Regent's Park College

Non-Academic Disciplinary Policy and Procedure

1 Introduction

1.1 This Disciplinary Procedure deals with conduct by students which breaches their non-academic obligations as a Member of the College[1]. These obligations, which are summarised or identified in Appendix A, are referred to as the 'College Code of Discipline.' In this Procedure a 'Breach of Discipline' refers to a breach of one or more of the provisions of the College Code of Discipline.

1.2 This Policy applies to any current or suspended student of Regent's Park College, whether undergraduate or graduate, ministerial student, full-time or part-time, matriculated or non-matriculated, registered visiting student (undergraduate or postgraduate), associate member of the JCR or MCR, and whether in residence or out of residence at the time, who is alleged to have breached the College Code of Discipline as set out in Appendix A.

1.3 Ministerial Students should see Appendix B for further information about how Disciplinary Procedures, and the sharing of information, outlined in this Policy, relate specifically to them.

1.4 The purpose of this Procedure is to address breaches of discipline by students, and not to resolve disputes between individuals. Students may only be disciplined where their conduct occurs in a College Context, as defined in Appendix C.

1.5 In this Procedure the person making a report is referred to as the 'reporter' and the person who is alleged to have breached the College Code of Discipline is referred to as the 'subject'.

1.6 For informal advice about procedural aspects of the disciplinary process, students may contact the Head of Welfare. To ensure their neutrality, the Head of Welfare should not normally be a member of any Disciplinary Panel convened under this Policy (welfare@regents.ox.ac.uk; +44(0)1865 288140)

1.7 Where disciplinary proceedings are contemplated the Dean will remind reporters and subjects of the sources of support available to them. Advice and support for students are available from:

- The College's Head of Welfare
- The University Sexual Harassment and Violence Support Service
- The University Student Welfare and Support Services https://www.ox.ac.uk/students/welfare

1.8 Separately, the Dean may impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members. Such measures may include requiring a student to have no contact with another Member of the College, or excluding any person from College premises. These safeguarding measures are neutral in

[1] 'Member of the College' for the purpose of this procedure includes the current Principal, and any other College office-holder, current Fellow, Junior and Senior Research Fellow, current student, and employee of the College;

effect and do not imply that any student on whom measures are imposed has been found to be in breach of any of their obligations under this policy.

2 General

2.1 Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a safeguarding or precautionary measure (under paragraph 3.3 below) or to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations. Please see Appendix B for information regarding the sharing of information with the Baptist Union of Great Britain.

2.2 Parties should strive to act promptly, and to meet the time limits set out in this Procedure. Time limits may be extended by the relevant decision-maker where it is necessary in the interests of fairness. It will often be necessary to extend time-limits for complex cases. Where time limits are extended, the subject (and reporter where appropriate) will be kept updated about the progress of the case.

2.3 If any Member of the College has concerns that a reporter or a subject, or any student involved in this Procedure, is suffering health, welfare or academic study issues as defined in the College's Fitness to Study Procedure, or other difficulties that may be relevant to whether or how the disciplinary procedure should be used, the student should be directed to the College's Head of Welfare and to the University Student Welfare and Support Services. The Member of College should at the same time inform the Senior Tutor, who is responsible for Fitness to Study procedures.

2.4 Reasonable adjustments may be made to this Procedure in individual cases to enable the subject and any other person affected by the application of the Procedure to participate fully.

2.5 Anonymous reports will only be considered under this Procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action following an anonymous report, because of the need to allow the subject to respond to the report.

2.6 Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the Procedure below are met. Requests to be accompanied by a supporter should be made to the Dean, Investigator and/or Disciplinary Panel Chair as appropriate at least 2 working days in advance of the date of any meeting or hearing.

2.7 Legal representation for Minor Breaches of Discipline (see Section 4) will not normally be permitted, although reasoned requests for such representation may be made, and will be considered. Subjects may have legal representation at any Disciplinary Panel or Appeal Panel convened under this Procedure to consider Major Breaches of Discipline (see Section 5).

2.8 The College retains the right to appropriate legal representation on a Disciplinary Panel, or Appeals Panel convened under this Procedure, as a non-voting member to give legal advice.

2.9 Meetings and hearings may be in-person, online, or hybrid, to avoid undue delay or to protect the welfare of any person.

2.10 Where there is more than one reporter and/or more than one subject it may be appropriate for all the subjects to hear or be provided with the other subjects' evidence, subject to appropriate redactions, where appropriate.

2.11 The standard of proof used when making determinations under this Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.

2.12 Non-compliance with a disciplinary penalty imposed under this Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.

2.13 Any Member of College involved in administering this Procedure shall comply with the College's Conflict of Interest Policy and should not act if there is any reasonable perception of bias. If the Dean is unable (for any reason) to act, the Principal will appoint an appropriate substitute. Any decision to be made or action to be performed by the Principal may be made or performed by an appropriate senior officer of the College, in the event that the Principal is absent, has a conflict of interest, or is otherwise unable to undertake the action within a reasonable time.

2.14 Records will be kept at all stages of the process and will be processed in accordance with the College's Data Protection Policies and Privacy Notices.

2.15 This Procedure makes provision for the subject to appeal from adverse decisions taken under Sections 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under this Procedure they may make a complaint under the Student Complaints procedure. Any complaint will be addressed by individuals who have not previously been involved in the report.

3. Initial Considerations

3.1 The Dean may liaise between reporting students and subjects where there has been a relationship breakdown to put in place a no contact agreement (NCA), on the basis that there has been no admission of fault. Such agreements will be neutral in effect and will impose the minimum impact reasonably possible on all students involved.

3.2 Appendix C sets out the College's approach in cases where the alleged conduct falls within the scope of more than one procedure or may constitute a criminal offence. This Policy and Procedures will be carried out in accordance with relevant University Statutes regarding any student who is alleged to have committed a criminal offence.

3.3 Reports and Precautionary Measures

3.3.1 Reports should normally be made in writing, by email to the Dean**.** If a reporter does not wish to make a written report in the first instance they should contact a senior member or employee of the College (such as, Harassment Officer, Personal Tutor, College Adviser, Director of Studies) who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.

3.3.2 If the report is not successfully resolved informally, or if informal resolution is not appropriate, the Dean will decide whether to investigate an alleged breach of discipline.

3.3.3 If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may:

i. investigate the report under the Procedure for Minor Breaches of Discipline set out at Section 4 below, or

ii. refer the case to the Principal in accordance with the Procedure for Major Breaches of Discipline set out at Section 5 below.

3.3.4 The Dean will not normally investigate, or refer to the Principal, any alleged breach of discipline which is reported to have occurred more than 6 months previously, but may do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current Member(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider, include (but are not limited to):

i. the gravity of the alleged breach of discipline;

ii. that exceptional circumstances are more likely to exist in reports of sexual violence and harassment, or reports of other forms of harassment.

iii. whether the alleged breach of discipline was an isolated event, was repeated, or was part of an alleged course of conduct;

iv. the length of any delay in reporting;

v. the reasons for any delay in reporting and any barriers to reporting.

The Dean will notify the reporter of any decision not to investigate or refer a report under this provision.

3.3.5 The Dean may at any time decide that temporary precautionary measures on the subject and/or the reporter are appropriate for the remainder of this Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.

3.3.6 Possible precautionary measures may include (without limitation):

i. a no contact arrangement;

ii. a ban from, or time constraints for, accessing particular College buildings or services;

iii. recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another College or Hall (subject to endorsement by the University or relevant College as appropriate);

iv. moving either the reporter or subject to alternative College or University accommodation;

v. and/or, where no other option is appropriate, a temporary suspension of studies.

3.3.7 Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or Members of the College from an identified risk, or to protect an investigation under this Procedure, and should take into account safeguarding considerations where relevant.

3.3.8 Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature, and/or where there is a threat of significant disruption to academic study or other College activities.

3.3.9 The Dean will promptly provide the subject and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Principal at any time [principals.assistant@regents.ox.ac.uk] for the precautionary measures to be reviewed.

3.3.10 The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Dean

should take into account the wishes of the reporter.

4. Procedure for Minor Breaches of Discipline

4.1 The Procedure for Minor Breaches of Discipline applies to cases in which the Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in Appendix A (II), under the heading 'Penalties for Minor Breaches of Discipline'.

4.2 Where the Dean proceeds to investigate under this section the aim will be to complete an investigation and issue a decision in relation to the alleged breach of discipline as soon as reasonably practicable, and in any event within 2 weeks of their decision to investigate.

4.3 Determination by the Dean

4.3.1 The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing, or at a meeting with the Dean. In all but exceptional circumstances the Dean will provide the subject with at least 24 hours' notice of the date and time of any meeting.

4.3.2 If the subject admits the breach of discipline the Dean will proceed to consider what, if any, penalty should be imposed.

4.3.3 If the subject does not admit the alleged breach of discipline the Dean may take any step reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter, and interviewing the subject, as well as interviewing any witnesses, requesting written responses to questions, and requesting relevant documents.

4.3.4 A member of the College administrative staff will attend any meeting under this Part of the Procedure and take notes of the meeting and/or the meeting will be recorded.

4.3.5 Before reaching any determination under this Part the Dean will disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject's need for the information in question.

4.3.6 The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may elect to respond in writing, or at a meeting with the Dean.

4.3.7 Where there are substantial questions of fact to be decided the Dean may refer the report to the Principal to be considered by a Disciplinary Panel under Section 6 below. It will not normally be necessary in such cases for the Principal or the Disciplinary Panel to appoint

an Investigator. All materials gathered by the Dean during their investigation will be provided to the Disciplinary Panel.

4.3.8 After having satisfied themself that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject, and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.

4.3.9 Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing of what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Appendix A(II) or may make a conditional determination under Appendix A (II). The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.

4.3.10 The Dean will inform the subject and, where appropriate, the reporter, of their decision in writing, providing reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal.

4.4 Appeal to the Principal

4.4.1 The subject may appeal to the Principal against a decision made by the Dean under paragraph 4.3.9 above.

4.4.2 The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 4.4.3 below.

4.4.3 The grounds upon which the subject may appeal are that:

i. The Dean's decision was unfair, disproportionate, or unreasonable which also includes a reasonable perception of bias on the part of the Dean, or the decision that a breach of discipline was established was one which no reasonable decision-maker could have made;

ii. The Dean failed to follow this Procedure;

iii. The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome.

4.4.4 Any appeal must be made by sending a notice of appeal to principals.assistant@regents.ox.ac.uk within 7 working days of notification of the Dean's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At

the same time, the subject should provide a copy of the Dean's decision under paragraph 4.3.10 above and any other documentary evidence relevant to their grounds of appeal.

4.4.5 The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Principal.

4.4.6 The Principal may invite the subject to an appeal meeting, and will normally do so when the subject has requested it.

4.4.7 If such a meeting is held, the Principal may:

i. confirm the Dean's determination;

ii. confirm the Dean's determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction;

iii. require the Dean to reconsider their determination as to breach of discipline;

iv. reverse the determination of the Dean as to breach of discipline;

v. or refer the report to a Disciplinary Panel under Section 6 below.

4.4.8 The Principal will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 working days of their decision. The reporter will be informed of the decision.

4.4.9 If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process, and that the subject has the right to seek review by the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

5. Formal Procedure for Major Breaches of Discipline

5.1. This section addresses the procedure which will be followed where the Dean refers a case to the Principal for the purposes of convening a Disciplinary Panel.

5.2 It is normally expected that, where the subject co-operates fully in the process, it will be completed within 28 days of referral of the case to the Principal, but in complex cases the period may be longer.

5.3 Notice of Referral

5.3.1 The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, and the penalties set out in Appendix A, under the heading 'Penalties for Minor Breaches of Discipline' may not be sufficient to address it.

5.3.2 The Dean may make a referral under this section where they consider that a subject has failed to comply with a minor sanction imposed under Section 4 above (see Appendix A).

5.3.3 A referral may be made at any stage after receipt of a report, including at any stage of an investigation under Section 4 above, prior to a determination being made.

5.3.4 On referring the report to the Principal the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Principal under this Section and that a Disciplinary Panel will be convened to consider the report.

5.3.5 In any case in which the Dean has determined that there are exceptional circumstances which warrant referral under paragraph 4.4 above, the Dean shall provide reasons for that conclusion. The subject may appeal to the Principal against that determination by writing to the Principal within 3 working days, setting out the reasons for which they contend that the Dean's determination that there were exceptional circumstances was wrong. The Principal will consider the written appeal on the papers and will allow the appeal if they consider that the Dean's conclusion was one which no reasonable decision-maker could have reached.

5.4 Appointment of Investigator and Disciplinary Panel

5.4.1 The Principal will normally appoint an Investigator to investigate the report. The appointment will normally be made within 3 working days of the referral. The Investigator may be a senior member of the College or an external Investigator, at the Principal's discretion.

5.4.2 The Principal will write to the subject and the reporter informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to principals.assistant@regents.ox.ac.uk within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within 3 working days of the objection being made. The subject and the reporter will be notified of the identity of any replacement Investigator by email.

5.4.3 A Disciplinary Panel will consist of three people appointed by the Principal for the purposes of considering the report. Panel members must be College Fellows, members of Governing Body, Trustees, or Lecturers, or people approved by the Fellows as suitable Disciplinary Panel members. The Principal will appoint one of the members as Chair of the Disciplinary Panel.

5.4.4 A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Principal has referred more than one case involving the same subject the Disciplinary Panel may decide to consolidate the cases.

5.4.5 The Principal will write to the subject and the reporter informing them of the identities of proposed Disciplinary Panel members and stating that if they have any objection to the appointment of any of the members, they must set out the reasons for their objections in an email to principals.assistant@regents.ox.ac.uk within 2 working days. If the Principal considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

5.5 Investigation

5.5.1 The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.

5.5.2 The Dean will report to the Investigator of any evidence they have obtained for their initial investigation. The Investigator shall inform the subject of the report against them, and disclose to the subject all relevant evidence (including exculpatory evidence) except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.

5.5.3 The Investigator will give the subject the opportunity to respond to the report against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to:

i. representations regarding any response to the allegation,

ii. justification, or excuse for the breach of discipline under investigation,

iii. and mitigating factors that may bear on disposal of the case.

5.5.4 Such representations should normally be heard at a meeting in person, between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time, the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.

5.5.5 The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.

5.5.6 A member of the administrative staff of the College will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting and/or the meeting may be recorded.

5.5.7 On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel including any written or documentary evidence, notes of meetings, and a conclusion as to whether, on the balance of probabilities, a finding that the subject committed the breach(es) of discipline could be justified.

5.6 Disciplinary Meeting

5.6.1 The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.

5.6.2 It is expected that all relevant evidence from witnesses will have been obtained by the Investigator and will be contained in the Investigation report. In many cases, the Disciplinary Panel will not need to hear directly from witnesses to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.

5.6.3 The Chair of the Disciplinary Panel will write to the subject via email informing them of the proposed date of the Disciplinary Meeting which will be no less than 7 working days after the date of the email. The Chair will:

i. set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline;

ii. provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel;

iii. set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending;

iv. inform the subject of the right to be accompanied in accordance with paragraph 2.5 above;

v. inform the subject that they can expect the members of the Disciplinary Panel to ask them questions; and

vi. ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses.

In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date, or chooses not attend, they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and may proceed in the absence of the subject.

5.6.4 If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 working days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.

5.6.5 If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any arrangements are required to safeguard the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include:

i. separate waiting areas for the reporter and the subject;

ii. the reporter bringing a supporter to sit with them while addressing the Panel and answering questions;

iii. the reporter addressing the Panel from behind a screen;

iv. the reporter responding to questions via online-link from a different location.

Such measures are likely to be required in Disciplinary Meetings that are dealing with reports made under the Harassment Policy, particularly involving reports of sexual misconduct.

5.6.6 The Chair will determine the procedure for the hearing, to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.

5.6.7 The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.

5.6.8 A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.

5.6.9 After the Disciplinary Meeting, the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker. Before determining whether a breach of discipline has been established it will:

i. satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing;
ii. assess the relevance, reliability and credibility of the evidence;

iii. satisfy itself that that the subject has had a fair opportunity to answer the case against them;
iv. satisfy itself that that from the evidence obtained, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and
v. identify the form of outcome which it is minded to adopt, subject to further representations by the subject.

5.6.10 Decisions of the Disciplinary Panel shall be made by a simple majority vote.

5.6.11 If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within 7 working days of that decision, the reasons for it, and the outcome it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the decision, regarding the appropriate outcome. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request a written statement from the reporter or any other person of the impact of the subject's conduct on them.

5.6.12 The Disciplinary Panel may impose any penalty or combination of penalties set out in Appendix A(II). It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that is appropriate and proportionate in all the circumstances.

5.6.13 The Panel shall report its determination and outcome to the Principal as soon as possible, supported by written reasons. Notice of the Panel's determination and outcome will be given in writing to the subject by the Principal within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject of their right of appeal (see Section 6 below). The reporter will be informed of the outcome of the proceedings, but not of any penalties imposed.

6. Appeals following Disciplinary Panel proceedings

6.1 The subject may appeal against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed.

6.2 The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in paragraph 6.4 below.

6.3 Any disciplinary measures appealed against do not come into effect pending determination of the appeal. It is, however, still possible for a student to meet any conditions specified in the disciplinary measure or conditional determination and hence to terminate the measure, while the appeal is pending. Precautionary measures may continue to apply pending the determination of an appeal.

6.4 Notice of Appeal

6.4.1 The grounds upon which a subject may appeal are that:

i. There was bias, or a reasonable perception of bias, during the procedure;

ii. There was unfairness or a failure to follow this Procedure;

iii. The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;

iv. There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;

v. The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or

vi. The penalty imposed was disproportionate.

6.4.2 Any appeal must be made by sending a notice of appeal to principals.assistant@regents.ox.ac.uk within 7 working days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time, the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

6.5 The Appeal Committee

6.5.1 An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.

6.5.2 An Appeal Committee will consist of three people appointed by the Principal for the purposes of considering the appeal constituted in accordance with paragraph 6.5 below. The Principal will appoint one of the members as Chair of the Appeal Committee.

6.5.3 The Appeal Committee may comprise:

i. One Tutorial Fellow of the College of suitable seniority and experience; and

ii. One member of Governing Body

iii. any one, or any two (if the Principal is unable to appoint a Tutorial Fellow under paragraph 6.5.3 (i) above), of the following in any combination:

a. Other Fellows of the College including Research Fellows;

b. Members of another College, Hall, or other Colleges of the University of Oxford who (apart from the fact that they are members of another College) fall under the descriptions in (i) – (ii) above;

c. Any other person who has been approved for this purpose by Fellows.

6.5.4 The Appeal Committee will be assisted by a member of College staff who will act as Secretary to the Appeal Committee ('the Secretary').

6.5.5 The Principal will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to principals.assistant@regents.ox.ac.uk within 2 working days**.** If the Principal considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within 3 working days of the objection being made.

6.6 Consideration of the Appeal

6.6.1 The Principal will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure. Within 3 working days of their appointment, the College Representative will provide the subject and the Secretary with a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.

6.6.2 Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.

6.6.3 The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 working days after the appointment of the Appeal Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.

6.6.4 At least 7 working days before the hearing the Secretary will:

i. write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;

ii. provide the Appeal Committee members, the subject, and the College Representative with all documents relevant to the appeal.

6.6.5 If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 working days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.

6.6.6 The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.

6.6.7 The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 6.6.4 above. The Secretary will provide the subject and the College Representative with at least 7 working days' notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 6.6.4 above.

6.6.8 The appeal will be determined by a simple majority vote.

6.6.9 The decision of the Appeal Committee shall be provided in in writing to the Principal, the subject, and the College Representative within 7 working days of the conclusion of any hearing.

6.6.10 The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.

6.6.11 The Appeal Committee may:

i. uphold the implementation of the disciplinary penalty,

ii. vary the conditions of its implementation,

iii. require those conditions to be satisfied afresh,

iv. set aside the penalty and remit the matter to the Disciplinary Panel, or

v. substitute any alternative disposal which was open to the Disciplinary Panel.

An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.

6.6.12 The decision of the Appeal Committee is final and not open to further appeal within the College.

6.6.13 If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

6.6.14 The subject may make an appeal to the Conference of Colleges Appeal Tribunal (CCAT) *before* appealing to the Office of the Independent Adjudicator, in cases which fall within CCAT's remit i.e. "appeals of academic and non-academic disciplinary decisions imposing a substantial penalty.[2] These decision are made by the body with final jurisdiction within any participating College".

7. Appeal in relation to breach of conditions

7.1 If conditions are attached to any disposal under Appendix A(II) and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the subject, the appeal procedure under this Section applies.

7.2 The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following grounds:

i. that the Dean was wrong to conclude that the subject failed to meet the condition; or

ii. that the subject's failure to meet the condition was excusable.

7.3 The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Principal within 7 working days of receipt by the subject of notice under paragraph 7.1 above of their failure to meet the condition.

7.4 The appeal, which will be a rehearing, will be referred by the Principal to a Disciplinary Panel constituted in accordance with Section 5 above and the procedure under Section 5 will be followed.

[2] "Substantial penalty" includes expulsion or suspension, substantial fines (those above £1,000) and other penalties of similar severity, as defined in the Glossary to the CCAT regulations.

APPENDIX A

(I) THE CODE OF DISCIPLINE

The rules contained in the Code of Discipline are set out in the College's:

Harassment and Bullying Policy

Collegiate University Student Drug Guidance

Freedom of Speech Policy

Student Handbook

In addition, the following applies:

1. Minor breaches of discipline include, but are not limited to:

    a. General non-academic behaviour which falls below the standard reasonably expected of a member of the College.

2. Major breaches of discipline include, but are not limited to:

    a. A student is alleged to be guilty of anti-social behaviour, or harassment;

    b. A student is alleged to have caused damage to College property;

    c. A student is alleged to have behaved in such a way as to endanger the health, safety and security of the College and its members;

    d. A student is alleged to have seriously breached the conditions in their College or University contracts, or tenancy agreement;

    e. A student is alleged to have breached specific College or University policies, as agreed on from time to time;

    f. A student is alleged to have behaved in a way likely to bring the College into disrepute;

    g. A student has failed to follow reasonable and lawful instructions (typically only on College premises);

    h. The Dean believes there is 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 College staff; serious, wilful damage to College property, or unauthorised occupation of it; discriminatory language or behaviour (as defined under Section C of the Harassment Policy); persistent non-payment of fees or fines [see Penalties, below).

(II) PENALTIES

The penalties which may be imposed in respect of a breach of the College Code of Discipline are:

1. Penalties for Minor Breaches of Discipline:

a. A requirement that the subject apologise, orally or in writing, to the College or to named individuals;

b. A requirement that the subject undertake specified training;

c. A requirement that the subject produce a written reflection;

d. An Informal or Formal warning:

i **Informal warnings** may be issued by any Fellow, or Director of Studies of the College in the areas of College life for which they are responsible. They should be issued in such a way as to preserve mutual respect between staff and students. They should be given in writing (email is acceptable), and must be reported to the Dean, who will keep a record of them. Those records will be deleted after 12 months.

ii **Formal warnings** are issued by the Dean, under Section 5 of the Non-academic Disciplinary Policy. They should be issued in such a way as to preserve mutual respect between staff and students. They should be given in writing (email is acceptable), and the Principal shall be informed. The Formal Warning shall be placed on the student's file and may be used for landlord good character references but NOT for employment references.

e. A ban, not exceeding 14 days, from any specified College locations, facilities and services not including the subject's own College-provided living accommodation or the route to it, so imposed so as not to disproportionately interfere with the subject's academic work.

f. A ban, not exceeding 28 days, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function.

g. Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work.

h. A fine of up to £500, so calculated as not to expose the subject to disproportionate hardship. Fines will become due one calendar month after the matter is settled (including an appeal). Fines not paid will increase by 10% for each calendar month, or part thereof unpaid. The student will be subject to disciplinary action under section 6 of the Non-Academic Disciplinary Code if fines remain unpaid 3 months after the due date.

i. The Dean has the power to impose additional fines outside those stipulated in paragraph h above where proportionate to the offence.

2. Penalties for Major Breaches of Discipline

a. A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes, and/or from residing in College accommodation with or without conditions that need to be satisfied before a return to the College premises and/or accommodation; or

b. A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes, and/or from residing in College accommodation unless certain conditions are satisfied, with or without further conditions that need to be satisfied before a return to the College premises and/or accommodation; or

c. Suspension from the College for a period of up to one academic year, with or without conditions that need be satisfied before return to College; or

d. Suspension from the College for a period of up to one academic year unless certain conditions are satisfied, with or without further conditions that need to be satisfied before return to College (see paragaph 15, below); or

e. Expulsion from the College unless certain conditions are satisfied; or

f. Expulsion from the College.

g. Suspension from the College will lead to a 'temporary suspension of studies' and means that a person is required to leave the College for a specified period; re-entry might be made conditional on meeting appropriate non-academic conditions. 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.

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

3. Conditional determination

The Dean or a Disciplinary Panel may also make a conditional determination that there should be no penalty so long as certain conditions are satisfied.

4. Conditions

The conditions that may be attached to a penalty under paragraphs 9 to 13 above, or to a conditional determination include:

a. that the subject is to commit no breach of the Code of Discipline of any type, or of any specified type for a specified period or indefinitely;

b. that the subject is to report to the Dean at such intervals and for such period as the Dean and/or Disciplinary Panel may determine with a view to keeping the subject's conduct under review and for the purposes of which review the subject's assent to a conduct agreement may be required;

c. the subject must take some other reasonable step or steps specified in the procedure's outcome. The step or steps will be taken before a specified date, provided that they will not be ones designed to penalise the student.

5. Costs

The Dean may always pass on to a student any costs incurred by the College as a direct consequence of the breach of discipline, for example the cost of removing graffiti. This does not include costs attributable to investigating and establishing the breach of discipline, or legal fees.

6. Approach to determinations and outcomes

When reaching a decision as to what penalty to impose, or in specifying a conditional determination, the Dean or Disciplinary Panel will do so in a manner which considers the circumstances of the breach of discipline and the subject.

Relevant factors may include (without limitation):

- The seriousness of the breach of discipline;
- The degree of harm caused to any victim, including the College;
- The subject's previous disciplinary record;
- Whether or not the subject has co-operated with the investigation;
- The degree of insight shown by the subject;

- The existence of mitigating or aggravating factors;
- In the case of a financial penalty, the subject's financial position.

Mitigating factors may include (without limitation):

- The subject has apologised to any victim
- It is the subject's first breach of discipline;
- The subject admitted the breach of discipline at the earliest opportunity;
- The subject has expressed remorse;
- The subject has compelling circumstances that affected their judgment.

Aggravating factors may include (without limitation):

- Any failure to co-operate with investigatory or risk assessment processes;
- Where the conduct was motivated by protected characteristics, or perceived protected characteristics;
- Repeated breaches of the same or similar provisions of the Code of Discipline;
- Failure to comply with a minor sanction.

APPENDIX B

MINISTERIAL ASSESSMENT

1. For general behaviour and non-academic discipline, Ministerial Students are subject to the procedures outlined in this Policy. However, the College course in Ministerial Formation is a discernment process in which there are end-of-year reviews with the Pastoral Studies Team, with the intention that the College commend students to the Baptist Union settlement process, and then commend them to ministry. Baptist Union Ministers-in-Training are also subject to the Baptist Union Ministerial Recognition Rules.

2. If a Ministerial Student acts in a way that leads to is the subject of a Major Disciplinary Procedure (see Part 5), then those who have oversight of the College's Ministerial Formation Progamme will inform the Ministries Team of the Baptist Union and any subsequent disciplinary action will be coordinated between the College the Baptist Union Ministries Team.

3. In addition, if a Ministerial Student breaches the Baptist Union Ministerial Recognition Rules those who have oversight of the College's Ministerial Formation Progamme will inform the Ministries Team of the Baptist Union and any subsequent disciplinary action will be coordinated between the College the Baptist Union Ministries Team and led by the Baptist Union Ministries Team.

4. In such exceptional circumstances, those with oversight of the College's Ministerial Formation Programme, may decide not to commend a Ministerial Student for settlement with the Baptist Union. This decision-making process will include discussions with the student, their placement church, an appropriate Regional Minister, and the Ministries Team of the Baptist Union.

5. A Ministerial Student who wishes to appeal against a refusal to commend them to the Baptist Union for settlement may appeal in writing (including email) to the Chair of Governing Body within 15 working days of the decision not to commend them.

6. The grounds upon which a Ministerial Student may appeal are that:
   a. There was bias, or a reasonable perception of bias, during the procedure.
   b. There was unfairness or a failure to follow this Procedure;
   c. The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;
   d. There was an error of interpretation of any of the provisions referred to in Appendix A of this Procedure;
   e. The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
   f. The penalty imposed was disproportionate.

7. An appeal hearing shall be convened within 21 calendar days of receipt of the written appeal, unless either side needs more time to prepare.

8. The Chair of Governing Body shall convene an Appeals Panel, comprising 3 members:

   a. The Chair, or Vice-Chair of Governing Body;

   b. A member of Governing Body, or College Council, who is an accredited minister of the Baptist Union of Great Britain;

   c. A member of Governing Body (who is not a Fellow of the College).

9. The College retains the right to have legal representation present at the Appeals Panel as a non-voting member to give legal advice.

10. The student shall have the right to be accompanied by a friend, or to have representation, legal or otherwise.

11. The student shall present their written statement of the case to the Appeals Panel no later than 3 working days before the date of the meeting.

12. The College representative, normally the Director of Ministerial Training, shall present their written statement to the Appeals Panel no later than 3 working days before the date of the meeting.

APPENDIX C

APPLICATION OF THE PROCEDURE

1. An alleged breach of the College Code of Discipline may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a Member of the College. A breach of discipline will be treated as having been committed in that capacity if:

   a. it was committed on or near College premises; or

   b. it was committed on or near the premises of another College, or Hall, or on or near University premises, and a reasonable request is received from the Dean or other competent official of that other College, or Hall, or from the University Proctors, or the Head of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or

   c. it was committed during College activities away from College premises; or

   d. it was committed when studying at a partner organisation; or

   e. it was committed on social media against any other Member of the College; or

   f. it threatens to bring the College into disrepute among reasonable people; or

   g. it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or

   h. it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or

   i. it was committed against the College or any other Member of the College.

2. For certain types of report, steps may be taken under other procedures before the matter is addressed by the Dean. In particular, complaints about harassment including sexual misconduct may be considered under the College's Harassment Policy and procedure.

3. Other College Policies

Where this Procedure applies, and the subject's situation also constitutes a proper basis for steps to be taken under another policy or procedure of the College (for example the College's Fitness to Study procedure), and the responsible person in College for that other procedure confirms that a report has been made about the student under the other procedure, or that steps under that other policy or procedure are anticipated or have been proposed or initiated, then the responsible College officers under each policy or procedure will together determine, in consultation with the subject:

- whether all steps should be consolidated so that they are taken under a single policy or procedure;
- the decision to consolidate the procedure may not have the effect of depriving the subject of an avenue of appeal that they would otherwise have enjoyed;
- in the event of disagreement as to the appropriateness of a consolidation, the final determination is to be made by the Principal. The responsible officer of the College for the purpose of this procedure is the Dean.

It should be noted that for postgraduate students, any Fitness to Study procedures are the responsibility of the relevant Faculty or Department.

4. University Policies

4.1 Where this Procedure applies, and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under this Procedure may be stayed until the conclusion of Proctorial proceedings.

4.2 Disciplinary steps may subsequently be taken under this Procedure notwithstanding that Proctorial proceedings have been discontinued, or that Proctorial charges have been dismissed. No finding of fact by the Proctors, or absence of any such finding will bind the College.

5. Behaviour which could constitute a criminal offence

5.1 Where this Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police, or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.

5.2 Where the alleged victim of an alleged criminal offence is a Member of the College, the College will provide that person with the necessary support, including supporting them in their decision about reporting the matter to police.

5.3 Disciplinary steps may subsequently be taken under this Procedure notwithstanding that criminal proceedings have not been commenced, or have been discontinued, or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the Code of Discipline in the manner alleged.

5.4 The fact that proceedings under this Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Dean from taking safeguarding and/or precautionary measures referred to in paragraphs 1.8 and 3.3 of this Procedure.

5.5 Where a student is found guilty of a breach of University regulations, or a criminal offence, the College may subsequently pursue the same matter under this Procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its members, which are not regulated by this Procedure.