

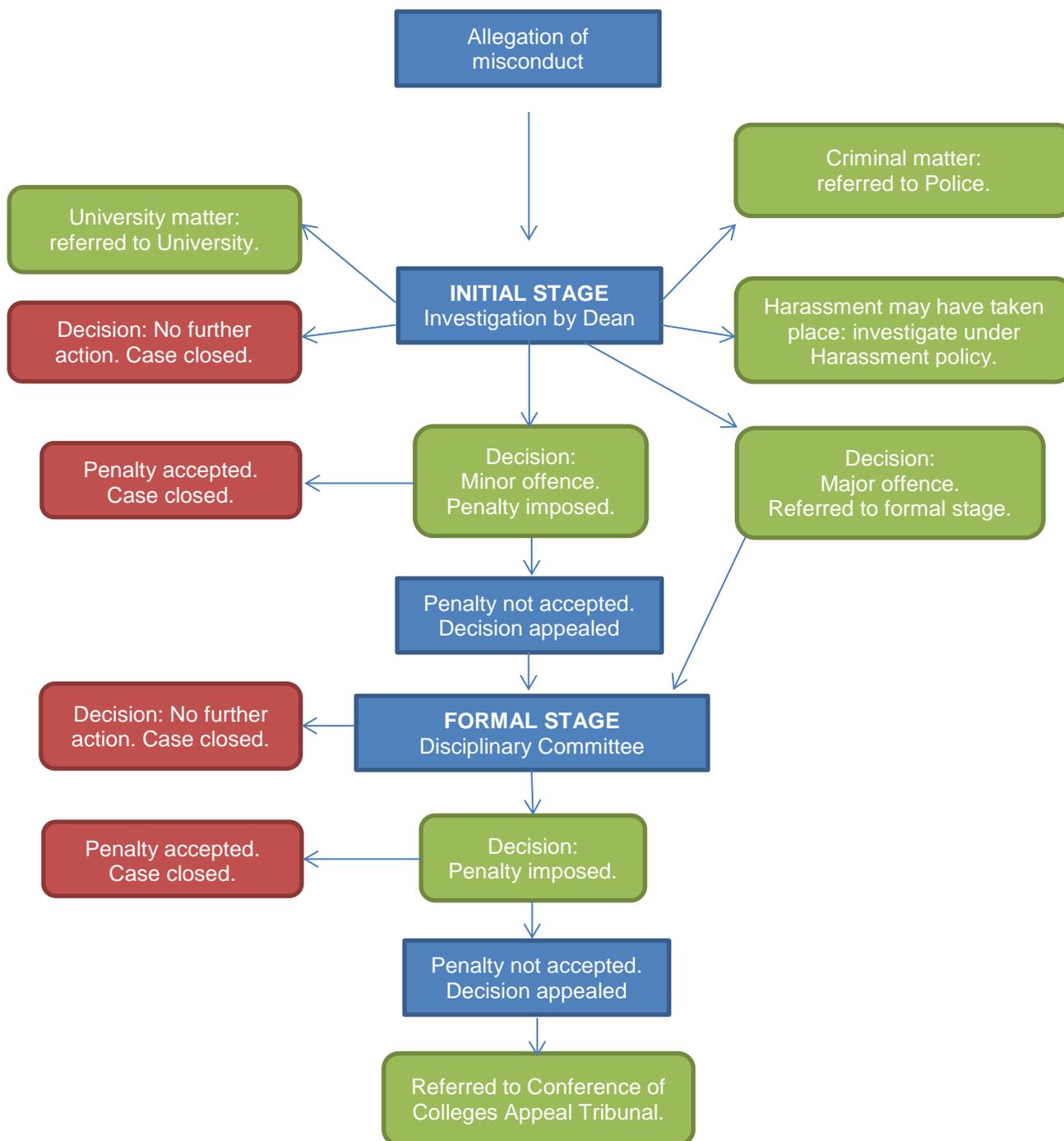


CODE OF STUDENT DISCIPLINE

This version is effective from 23 June 2015 and was approved by the College's Governing Body on 21 October 2015.

1. INTRODUCTION

- 1.1 The purpose of this Code of Student Discipline ["the Code"] is to enable St Antony's College ["the College"] to take appropriate measures in cases in which one or more of its students is/are in breach of their obligations as a member of the College.
- 1.2 This Code **defines the actions and behaviours by students that are unacceptable** in the College context, but may take place both on and off College and University premises.
- 1.3 Students at the University of Oxford ["the University"] **must observe two separate but complementary sets of disciplinary regulations:**
 - The University's conduct regulations, which can be accessed via www.admin.ox.ac.uk/proctors/info/pam
 - The Code of Student Discipline of their individual college; for St Antony's College students (including Visiting Students): this Code
- 1.4 Students are able to seek **advice and support** from a range of services and people around the University. Please see www.sant.ox.ac.uk/current-members/health-and-wellbeing/welfare-support for a list of resources.
- 1.5 The flowchart on the next page summarises the procedures in this Code:



2. DEFINITIONS

2.1 **Misconduct** shall be defined as:

- a) 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,
- b) 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.

2.2 The following paragraphs elaborate the general principle set out above but not to derogate from the generality of point 2.1, and are **acts of misconduct**:

- a) breach of the University of Oxford Statutes and Regulations;

- b) breach of any College Code of Practice which may be issued or amended from time to time by the Governing Body of the College;
- c) conviction of a criminal offence by any Court of competent jurisdiction or a formal caution issued by the Police;
- d) 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;
- e) 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 their duties;
- f) 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;
- g) 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;
- h) 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;
- i) engagement in any activity likely to cause injury to or to impair safety of any person;
- j) engagement in any fraudulent or dishonest behaviour towards the College or its members, officers, visitors, employees, agents or persons being accommodated in the College;
- k) refusal to disclose their name to an officer or employee or agent of the College in circumstances where such person has identified themselves and has explained the reason for the requested disclosure, and it is reasonable to have required disclosure of the student's name;
- l) use, offer, sale or gift of substances to any person, the possession or use of which is illegal;
- m) engagement in conduct in breach of College regulations regarding conduct in examinations;
- n) engagement in conduct in breach of the relevant regulations regarding the use of the College libraries;
- o) engagement in any other conduct which is seriously detrimental to the interests of the College;
- p) 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;
- q) non-payment of any monies due and owing by a student to the College.

2.3 The **role of the Dean** is to deal constructively with allegations pertaining to less serious breaches of the Code. Breaches that might reasonably be considered serious should be referred to the Disciplinary Committee ["DC"]. In such cases, the Dean's role is to investigate the case and provide the evidence for the DC.

2.4 The **Disciplinary Committee** ["DC"] is a Committee of the Governing Body and consists 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 DC provided that the number of members shall not be less than five persons. The Warden shall chair the DC and if the Warden declines the chair then the DC shall elect a chair. The DC may request the attendance of a Legal Adviser to advise on procedure, but who shall take no part in the decision making process.

- 2.5 No person who has an actual or apparent interest in the outcome of the case before the DC, and no person who may reasonably be considered to possess prior knowledge of the circumstances of the case such as to give rise to a perception of bias, may be a member of the DC considering the case.

3. INTERACTION WITH OTHER PROCEDURES

- 3.1 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 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 from residence, or from use of College facilities if appropriate.
- 3.2 When a **criminal offence** has been committed, this Code may not be appropriate. In the first instance, such allegations will normally be a matter for police investigation and action. For the avoidance of doubt, disciplinary procedures may subsequently be taken under this Code notwithstanding that criminal proceedings were discontinued or criminal charges were dismissed. The Dean may take interim measures not regulated by this Code to ensure the peace of the College and the safety of its members, which may include the exclusion of the student from College premises, or from certain College facilities or activities.
- 3.3 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.
- 3.4 If a student is **expelled by the University**, such expulsion shall apply to the College also, subject to a right of appeal to the Disciplinary DC. The grounds of appeal shall be limited to the application of that penalty to the student's use of College premises and facilities.
- 3.5 If a student 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 also apply to College premises and facilities, subject to a right of appeal to the Disciplinary DC. The grounds of appeal shall be limited to the application of that penalty to the student's use of College premises and facilities.
- 3.6 If the allegation relates to activity which falls within the **College's Harassment Policy**, the Dean shall consider whether the complaint falls under the terms of the informal procedure set out in the policy.
- 3.7 If the Dean takes the view that the complaint does fall under the terms of the Harassment Policy, the Dean shall deal with the matter under this Code.
- 3.8 In the case of **non-payment of any monies due and owing** by a student to the College, the Dean may suspend the student concerned on receipt of confirmation from the Bursar that the debt is outstanding. The procedures in section 4 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.
- 3.9 In the case of a breach of a student's obligations under an **Accommodation Agreement (Licence to Occupy)**, remedies will be applied under the terms of that Agreement.
- 3.10 Expressions of dissatisfaction about standards of service, actions or lack of actions by the College or its staff, and provision of services by the College affecting individuals, students, senior members, visitors or clients of any group should be raised under the

College's complaints procedure.

4. INITIAL STAGE

- 4.1 An allegation of misconduct may be **initiated by any member of the College**.
- 4.2 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.
- 4.3 When they first deal with the matter the Dean should explain to the student against whom the allegations are made who, if anyone, they are under an obligation to contact (e.g. within the University).
- 4.4 In circumstances where the Dean is **unable to identify the student(s)** who has/have breached this Code, 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 their discretion to confine such sanction to as small a group as they consider 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 themselves 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 their decision as to why such sanction should not be imposed upon them.
- 4.5 When an alleged breach of the College rules involves a student resident in College or in College premises, the Dean shall have the authority to **suspend the student from residence or from use of College facilities**, where the seriousness of the alleged breach justifies it and after consultation with the Warden, with immediate effect, for as long as the disciplinary procedure is in operation. Suspension by the College means a withdrawal of a right of access 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.
- 4.6 The Dean shall, if possible, within two working days of receiving the report of the alleged breach, require in writing by email the student concerned to **attend an interview** at a time and place stipulated and shall normally provide the student with two working days' notice of the interview. The notification of the interview shall give particulars of the alleged breach of the Code.
- 4.7 The student interviewed may be accompanied by another St Antony's student or a representative from the Oxford University Student Union (OUSU).
- 4.8 The student must inform the Dean if they are **providing copies of any documents** that the student intends to rely upon at the interview, and these must be submitted to the Dean with at least one working day's notice before the interview.
- 4.9 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.
- 4.10 If the student fails to appear after two emailed letters from the Dean, the Dean may deal with their case in their absence.
- 4.11 At the interview, which shall be private, the Dean shall explain to the student that they 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 reasonably require evidence in relation to the alleged breach to be provided by other persons.

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

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

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.

- 4.12 At any stage of the interview, the Dean may, if it seems appropriate in all the circumstances, **refer the matter to the Disciplinary Committee [“DC”]**.
- 4.13 At the close of the interview the Dean may, dependent on its nature and outcome:
- a) **take no further action**, in which case the matter shall be terminated;
 - b) if the breach has been admitted, after hearing any mitigation, **impose a penalty** from those listed in 4.14 below;
 - c) if the breach has not been admitted, determine that a breach has been established and, after hearing any mitigation, **impose a penalty** from those listed in 4.14 below;
 - d) **refer the matter to the DC**.
- 4.14 If the Dean is satisfied that a student is guilty of a the breach with which they have been charged, the Dean may, separately or in any combination:
- a) 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 an appropriate College officer. Informal remedies may include a letter of apology;
 - b) issue a **verbal or written warning** to the student;
 - c) impose a **fine** of not more than the maximum amount to be determined by the Governing Body from time to time;
 - d) require the student to pay **compensation** to any person or body suffering injury, damage or loss as a result of the student’s conduct;
 - e) **exclude or ban the student** from prescribed college premises or facilities (including libraries and residential accommodation) for a period of up to one year or pending the fulfilment of conditions such conditions to be prescribed by the Dean.
- 4.15 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.
- 4.16 Before deciding the penalty to be awarded the Dean shall have regard to the effect on the student’s/students’ ability and eligibility to take an examination or complete a course, their financial means, as well as the interests of the College.
- 4.17 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. One copy of the record shall be retained by the Dean, one given to the student and one lodged with the College Registry.
- 4.18 As appropriate, the Dean shall consider writing to any witnesses and/or the member(s) of the College who initiated the allegation of misconduct to provide an anonymised summary of the steps taken by the Dean and the outcome of the Dean’s investigations.
- 4.19 The **student may appeal** to the DC by notifying the Dean in writing by email of their intention to appeal within seven working days of receipt of the Dean’s decision.
- 4.20 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.

5. FORMAL STAGE: DISCIPLINARY COMMITTEE [DC]

- 5.1 The DC will be informed by the Dean in writing:
- Where there is a reference under point 4.12 or 4.13(d), of the particulars of the alleged breach of the Code;
 - Where there is an appeal after the initial stage (section 4), of the particulars of the breach and of the penalty imposed and the reasons for the penalty;
 - In either event, of the name(s) of the student(s) involved and of any known witnesses;
 - Copies of any documents used by the student at the initial interview.
- 5.2 Within a maximum of five working days after the reference or appeal, the DC shall require in writing (usually by email) the student concerned and witnesses to attend for a hearing at a time and place stipulated, normally with not less than five working days' notice. The notice shall state the membership of the DC.
- 5.3 In the case of a reference such notice shall state the details of the alleged breach of the Code. The DC shall provide copies of all documentation (including a copy of the Code) and evidence to the holder not less than five working days before the date of the hearing.
- 5.4 The Chair shall appoint a person to act as clerk to the DC for the purpose of making any administrative arrangements, for such matters as the summoning of witnesses and the production of documents, and for the keeping of a record of the hearing.
- 5.5 The student may be accompanied by another St Antony's student or a representative from the Oxford University Student Union (OUSU).
- 5.6 The hearing shall be in private unless the DC declares that they will sit in public.
- 5.7 If either the Dean or the student wishes to submit fresh evidence to the DC then at least three working days before the hearing date they must:
- inform the Warden in writing of their intentions to make application at the hearing;
- and*
- 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 DC.
- 5.8 The DC 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.
- 5.9 If any person required to attend such a hearing before the DC fails to make an appearance, the DC may at its discretion adjourn the proceedings. If the student concerned fails to appear, the DC 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.
- 5.10 At the hearing the Chair shall explain the procedure to be followed and shall read out, in the case of a reference, the complaint of alleged breach of the Code against the student; and in the case of an appeal, the finding of breach and/or the penalty imposed against which the appeal is directed.
- 5.11 The procedure to be followed at the hearing is as follows:
- the student may address the DC;
 - the Dean may address the DC;

- c) the student may address the DC only in reply to matters stated by the Dean;
- d) the DC may ask questions of either party;
- e) either party may address the DC on matters arising from the DC's questions.

5.12 At the conclusion of the hearing and after the parties have left the room, the DC shall determine whether any breach of the Code has been established, taking into account any representations made by or on behalf of the student. The DC may:

- a) dismiss or allow the reference or appeal in whole or part;
- b) substitute such other finding of misconduct as the DC determines is supported by the evidence before the Dean and/or the DC;
- c) vary the penalty(ies) already imposed by the Dean. The DC shall also have the option to expel the student which means the permanent loss of membership of the College or to rusticate the student (i.e. sending down temporarily), which 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.

5.13 Within five working days of the conclusion of the matter, the Chair shall write to the complainant and the Dean to explain the outcome. The Chair shall also consider writing to any witnesses.

5.14 If obligated to do so the Dean shall inform the University or any relevant Department or Faculty. As appropriate, the Dean shall consider writing to any witnesses and/or the member(s) of the College who initiated the allegation of misconduct to provide an anonymised summary of the steps taken by the DC and the outcome of the DC's investigations.

5.15 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.

5.16 The DC shall notify the Governing Body of the outcomes of a DC investigation. Such notification will always be anonymised.

5.17 If a student has reason to believe that the DC has not followed the procedures laid down in the Code, or in the cases where the student has been expelled, the student may **appeal** to the Conference of Colleges Appeal Tribunal.