APPENDIX C - STUDENT MEMBERS: DISCIPLINE

Note: Disciplinary Rules are promulgated by College in order to prevent danger or harm to any member or employee of the College, to protect college property, to preserve the privacy, and tranquility of all members of the college, to prevent harassment, and to preserve the reputation and safe, efficient functioning of the college. To this end disciplinary powers are vested in the Dean, a Student Disciplinary Committee, and a Student Members’ Appeal Committee, and in special circumstances in the Principal or other senior members of College, with Governing Body having a controlling power over all disciplinary actions.

I Disciplinary Code

No Student 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, or disrupt or attempt to disrupt the lawful exercise of the freedom of speech by members, students, and employees at College and by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of his or her duties;

(b) damage or deface any property of the College or of any member, officer or employee of the College, or knowingly misappropriate such property;

(c) occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by the College;

(d) forge or falsify expressly or impliedly any University certificate or document or knowingly make false statements concerning standing or results obtained in examination;

(e) engage in any activity likely to cause injury or to impair safety;

(f) engage in violent, disorderly or threatening or offensive behaviour or language;

(g) engage in the harassment of any member, visitor, employee or agent of the College;

(h) engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College office;

(i) 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;

(j) use, offer or sell or give to any person drugs, the possession or use of which is illegal;

(k) engage in conduct in breach of the Statutes and Regulations of the University published from time to time;
(I) engage in conduct in breach of College regulations regarding conduct in examinations;

(m) engage in conduct in breach of College regulations regarding the use of the College library;

(n) engage in any other conduct which is detrimental to the interests of the College.

II Criminal offences

If a Student Member is convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (and 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.

III University offences

(a) If 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.

(b) If 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 procedures

1. For the purposes of the Disciplinary Procedure the Student Disciplinary Committee shall consist of a Chairman and four members from the Governing Body. The Principal, the Vice-Principal, the Senior Tutor, the Dean or the Bursar, may not serve as a member of the Committee. At the point where a matter has been referred to the Committee, the Chairman will convene a panel consisting either of the Chairman and two other members of the Committee or of three members of the Committee, one of whom the Chairman will nominate as Acting Chairman.

2. The Disciplinary Procedure may be initiated by any member or employee of the College who has good reason to believe that a Student Member has breached College rules. This person (if not the Dean) 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.

3. The Dean shall, as soon as practicable after the Disciplinary Procedure has been initiated, inform the Student Member’s College Tutor or Adviser (as the case may be) of the nature of the alleged offence and the steps which have been taken.

4. 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 and after consultation with the Principal) to suspend the student from residence or from use of College facilities, if necessary, with immediate effect, for as long as the Disciplinary Procedure is in operation.

5. Where an alleged breach of the rules constitutes in the opinion of the Dean, a sufficiently serious offence, the Dean shall immediately refer the matter to the Police, and 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 temporarily to suspend the Student Member from residence, or from use of College facilities if appropriate.

6. 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.

7. If the complaint relates to activity which falls within the College's Code of Practice on Harassment, 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 procedure set out in the Code. If the Dean takes the view that the complaint should not be so dealt with the Dean shall deal with the matter under the Disciplinary Procedure.

8. The Dean shall, if possible, within 24 hours of receiving the report of the alleged breach, require in writing the Student Member concerned to attend for interview at a time and place stipulated 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.

9. At the interview, the Dean shall explain to the Student Member that he or she can:

   (a) admit the alleged breach and continue with the interview;

   or

   (b) 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.

If the Student Member opts for (a) the Dean shall elicit all information about the breach relevant to penalty.

If the Student Member opts for (b) the Dean shall investigate whether the alleged breach is established.

10. (a) At any stage of the interview, the Dean may, if it seems appropriate in all the circumstances refer the matter to a Student Disciplinary Committee.
At the close of the interview the Dean may, dependent on its nature and outcome:

(i) take no further action;

or

(ii) if the breach is admitted, after hearing any mitigation impose a penalty upon or admonish the Student Member concerned. No fine greater than £200 may be imposed by the Dean in these circumstances. The Student Member may appeal to the Principal regarding the penalty, which the Principal may uphold or vary within the range of penalties available to the Dean.

or

(iii) if the breach is not admitted, refer and present the case to the Student Disciplinary Committee; 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 he or she may offer the Student Member the choice of accepting the Dean’s jurisdiction or having the matter referred to the Student Disciplinary Committee. The Student Member must be reminded that the scope of the penalties available to the Student Disciplinary Committee is wider than those available to the Dean.

(c) If in case (iii) the Student Member opts to accept the Dean’s jurisdiction the Dean’s decision may only be appealed to the Principal. The Student Member shall notify the Dean in writing of the intention to exercise the right of appeal within 48 hours of his or her receipt of the Dean’s determination. Subject to this right of appeal, any decision of the Principal shall be final and binding on the Student Member concerned.

(d) If in case (iii) the Student Member declines the Dean’s jurisdiction the Dean must refer the matter to the Student Disciplinary Committee.

11. The details of any breach established and/or any 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 retained by the Dean, one given to the Student Member and one lodged with the College Office.

12. (a) The Student Disciplinary Committee will be informed by the Dean where there is a reference under paragraph 10(a) (b) or (d) above, of the particulars of the alleged breach of the rules, of the name or names of the Student Member(s) involved, and of any known witnesses.

(b) Within, if possible, five days of the reference the Student Disciplinary Committee shall require in writing the Student Member concerned and witnesses to attend for a hearing at a time and place stipulated, with usually two full days’ notice. Such notice shall state the details of the alleged breach of rules.

13. (a) The Principal will be informed by the Dean where there is an appeal under
paragraph 10(c) above, of the particulars of the breach of rules, of the penalty imposed, of the name or names of the Student Member(s) involved, and of any known witnesses.

(b) Within, if possible, five days of the appeal the Principal shall require in writing the Student Member concerned and witnesses to attend for a hearing at a time and place stipulated, with usually two full days' notice. Such notice shall state the details of the alleged breach of rules and the penalty imposed.

14. If any person required to attend a hearing before the Student Disciplinary Committee fails to make an appearance, the Committee may, at its discretion, adjourn the proceedings and in particular, if the Student Member concerned fails to appear, may deal with the case in his or her absence, if satisfied that proper notice has been given.

15. The Chairman of the Student Disciplinary Committee shall explain the procedure to be followed at the hearing and shall read out the complaint of alleged breach of the rules against the Student Member.

16. At the hearing the Student Disciplinary Committee shall take in writing a statement of evidence from the Student Member concerned and from each witness, including the replies to any questions that the Committee may wish to put. Each such statement on completion shall be read through and shall incorporate any amendments and additions the Student Member wishes to make and thereafter be signed and dated by the Student Member.

17. If in the course of such hearing the Student Disciplinary Committee are given the names of additional potential witnesses, whose evidence they consider may be significant, they shall follow, so far as appropriate, the procedure referred to in 13 above so as to arrange their attendance.

18. At the conclusion of the hearing, the Student Disciplinary Committee shall determine whether any breach of the rules has been established, taking into account any representations made by or on behalf of the Student Member.

19. If the Student Member required to attend such an interview fails to appear, the Student Disciplinary Committee may deal with the case in his or her absence, if satisfied that proper notice has been given.

20. At the conclusion of the hearing, the Student Disciplinary Committee may acquit, or if guilt is found, may determine an appropriate and proportionate penalty (if any) taking into account any representations made by or on behalf of the Student Member. The Committee shall inform the Student Member and the Governing body in writing, as soon as is practicable, of its determination.

(a) Penalties may include:

(i) A fine up to £500.
(ii) A requirement to live out of the college for one or more terms.

(iii) Rustication (ie suspension of the membership of the college) for 1 to 3 terms.

(iv) Expulsion from the college.

(v) A period of Disciplinary Probation of 1 or more terms. If the terms of a probation order are breached the original offence will be re-considered by the Student Disciplinary Committee as well as the fact that the order has been breached and another penalty from (i) – (iv) of the above imposed.

(vi) Any damage to the college or to a member which can be compensated in financial terms may result in an order to pay such compensation in addition to any other penalty imposed.

(vii) Any other proportionate penalty as the Committee thinks fit.

(b) Any penalty imposed may be suspended for a period of 1 or more terms. Where a further offence of any nature is alleged during the period of such suspension the original penalty may be imposed or varied along with any sanction for the subsequent offence at the discretion of a new Committee.

21. The Student Member shall have the right to appeal from a decision of the Student Disciplinary Committee to the Student Members’ Appeal Committee constituted in accordance with Bylaw II. The Student Member shall notify the Dean in writing of the intention to exercise the right of appeal within 48 hours of his or her receipt of the Student Disciplinary Committee's determination. Subject to this right of appeal, any decision of the Student Disciplinary Committee shall be final and binding on the Student Member concerned.

22. The procedures attendant upon an appeal to the Student Members’ Appeal Committee shall be the same as those attendant upon a reference to a Student Disciplinary Committee with any necessary modifications.

23. Where a penalty of rustication or expulsion is imposed, the penalty must be referred to Governing Body with an explanation of why the penalty was imposed. Governing Body may then either uphold the penalty, or refer the matter back to the Committee for it to substitute some lesser penalty. Governing Body shall not save in extraordinary circumstances take any other form of action. Governing Body shall not act under this section until the right of appeal under section 21 has lapsed or an appeal process begun under section 21 has been completed. No member of the Student Disciplinary Committee or (where there has been an appeal process) the Appeal Committee may take any part in Governing Body’s discussion or decision on the matter.
24. Any findings of a breach of the Student Disciplinary Code set out in Part I above or of other College rules by the Dean, a Student Disciplinary Committee or a Student Members’ Appeal Committee should be based upon the balance of probabilities.

25. The Student Member is to be reminded of his or her right of appeal to the Office of the Independent Adjudicator for Higher Education from any determination of the Governing Body, or to such other person or body who may lawfully take the place of the Visitor.

26. The Dean, or the Student Disciplinary Committee, or the Student Members’ Appeal Committee, or the Principal when hearing a matter appealed directly from the Dean, shall permit the Student Member to be accompanied by another member of college if the Student Member so wishes.

27. Any time limits contained in this disciplinary procedure may be extended at the discretion of the Dean, the Principal, the Student Disciplinary Committee or the Student Members’ Appeal Committee as is appropriate.

V Principal’s Emergency Powers

(a) The Principal shall have the authority to suspend a student member’s membership of the college for a period of up to 28 days where the Principal believes this is necessary for the safety or welfare of that member or any other member or the safe and effective running of the college.

(b) Where the Principal is not available, the emergency power in (a) may be exercised by the Vice-Principal or if the Vice-Principal is not available, by three or more senior members of the Governing Body.