to attend such a hearing before the Disciplinary Committee fails to make an appearance, the Committee may, at its discretion, adjourn the proceedings and in particular, if the Student Member refuses, or fails without good reason to appear before the Disciplinary Committee, it may deal with their case in their absence, if satisfied that proper notice has been given.
13. The Student Member may write a letter to the Chairman of the Disciplinary Committee at least 48 hours before the hearing, outlining any mitigating factors that they think are applicable in their case. Where these mitigating factors include medical evidence, they must submit a report from a qualified medical practitioner.
14. The Chairman shall arrange for the hearing to be recorded and arrange for transcription, if required, at a later stage. The transcription shall be made available to the Student Member upon request.
15. The standard of proof shall be the civil standard, namely the balance of probabilities.

16. At the conclusion of the hearing, the Disciplinary Committee shall determine by the vote of a majority of the voting members present, whether any breach of the rules has been established. If the vote is tied then the Chairman shall have a casting vote.
17. Subject to a right of appeal, any decision of the Disciplinary Committee shall be final and binding on the Student Member.
18. If the Disciplinary Committee finds the breach of rules established it may impose one or more of the following penalties. The Student Member may be:
 - a. expelled;
 - b. rusticated for a fixed period of time or pending the fulfilment of certain conditions;
 - c. banned from specified premises or facilities for a fixed period of time or pending the fulfilment of certain conditions;
 - d. fined up to a maximum of £500;
 - e. required to make payments in compensation for damage to College property or the property of an employee or College member or fines imposed on the College as a consequence of the breach of rules;
 - f. deprived of any scholarship or other financial assistance of which they may be in receipt from the College or of any part thereof;
 - g. suspended from such scholarship or assistance or from any part thereof.
19. The Committee shall inform the Student Member in writing, as soon as is possible, of its determination. If the Disciplinary Committee imposes a penalty, the Student Member shall be given a reasoned decision in writing.
20. If the Disciplinary Committee is of the opinion that none of the penalties specified in Paragraph 17 would be adequate, having regard to the circumstances of the offence and of the offender, it may make a recommendation for a different penalty in writing to the Governing Body, giving its reasons. A written copy of the recommendations shall be given to the Student Member charged.

21. The details of any breach established and any admonition and/or penalty imposed shall be entered on an appropriate record and signed by the Chairman of the Disciplinary Committee and the Student Member. One copy of the record shall be given to the Student Member and one filed in a sealed envelope that may only be opened by the Dean or the Principal. This will be held in the student's file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.
22. A Student Member may appeal to the Governing Body against any determination or penalty imposed by the Disciplinary Committee under Paragraph 17 above or recommendation for a penalty made under Paragraph 19 above. They should give notice to the chairman of the Disciplinary Committee within seven days of receiving the written decision of their intention to appeal.
23. The appeal shall include
 - a) A copy of the decision being challenged
 - b) A brief statement of the facts
 - c) A statement of the arguments on which the application is based
 - d) The appellant's request for a remedy
24. The Student Member may not introduce new evidence at this appeal stage unless they can show that they could not reasonably have obtained the evidence in time to put it before the Disciplinary Committee.
25. The Disciplinary Committee shall report to the Governing Body at the end of each academic year on the number and kinds of charges and appeals (if any) considered by it during the year, and the number and kinds of penalty imposed.

VI. Appeals to the Governing Body

1. Governing Body shall consider at an extraordinary meeting, any recommendation made by the Disciplinary Committee under Section V, Paragraph 19 above and any appeal by a Student Member against a finding of a breach or imposition of any penalty or recommendation to Governing Body for a penalty made by the

Disciplinary Committee. The Student Member shall be given at least fourteen days' notice of the meeting in writing.

2. Meetings of the Governing Body held under the provisions of Paragraph 1 shall be attended by the official members only, save that, and notwithstanding the provisions of paragraph 6 of Statute III concerning reserved business, the members of the Governing Body specified in paragraph 2(b), and (c) of Statute III may attend and vote if the Student Member whose case is being considered so wishes.
3. The Student Member shall have the right to attend the meeting and, if making an appeal, to be heard by the Governing Body, and to bring with them a member of the College or an Oxford University Student Union adviser to assist him.
4. The Secretary to the Governing Body shall arrange for the hearing to be recorded and arrange for transcription, if required, at a later stage. The transcription shall be made available to the Student Member upon request.
5. The case against the Student Member or the case for the recommendation of a penalty made under Section V, Paragraph 18 above shall be made by the Chairman of the Disciplinary Committee.
6. All the members of the Disciplinary Committee shall have the right to attend the meeting of the Governing Body at which a recommendation under Section V, Paragraph 19 above or an appeal by a Student Member is heard, but the Dean and members of the Committee who are also members of the Governing Body shall not vote on the recommendation or appeal thereat.
7. At the conclusion of the meeting, the Governing Body shall determine by the vote of a majority of the voting members present, whether any breach of the rules has been established. If the vote is tied then the Principal shall have a casting vote.
8. The Governing Body shall have power to reverse, confirm or alter the decisions appealed against, and to annul, reduce, confirm or increase the penalties imposed, provided that it shall not impose a penalty of expulsion or rustication that is more

severe than the penalty appealed against. Its decision shall be final. The Student Member making the appeal shall be given a reasoned decision in writing.

9. The details of any breach established and any admonition and/or penalty imposed shall be entered on an appropriate record and signed by the Principal and the Student Member. One copy of the record shall be given to the Student Member and one filed in a sealed envelope that may only be opened by the Dean or the Principal. This will be held in the student's file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.
10. The Student Member is to be reminded of the right of students, once the College's procedures have been completed, to appeal to the Conference of Colleges Appeal Tribunal, and thereafter to take complaints to the Office of the Independent Adjudicator for Higher Education (OIA) or such other appeal mechanism as the Colleges of Oxford may collectively provide or approve from time to time.

VII. Ill-Health, Discipline and Fitness to Study

1. All those concerned in implementing this procedure shall respect the need for strict medical confidentiality. They must also take due regard of the College's obligations under equality legislation and duty to make reasonable adjustments.
2. If the Dean believes that ill-health may be the cause of serious disciplinary problems for a Student Member and that the nature or extent of ill-health may not yet have been properly assessed, she shall refer the Student Member for assessment to the College Doctor or any other health professional approved by the College for this purpose. The Chairman of the Disciplinary Committee shall act similarly in cases where disciplinary proceedings by the Committee have begun. If disciplinary procedures have already been commenced, they shall be adjourned depending a determination under this procedure.
3. If the Dean believes that as a result of ill-health, a Student Member is not able to study without there being a significant risk to their health, safety or well-being, or the health, safety or well-being of others, she shall refer the Student Member for

assessment to the College Doctor or any other health professional approved by the College for this purpose.

4. In any event where the Student Member's conduct gives rise to a need for urgent action, the Dean may suspend the Student Member forthwith pending investigation, such suspension not to exceed 14 days. The Student Member shall have a right of appeal to the Principal or to his deputy appointed for this purpose, in respect of such an interim order.
5. If the Dean or Chairman, having considered the doctor's assessment, is of the opinion that a further opinion would be helpful, or if the College Doctor recommends it, she may request that the Student Member have an independent specialist assessment, in which case any expense will be borne by the College.
6. In the event that the Student Member refuses to co-operate with an assessment by the College Doctor, or any other health professional approved by the College, the Dean shall have the authority (where the seriousness of the alleged disciplinary problem or the risks to the student or other College members justifies it) to suspend the Student Member from residence or from use of College facilities, if necessary, with immediate effect, pending satisfactory completion of that assessment.
7. If, having considered any health assessments, the Dean or Chairman is satisfied that ill-health is not an important cause of serious disciplinary problems, she may resume disciplinary proceedings.
8. If, having considered any health assessments, the Dean is satisfied that there is little or no risk to a student's health, safety or well-being or the health, safety or well-being of others she may recommend that the student is fit to study.
9. If, having considered any health assessments, the Dean or Chairman is of the opinion that that ill-health is the sole or an important cause of serious disciplinary problems for a Student Member or that the student is not fit to study, she shall arrange a meeting with:
 - a) The Director of Graduate Studies from the Student's department or faculty;
 - b) The Student's College Adviser;

- c) The College Disability Adviser;
- d) A representative of the University Disability Advisory Service or Counselling Service as appropriate.

At the Dean's or Chairman's discretion, the Student Member may be present at the meeting and/or may be represented by a third party. The purpose of the meeting shall be to agree on a course of action which may include but is not limited to:

- a. A decision to absolve the Student Member, whether absolutely, or subject to conditions which may include a plan of action to help the Student Member manage their health problems;
 - b. A decision to suspend the Student Member from residence or from use of College facilities, pending satisfactory management of their health problems;
10. If the University and College representatives are unable to reach agreement on the appropriate course of action then the case shall be referred to the University Fitness To Study Panel.
11. In the event that the Student Member is suspended, there shall be a right of appeal to the Disciplinary Committee.