



ST ANTONY'S COLLEGE OXFORD

CODE OF STUDENT DISCIPLINE

Introduction

Students at Oxford University ["the University"] are subject to two separate (but complementary) Codes of Student Discipline. Firstly, the University of Oxford Statutes and Regulations and secondly, the Code of Student Discipline of their individual college. University Statutes and Regulations can be accessed via the following links:

<http://www.admin.ox.ac.uk/proctors/info/pam/section10.shtml>

<http://www.admin.ox.ac.uk/proctors/info/pam/section11.shtml>

<http://www.admin.ox.ac.uk/proctors/info/pam/section13.shtml>

<http://www.admin.ox.ac.uk/eop/har/>

1. This Code of Student Discipline ["the Code"] applies to students of St Antony's College. ["the College"].

Definitions

2. (i) The term 'Student' shall include any person who is registered as a student whether for a degree or diploma or otherwise.
(ii) 'Expulsion' (i.e. sending down for good) by the College shall mean the permanent loss of membership of the College and the University.
(iii) 'Banning' by the College shall mean a withdrawal of the right of access to specified premises or facilities for a fixed period or pending the fulfilment of certain conditions.
(iv) 'Rustication' (i.e. sending down temporarily) by the college shall mean the withdrawal of the right of access to all of the premises or facilities of the College (including tuition) for a fixed period or pending the fulfilment of certain conditions.
(v) 'Suspension' by the College shall mean a withdrawal of a right of access as above where action is taken as an interim measure pending further investigation. Such withdrawal may be for a limited period pending the fulfilment

of certain conditions or may be indefinite. Suspension shall be a neutral act.

(vi) 'Harrasment' shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person and includes bullying.

(vii) The masculine shall include the feminine, and the singular the plural.

Persons to whom the Code applies

3. The Code is applicable to each student registered as a student at the College. All students shall be subject to the Code both on and off University and College premises.

Misconduct shall be defined as:

4. (i) improper interference, in its broadest sense, with the functioning or activities of the College or those who work, study or are accommodated in the College; and/or,

(ii) activity or failure to act in a way, which otherwise damages the College or its reputation or those who work, study or are accommodated in the College.

5. The following paragraphs elaborate the general principle set out in paragraph 4 but not to derogate from the generality of paragraph 4, and are acts of misconduct:

(i) breach of the University of Oxford Statutes and Regulations;

(ii) breach of any College Code of Practice which may be issued or amended from time to time by the Governing Body of the College;

(iii) conviction of a criminal offence by any Court of competent jurisdiction or a formal caution issued by the Police;

(iv) where a student is studying with the aim of obtaining a professional qualification or the right to practice a particular profession or calling any conduct which might render that person not fit to be admitted to or practice that profession or calling;

(v) disruption or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College, or disruption or attempt to disrupt the lawful exercise of freedom of speech by members, students or employees of the College or by visitors and residents, or obstruction

- or attempt to obstruct any officer, employee or agent of the College in the performance of his or her duties;
- (v) damage or action to deface any property of the College or of any member, officer, employee of the College or person being accommodated in the College, or knowing misappropriation of such property; or action to harm any member, officer, employee of the College or person being accommodated in the College;
 - (vi) occupation or use or attempt to occupy or use of any property or facilities of the College except as may be authorised by the College authorities;
 - (vii) forgery or falsification, expressly or impliedly, of any University or College certificate or document or any certificate or document submitted to the University or the College or knowingly making false statements concerning standing or results obtained in examination;
 - (viii) engagement in any activity likely to cause injury to or to impair safety of any person;
 - (ix) engagement in any fraudulent or dishonest behaviour towards the College or its members, officers, visitors, employees, agents or persons being accommodated in the College;
 - (x) refusal to disclose his or her name to an officer or employee or agent of the College in circumstances where such person has identified him or herself and has explained the reason for the requested disclosure, and it is reasonable to have required disclosure of the student's name;
 - (xi) use, offer, sale or gift of substances to any person, the possession or use of which is illegal;
 - (xii) engagement in conduct in breach of College regulations regarding conduct in examinations;
 - (xiii) engagement in conduct in breach of the relevant regulations regarding the use of the College libraries;
 - (xiv) engagement in any other conduct which is seriously detrimental to the interests of the College;
 - (xv) failure to co-operate with regard to any investigation being carried out pursuant to this Code or a failure to comply with a previously imposed condition or

penalty imposed under this Code.

6. Non-payment of monies due and owing

- (i) The non-payment of any monies due and owing by a student to the College shall be an act of misconduct.
- (ii) the Dean may suspend the student concerned on receipt of confirmation from the Bursar that the debt is outstanding. The procedures in paragraphs 8 – 18 below do not apply. Any suspension imposed by the Dean solely in respect of non-payment of monies owed will be lifted on confirmation from the Bursar of receipt of payment of the debt.

Initial procedures

- 7. (i) An allegation of misconduct may be initiated by any member of the College.
- (ii) An allegation of misconduct by a student of the College shall be made in writing to the Dean as soon as is practicably possible after the alleged event.
- (iii) The Dean may decide to:
 - (a) dismiss the allegation in which case the matter shall be terminated;
 - (b) agree with the student concerned a course of action which may include informal resolution through mediation; this may be arranged through the GCR President or the College Registrar. Informal remedies may include a letter of apology;
 - (c) issue a warning or caution to the student;
 - (d) if informal resolution is not successful or appropriate, conduct a formal investigation and hearing as provided below;
 - (e) advise the complainant to refer the matter to the police where the allegation is of criminal conduct; if the outcome is a formal police caution or a criminal conviction this will be deemed to be an act of misconduct under section 5 (iii) of this Code;
 - (f) provide the complainant with information about any or all of the following: the College's welfare provision and its policies on equality and harassment. These are available on the College website:

<http://www.sant.ox.ac.uk/welfare/index.html>

http://www.sant.ox.ac.uk/policies/Equal_Opportunities_Policies.pdf

<http://www.sant.ox.ac.uk/policies/harass.pdf>

Investigation and Hearing by the Dean

8. The Dean may, if the alleged matter is serious or likely to disrupt the proper functioning or work of the College, suspend the student concerned from residence or from use of College facilities for such period as the Dean may decide is necessary, including if necessary until the Dean completes the investigation and has made a determination.
9. The Dean shall appoint an Investigating Officer. The Investigating Officer shall be a member of the College or any person whom the Dean in his sole discretion shall decide to appoint. The Investigating Officer shall:
 - (i) carry out any investigations as are considered necessary;
 - (ii) collect any further documents as are considered necessary;
 - (iii) prepare a written report for the Dean;
 - (iv) prepare a written statement of the particulars of misconduct.

Hearing by the Dean

10. The Dean shall arrange a hearing as soon as practicable after receiving the Investigating Officer's report. At least 8 working days before the appointed hearing date, the Investigating Officer shall cause to be sent to the student concerned:
 - (i) a copy of the Code;
 - (ii) any relevant documents;
 - (iii) the names of any witnesses who will give written or oral evidence;
 - (iv) a written statement of the particulars of misconduct.
11. At least 4 working days before the hearing the student shall provide to the Dean:
 - (i) copies of any documents that the student intends to rely upon; and,
 - (ii) the names of any witnesses whom the student would like to give written or oral

evidence.

(iii) No other documents may be presented at the hearing or further witnesses called unless the Dean decides it is fair and reasonable to do so.

12. The hearing shall be in private. The Dean may appoint a Legal Adviser to attend and/or advise on procedure but who shall take no part in the decision making process.

13. During the Hearing:

(i) the procedure at the hearing shall, subject to paragraphs (ii) to (x), be determined at the discretion of the Dean;

(ii) the student may be assisted by one representative.

(iii) the allegation shall be presented to the Dean by the Investigating Officer or such other person as the Investigating Officer may designate;

(iv) the Investigating Officer may call as witnesses persons who can give relevant evidence. The student or the student's representative may question the witnesses and, if so, the Investigating Officer may ask further questions;

(v) The student or the student's representative may call as witnesses persons who can give relevant evidence. The Investigating Officer may question the witnesses and if so, the student or the student's representative may ask further questions;

(vi) if a witness is likely to be in distress, the Dean may permit the witness to be accompanied by any person. If the witness is a vulnerable witness then the Dean may allow that witness to give evidence behind screens or make such other arrangements as appropriate;

(vii) The Investigating Officer may question the student if the student gives evidence;

(viii) The Dean may question the student and/or any witnesses;

(ix) The Investigating Officer and the student or the student's representative may make formal submissions to the Dean;

(x) Prior to making the decision, the Dean shall give the student the opportunity to make written representations in mitigation of any penalty which may be imposed if the allegation is upheld.

14. After the hearing, the Dean shall give the decision to the student either orally (in which case it shall be confirmed in writing) or in writing within five days of the date of the conclusion of the hearing. The written communication to the student shall set out the misconduct, the decision, the reasons for the decision and any penalty imposed.
15. On finding an allegation of misconduct proved, the Dean may impose one or more of the following penalties:
 - (i) Reprimand
 - (ii) Warning
 - (iii) Fine of not more than the maximum amount to be determined by the Governing Body from time to time
 - (iv) Payment of compensation in whole or in part in respect of damages to property or injury to the person. The compensation shall be paid to the College or to the owner of the property damaged or to the person injured as the Dean shall decide
 - (v) Removal of scholarship
 - (vi) Exclusion from prescribed college premises or faculties (including libraries) for a period of up to one year or pending the fulfilment of conditions such conditions to be prescribed by the Dean
 - (vii) Rustication which shall mean the withdrawal of the right of access to all premises or facilities of the College (including tuition) for a fixed period or pending fulfilment of conditions as shall be decided by the Dean
 - (viii) Expulsion which shall mean the permanent loss of membership of the College
 - (ix) In the event that a student is expelled by the University, such expulsion shall apply to the College also. If, following a successful appeal to the appropriate University body, the expulsion is revoked, the student's expulsion from the College will also be revoked. In the event that a student is disciplined by the University for conduct in breach of University Statutes or Regulations, any penalty of suspension or rustication imposed by the University shall apply also to College premises and facilities. If, following a successful appeal to the appropriate University body, the penalty is revoked, the corresponding College penalty will also be revoked.

- (x) In circumstances where the Dean is unable to identify the Student or members who has or have broken any of the College rules, it may be necessary for the Dean to apply a collective sanction by way of fine or withdrawal or suspension of facilities. In such circumstances the Dean will exercise his discretion to confine such sanction to as small a group as he considers appropriate (e.g. residents of a particular building or members of a club). It is recognised, however, that this may include all members of the GCR. Adequate opportunity shall be given before any such sanction is implemented for the actual offender to identify himself or herself or to be identified by others. In the case of such identification there will be no collective sanction in respect of the breach. Individuals may make representations to the Dean who will have power to review or modify his decision as to why such sanction should not be imposed upon them. If necessary, the Dean can refer the question of a collective sanction to the Management Executive Team in closed business.
- 16. Before deciding the penalty to be awarded the Dean shall take into account the effect on the student's or students' ability and eligibility to take an examination or complete a course of work as well as the interests of the College.
- 17. In fixing any financial penalties the Dean shall have regard to the student's or students' financial means.
- 18. In imposing a penalty on a student pursuing a course leading to a professional practice the Dean, if appropriate, shall have regard to the relevance of the misconduct in relation to the student's fitness to be professionally registered and the Dean may take advice in this regard.
- 19. The Dean shall inform the student or students of the right to appeal to the Joint Disciplinary Committee.

Appeal

- 20. If the student decides to appeal then the Dean shall be entitled, if appropriate, to suspend the student (or continue an existing suspension) from residence or the use of College facilities pending the determination of the appeal.
- 21. A student against whom an allegation of misconduct has been upheld may appeal in writing to the Joint Disciplinary Committee ["Committee"] within 14 days of the date of the written notification of the Dean's decision.
- 22. The letter of appeal shall be addressed to the Warden of the College and must

specify the grounds of appeal which shall be one of the following:

- (i) that the conclusions of fact determined by the Dean having regard to the evidence cannot be reasonably sustained;
 - (ii) that the penalty was excessive and/or inappropriate;
 - (iii) that there was a procedural irregularity.
23. The Warden shall make arrangements for the appeal to be heard as soon as is reasonably practicable and normally not more than four weeks from the date of the appeal notice by the student.
24. At least 8 working days before the appeal hearing the Investigating Officer shall cause to be sent to the student:
- (i) a copy of the Code;
 - (ii) a written statement of the misconduct;
 - (iii) a copy of all documents before the Dean; and,
 - (iv) the written statement sent to the student as to the reasons for the decision and the penalty.
25. At least 4 working days before the appeal hearing the student shall cause to be sent to the Warden details of any application to be made to the Committee.
26. Neither party shall be entitled to submit to the Committee fresh oral or documentary evidence except as provided for in paragraphs 30 - 32. No witnesses shall be called by either party before the Committee except as provided for in paragraphs 30 - 32.

Joint Disciplinary Committee

27. A Committee shall be a committee of the Governing Body and shall consist of the Warden, the Senior Tutor (or their respective nominees) two other Governing Body Fellows and one Nominee of the Graduate Common Room. The Warden shall have discretion to change the constitution of the Joint Disciplinary Committee provided that the number of members shall not be less than five persons. The Warden shall chair the Committee and if the Warden declines the chair then the Committee shall elect a chair. The Committee may request the attendance of a Legal Adviser to advise on procedure, but who shall take no part in the decision making process.

Hearing before the Joint Disciplinary Committee

28. The hearing shall be in private unless the Committee declares that they will sit in public.
29. If any person required to attend such a hearing before the Committee fails to make an appearance, the Committee may at its discretion adjourn the proceedings. If the student concerned fails to appear, the Committee may deal with the case in the student's absence if satisfied that proper notice has been given and that there is no reasonable explanation for the non-appearance of the student.
30. If either the Investigating Officer or the student wishes to submit fresh evidence to the Committee then at least 5 days before the hearing date they must:
 - (i) inform the Warden in writing of their intentions to make application at the hearing; and
 - (ii) inform the other party in writing of such intention, and provide copies of any new documents or the details of any witness they seek to present to the Committee.
31. The Committee shall as a preliminary point at the hearing decide whether or not to admit the fresh evidence and shall consider in so doing relevance, the reasons why the evidence was not submitted to the Dean and fairness to those concerned in the matter.
32. If the Committee decides to admit fresh evidence then the procedures set out in paragraph 11 shall be followed.
33. Unless the Committee agrees to admit fresh evidence then the procedure to be followed is as follows:
 - (i) the student may address the Committee;
 - (ii) the Investigating Officer may address the Committee;
 - (iii) the student may address the Committee only in reply to matters stated by the Investigating Officer;
 - (iv) the Committee may ask questions of either party;
 - (v) either party may address the Committee on matters arising from the Committee's questions.

34. The Committee may:
- (i) dismiss or allow the appeal in whole or part;
 - (ii) substitute such other finding of misconduct as the Committee determines is supported by the evidence before the Dean and/or the Committee;
 - (iii) vary the penalty, save that the Committee may not impose a penalty of greater severity (as in their opinion) than imposed by the Dean.
35. The Warden and/or Chair shall within five working days of the conclusion of the hearing communicate the Committee's decision in writing to the student. The communication shall state:
- (i) the misconduct;
 - (ii) the decision and penalty appealed;
 - (iii) the Committee's decision;
 - (iv) the Committee's reasons; and
 - (v) where appropriate, advice shall be given to the student of their right to appeal only to the Conference of Colleges Appeal Tribunal (CCAT).
36. Within five working days of the conclusion of the matter, the Dean shall write to the complainant to explain the outcome. The Dean shall also consider writing to any witnesses. If obligated to do so the Dean shall inform the University or any relevant Department or Faculty. When he or she first deals with the matter the Dean should explain to the student against whom the allegations are made who, if anyone, he or she is under an obligation to write to, and should repeat this information in any letter going to the disciplined student.
37. A written record of complaints and all documentation involved in the disciplinary procedure including details of the allegation, any witness statements, records of disciplinary hearings and details of any penalties imposed, shall be kept by an appropriate College officer, normally the College Registrar. The College Registrar will act as the source of guidance to the Dean, complainants and students who are involved in any disciplinary process.