

REGENT'S PARK COLLEGE, OXFORD
DISCIPLINARY AND APPEALS PROCEDURE

1. Introduction

- (i) *The Council Regulations* (1 of 2011) of the University of Oxford, state that 'The Hall's regulations shall include provisions for ... the prevention of harassment ... the resolution of complaints, disciplinary issues and rights of appeal which are consistent with the corresponding University regulations and codes of practice.' In accord with this regulation, the Governing Body of the College delegates to the Principal, Dean and Senior Tutor, and the disciplinary panels noted in this Procedure, the authority of final jurisdiction within the College for disciplinary purposes on behalf of the Governing Body of the College.
- (ii) Where the Disciplinary Officers of the University of Oxford have occasion to deal with any students of the College, the College shall support the authority of the University and see that its lawful judgements are duly carried into effect.
- (iii) The Dean shall investigate matters of general non-academic discipline.
- (iv) The Senior Tutor, in consultation where appropriate with the relevant Director of Studies, shall investigate matters of academic discipline.
- (v) Any matters related to sexual harassment and/or other allegations of a sexual nature will normally be referred to the Oxford University Sexual Harassment and Violence Support Service.
- (vi) Every effort will be made to ensure that gender and ethnic balance is observed in the composition of all disciplinary panels.
- (vii) At any point in this Code the Principal, Dean or Senior Tutor may be represented by a deputy if for any reason they are unavailable or the Principal deems it inappropriate that they should serve in the matter at hand.
- (viii) The Disciplinary Procedures outlined in this Code will be followed with due regard to the College Policies on Confidentiality and the requirements of Data Protection legislation.
- (ix) The College will consider making reasonable adjustments to this policy and procedure to accommodate the needs of a student with a disability.

2. Disciplinary Action

2.1 Minor disciplinary action

- (i) Minor disciplinary action is defined as anything not covered by paragraphs 2.2, 2.3 and 2.4 below.
- (ii) Any Fellow or Director of Studies of the College may give informal warnings to students in areas of College life for which that person is responsible. This should be done in such a way as to preserve mutual respect between staff and students. Any informal warnings should be given in writing and must be reported to the Dean (for non-academic matters), or the Senior Tutor (for academic matters), who will keep a record of them. They will not be placed on the student's file, and will be deleted after twelve months.
- (iii) If the Senior Tutor has reason to believe that a student has breached academic discipline they may investigate further asking the student and their tutor and/or Director of Studies to give an account. If the Senior Tutor considers the matter proved

they may issue an informal warning. The Senior Tutor shall keep a record of any warnings.

- (iv) In the event of any non-academic disciplinary matter being brought to the Dean's attention they shall investigate, giving each party a fair opportunity to make representations. If the Dean is satisfied that the matter is proved, the Dean may issue an informal warning. The Dean shall keep a record of any warnings given.
- (v) A student may appeal to the Principal and the decision of the Principal shall be final.

2.2. Formal Written Warnings

- (i) The Dean may issue a Formal Written Warning where a student's general non-academic behaviour is below the standard reasonably expected of a member of the College. In addition the Dean may issue a fine up to the specified limit [see Appendix 2 below] and may also require sufficient payment to be made to rectify any damages done to College Property.
- (ii) The Senior Tutor may issue a Formal Written Warning about problems with academic progress, and/or set a disciplinary collection. In addition the Senior Tutor may issue a fine up to the specified limit [see Appendix 2 below].
- (iii) The Dean or the Senior Tutor, in relation to their respective areas of responsibility, shall make whatever investigations and hold whatever interviews they judge to be necessary. They will consult as appropriate with colleagues, while paying due regard to questions of confidentiality and the requirements of Data Protection legislation.
- (iv) Any Formal Written Warning must be sent in writing to the student and a copy shall be placed on the student's file.
- (v) The Principal shall be informed of any such warnings.
- (vi) A student may appeal to the Principal who shall consider written representations made by the student, and any other statements that the student wishes to submit, alongside the evidence gathered by the Dean or Senior Tutor, as well as any further material that the Principal shall request. The decision of the Principal shall be final.

2.3. Serious disciplinary action

- (i) In cases such as:
 - (a) Where there has been no improvement after a Formal Written Warning has been given, or
 - (b) Where a student has failed to reach the required level in a disciplinary collection, or
 - (c) Where a student is alleged to be guilty of anti-social behaviour, harassment or causing damage to College property, or
 - (d) Where a student is alleged to have behaved in such a way as to endanger the safety and security of the College and its members, or
 - (e) Where a student is alleged to have seriously breached conditions in their College or university contracts, or tenancy agreement, or
 - (f) Where a student is alleged to have breached specific College or university policies as agreed from time to time, or
 - (g) Where a student is alleged to be guilty of conduct likely to bring the College into

disrepute,

then the matter shall be referred to the Dean or Senior Tutor as appropriate for investigation.

(ii) Following such investigation:

- (a) In matters of general non-academic discipline, if the Dean believes there is a case to answer the Senior Tutor shall be asked to convene a disciplinary panel. In cases of potential harassment the procedures outlined in the College's Harassment Policy and Procedure shall be followed.
- (b) In matters of academic discipline, if a Director of Studies and the Senior Tutor believes that there is a case to answer, the Senior Tutor shall convene a disciplinary panel.
- (c) In either case, such a panel shall consist of the Senior Tutor (or their deputy, should they be the student's Director of Studies, or is otherwise unavailable) who shall act as chairperson, and at least two other Fellows, or one Fellow and one Lecturer.
- (d) The Dean, in the case of a general non-academic disciplinary matter, or in the case of academic discipline, the student's Director of Studies, shall present the relevant evidence but will not be a member of the panel. Either a member of the panel or another person appointed for the purpose shall keep a written record of the hearing. The Principal shall not be present.

(iii) The Senior Tutor shall summon the student to appear before the panel. Members of the panel and the student concerned will wear gowns.

- (a) Seven days' notice of such a hearing shall normally be given in writing, stating the alleged breach of behaviour or failure to attain the required standards.
- (b) The student shall have the right to be accompanied by a fellow student (whether of the College or of the wider University, including officers of the JCR or MCR). The student and their fellow student, shall remain throughout the presentation of the relevant evidence. The student and their fellow student shall be permitted to ask questions through the chair of the Panel.
- (c) At the outset of the hearing the Dean, or the student's Director of Studies as appropriate, shall summarise the allegations and evidence in support of them, after which the student and/or their fellow student, shall be permitted to make a response. Any written statements, together with an outline of charges shall be made available to the student not less than 72 hours before the hearing. The student's defence and any statements of witnesses they propose to call shall be made available to the panel not later than 24 hours before the hearing.
- (d) Witnesses may be called by the panel or by the student under examination, and, where appropriate these witnesses may be questioned by the panel and by the student and their fellow student, through the panel chair. There may be circumstances in which it is not appropriate for witnesses to be called to attend the panel and/or to answer questions from the student or their fellow student. In such circumstances, alternative arrangements will be made.
- (e) When the presentation of evidence is concluded, the student and their fellow student shall retire and the panel will consider its findings, and, if appropriate, the penalty.

(iv) Penalties imposed at this stage in the process may be one or more of the following for non-academic matters:

- (a) a Formal Written Warning, and/or
 - (b) a fine up to a level specified [see Appendix 2], and/or
 - (c) payment for damage caused, and/or
 - (d) the loss of the privilege of residence in College, and/or
 - (e) the forbidding of the student to take up an office in the JCR or MCR or engage in sporting or dramatic activities, or other extra-curricular activities as the panel in its discretion determines.
- (v) Where the matter concerns failure in academic standards, the panel may impose one or more of the following:
- (a) a Formal Written Warning, and/or
 - (b) the setting of disciplinary collections, and/or
 - (c) the forbidding of the student to take up an office in the JCR or MCR or engage in certain sporting or dramatic activities, or other extra-curricular activities as the panel in its discretion determines.
- (vi) The decision of the panel, including a formal warning if issued, any penalties levied, and any remedial action required, and the right of appeal, shall be confirmed in writing by the Senior Tutor (or their deputy). Where remedial action is required, the student shall be allowed a reasonable period to show improvement as specified by the panel.
- (vii) Where appropriate a complainant shall be notified that due process under this code has been followed, and whether or not the complaint has been upheld, whilst paying due regard to confidentiality and Data Protection legislation.
- (viii) The Principal shall be notified of the details of the decision.
- (ix) The student may appeal to the Principal against the decision of the panel. The Principal shall consider written representations made by the student and the minuted details of the hearing including the facts found by them alongside the evidence gathered by the Dean or Senior Tutor as well as any further material that the Principal shall request, and shall:
- (a) Dismiss the appeal;
 - (b) Allow the appeal absolutely;
 - (c) Allow the appeal subject to conditions;
 - (d) Uphold, vary or suspend the penalty, subject to certain conditions; or
 - (e) Remit the matter for further consideration by the hearing panel on certain conditions.

The Principal's decision shall be final.

2.4. Final Disciplinary Action

- (i) In any of the following circumstances:
- (a) Where a student has failed to fulfil any requirements imposed by a disciplinary Panel at 2.3; or

- (b) Where, following an offence under paragraph 2.3, a student is alleged to have committed a further offence of a similar kind, and it is judged by the Dean to be sufficiently serious to warrant dealing with under this paragraph 2.4; or
- (c) The Dean believes there to be evidence that a student has committed a serious offence, including but not limited to

theft; deception; assault; selling or using drugs for illegal purposes; harassment of Junior or Senior Members or members of the College staff; serious wilful damage to College property or unauthorised occupation of it; serious anti-social behaviour; or perpetrating racist or sexist abuse; persistent non-payment of fees or fines [See Appendix 2 below];

then:

- (ii) The Principal shall summon the student in writing to appear before a disciplinary panel to answer the allegation/s. Seven days' notice of the interview shall normally be given, in writing. Members of the panel and the student concerned will wear gowns.
- (iii) The panel will be chaired by the Principal or acting Principal, and comprise three College Fellows or two Fellows and one Lecturer, and one member of the Governing Body who is not employed by the College.
- (iv) The College and the student may produce written evidence and/or witnesses to support their case.
- (v) The student shall have the right to be accompanied and/or represented by a fellow student (whether of the College or of the wider University, including officers of the JCR or MCR). The student and their fellow student, shall remain throughout the presentation of the relevant evidence. The student and their fellow student shall be permitted to make statements to the panel and to ask questions through the chair of the Panel. The student shall also have the right to be represented by an appropriately qualified legal representative. The College retains the right to appropriate legal representation on the Committee as a non-voting member to give legal advice.
- (vi) The student shall be notified in writing, within 3 days of the panel hearing, of (a) the action to be taken by the College, and the reasons for it, and (b) the student's right of appeal.
- (vii) Where appropriate a complainant shall be notified that due process under this code has been followed, and whether or not the complaint has been upheld, whilst paying due regard to confidentiality and Data Protection legislation.
- (viii) In exceptional circumstances, the College may suspend the student charged and exclude them from the College premises in the period before the panel hearing and/or during the course of any appeal.
- (ix) In addition to the penalties available to the College under section 2.3(iv) above, the panel may impose the penalties of (i) rustication or (ii) sending down or (iii) refer the matter to the University Student Disciplinary Panel for expulsion.

Note: (i) 'Rustication' means that a person is required to leave the College and University for a specified period; re-entry might be made conditional on passing 'disciplinary collections'. Where this condition is made and not fulfilled, and the College therefore sends down or expels the student in question, the right of appeal remains. (ii) 'Sending down' or 'removal from the books' means that a person is required to leave the College and University for an indefinite period, but the person concerned may still enter their name for University Examinations as an individual and may appear on the Class List. Nevertheless, the College may refuse to present the person for a degree. (iii)

'Expulsion' means that the University Authorities act to deprive a person of membership of the University, and so the right to enter for examinations.

- (x) Appeal against actions as set out in paragraphs 2.4 (i-viii) above, with the exception of the decisions mentioned in (3) below, may be taken to the Appeal Tribunal of the Conference of Colleges in the University. The College shall give the Tribunal whatever assistance it requires, and shall abide by the outcome of its decision [See Appendix 3].
- (xi) The College accepts the entitlement of a student to appeal a decision of the Conference of College Appeal Tribunal to the Office of the Independent Adjudicator, whose decision the college binds itself to accept. Should the Conference of Colleges Appeal Tribunal cease to operate, the student may appeal directly to the Office of the Independent Adjudicator.

3. Access to the Proctors of the University of Oxford

- (i) Nothing within this document removes the right of the student, if matriculated, to write to the Proctors of the University in confidence at any time.
- (ii) Where the College decides that a student ought to be expelled, it must inform the Proctors in writing of this decision, since the University Authorities act themselves to deprive persons of membership of the University. The College shall, as a matter of courtesy, inform the Proctors when it acts to 'send down', 'remove from the books' or rusticate a student.

4. Clearing of Record

- (i) All records of informal and formal warnings as imposed under sections 2.1, 2.2 and 2.3 above shall be automatically destroyed and expunged from the records of the College after 12 months of the imposition of the same or a student's leaving of College, providing such action is lawful.
- (ii) The College may at its absolute discretion act as last aforesaid in relation to any penalties incurred under paragraph 2.4 hereof. The College in its absolute discretion may abridge, suspend, or extend the period referred to in paragraph 4 (i) above, providing such action is lawful.

*Agreed Governing Body, 24 May 2019
Effective Michaelmas Term 2019*

Appendix 1: Disciplinary Collections

1. Persistent failure in collections, or other failure of academic discipline, may result in disciplinary collections being set. The Senior Tutor, acting under paragraph 2.2 of this code, and/or by a panel meeting under the provisions of paragraph 2.3 of this code, may require a student to sit one or more disciplinary collections.
2. The setting of disciplinary collections is a matter of serious discipline. Failure to reach the standard required will result in the summoning of the student to a Disciplinary Committee as provided in the *Disciplinary and Appeals Procedure* (in either paragraph 2.3 or 2.4 as appropriate), with the possibility of being sent down or expelled.
3. The student will be notified by the Senior Tutor about the action being taken, the reasons for it, the standard required to be reached, the consequences of failure to reach that standard, and the possibility of appeal. A copy of the *Disciplinary and Appeals Procedure* will be enclosed with the letter.
4. Disciplinary collections will normally be double marked, with one marker being a tutor from outside the College who has not taught the student in question.

Appendix 2: Limits for fines and damages

1. Under sections 2.2 above the Dean or Senior Tutor may levy fines up to the level of £100, or its equivalent having regard to the retail prices Index published by HM Government, and the panel may require sufficient payment to rectify damage done to College property.
2. Under section 2.3 above fines may be levied up to a level of £200, or its equivalent having regard to the retail prices Index published by HM Government, and the panel may require sufficient payment to rectify damage done to College property.
3. Under paragraph 2.4 above fines may be levied up to a level of £300, or its equivalent having regard to the retail prices Index published by HM Government, and the panel may require sufficient payment to rectify damage done to College property.
4. Fines will become due one calendar month after the matter has been settled. Fines not paid will increase by 10% for each calendar month or part thereof unpaid. The student will become subject to disciplinary action at the highest level if fines remain unpaid for three months after the due date.
5. These fines may be varied from time to time by the Governing Body. Any variation to these limits will be notified to the JCR and MCR presidents at the beginning of the term in which they take effect.

Appendix 3: Conference of Colleges – Appeal Tribunal ('The Tribunal') (Amended July 2005)

- 1.1 The functions of the Tribunal shall be to consider appeals on disciplinary decisions made by the body with final jurisdiction within any participating College (for these purposes the Visitor shall be deemed not to be such a body). Disciplinary decisions means the imposition of penalties for breach of College statutes, by-laws, regulations or rules relating to academic or any non-academic matters, including a finding of breach itself.
- 1.2 The Tribunal shall not have appellate jurisdiction in relation to decisions which are exclusively within the province of the University disciplinary bodies.
- 2 Each member of the Conference of Colleges shall nominate no more than three persons from their own Governing Body to serve, if appointed to do so as provided herein, upon the

Tribunal: and a list of those persons so nominated ("the list") shall be maintained at the Secretariat of the Conference of Colleges.

- 3 Conference of Colleges shall elect a chairman ("the Chairman") and a vice chairman ("the Vice-Chairman") for such Tribunal, who will serve for three years from date of appointment. Such appointments can be renewed for a further term of three years only. The Vice-Chairman will exercise the functions of the Chairman if for any reason the Chairman is unable to do so.
- 4 Any student member of a participating College ("an appellant") who wishes to bring before the Tribunal an appeal shall file a written application with the secretariat of the Conference of Colleges normally within 5 days of the date of the decision appealed against. The Chairman shall have power to extend such time if he considers that there is good and sufficient reason for so doing.

Full details of the procedure can be found online here:

<https://weblearn.ox.ac.uk/access/content/group/test1-conf-coll/Public%20Documents/Appeal%20Tribunal/Conference%20of%20Colleges%20Appeal%20Tribunal%202011-12/CCAT%20Regulations%20February%202012.pdf>

Appendix 4: Ministerial Assessment

- (i) For general behaviour and academic discipline ministerial students are subject to this same procedure as outlined above. But the College course in ministerial formation is itself a discernment process in which there will be end of year reviews with the Pastoral Studies Team with the intention that the College commend students into the Baptist Union settlement process and then commend them into ministry.

In exceptional circumstances the Pastoral Studies Team, in conjunction with the Principal, may decide not to commend a ministerial student for settlement within the Baptist Union. This decision-making process will include discussions with the student, their placement church and an appropriate Regional Minister.

- (ii) A student wishing to appeal against a refusal to commend them to the Baptist Union for settlement, may appeal in writing to the Chair of the Governing Body.
 - (a) The written appeal shall be lodged within 15 days of the decision being taken, and the appeal hearing shall be convened within 21 calendar days of receipt of the written appeal, unless either side requires more time to prepare.
 - (b) The Chair shall convene an appeals panel consisting of 3 members: The Chair or Vice-Chair of Governing Body; a further member of Governing Body; a member of Governing Body or Council who is an accredited minister of the Baptist Union of Great Britain. No Fellow of the College shall be eligible to serve on this panel.
 - (c) The student shall have the right to be accompanied by a friend or to have legal representation, legal or otherwise, at the appeal hearing. The College retains the right to have legal representation present at the hearing as a non-voting member to give legal advice.
 - (d) The student and the College, normally the Director of Ministerial Training, shall present their written statement of the case to the panel no later than 72 hours before the hearing.

- (e) The Chair of the appeal hearing shall notify the student and the Principal of its decision in writing within seven days of the hearing, and shall make formal report to the next meeting of the Governing Body.
- (f) If the appeal finds against the ministerial student and supports the College's decision in declining to commend a student to the Baptist Union for accreditation at the end of their course, recourse may be had by the student to the Ministerial Recognition Committee of the Baptist Union.