
Worcester College, Oxford

Student Disciplinary Policy

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1 Introduction

- 1.1 The College requires all students to behave in accordance with its regulations and policies. Where it appears that a student may not have behaved as required, this will be investigated and where a breach of the rules has occurred, penalties or sanctions may be imposed. This policy is intended to provide an efficient route through which allegations of misconduct by students can be investigated and considered by the Dean and, if the student wishes, by a panel drawn from the governing body of the College. The student will also have an appeal to the Office of the Independent Adjudicator (henceforth OIA), and to the Conference of Colleges Appeal Tribunal in more serious matters.
- 1.2 The governing body will appoint a panel of at least 6 members of the Governing Body who will serve for a minimum of 3 years and from which a Disciplinary Committee will be drawn when required.

2 Who is responsible for this Policy?

- 2.1 The Governing Body of the College has overall responsibility for the effective operation of this Policy and for ensuring compliance with relevant legislation.
- 2.2 Day-to-day operational responsibility for this Policy, including regular review of this Policy, has been delegated to the Dean. Under the College statutes, the Dean is responsible for the maintenance of the discipline of students and may delegate part of that responsibility to Assistant or Associate Deans.

3 What is misconduct?

- 3.1 The following examples would normally be regarded as breaches of the acceptable standards of student conduct. This is a non-exhaustive list and shall not prevent the College from considering within its disciplinary processes any other conduct referred to it as a potential breach of discipline:
- 3.1.1 Disruption of the activities of the College, whether on College premises or elsewhere, including interference with anyone's right to freedom of speech within the law;
- 3.1.2 Obstruction of, or improper interference with, the functions, duties or activities of any member of the College, employee or authorised visitor;

- 3.1.3 Violent, indecent, disorderly, threatening, abusive or offensive behaviour or language, including such language in any poster, sign, notice or publication (whether on College property or elsewhere, or on social media;
- 3.1.4 Findings of harassment or bullying of any member of the College pursuant to the College's Harassment and Bullying Policy;
- 3.1.5 Fraud, deceit, deception or dishonesty;
- 3.1.6 Action likely to cause injury or impair safety on College premises;
- 3.1.7 Damage to or misuse of College property, or the property of others;
- 3.1.8 Misuse or unauthorised use of the College computer system, including accessing prohibited material;
- 3.1.9 Other conduct which amounts to a criminal offence in English law (or conviction of such an offence), where the conduct:
 - (i) took place on College premises or through the College's computer system; or
 - (ii) affected or concerned other members of the College community; or
 - (iii) damages the reputation of the College; or
 - (iv) itself constitutes misconduct under this Procedure; or
 - (v) is an offence of dishonesty wherever committed and the student holds an office of responsibility within the College; or
 - (vi) is such as to render the student a danger to other members of the College community or unfit to remain a member of the College or to enter and practise a profession to which the student's course is designed to lead;
- 3.1.10 misconduct (within the meaning of this Procedure) in the course of engaging in, or otherwise relating to or concerning, any clubs or societies associated with (whether formally or informally) the College;
- 3.1.11 breach of any Order made by or on delegated behalf of the Governing Body of the College;

- 3.1.12 failure to comply with any penalty, measure, duty or requirement arising under this Policy;
- 3.1.13 obstructing the Dean or Disciplinary Committee (as further detailed below) in carrying out duties under this Procedure, giving false evidence at any hearing under this Procedure or in any other way seeking to pervert the course of justice in relation to action under this Procedure;
- 3.1.14 disorderly or unruly behaviour within the College, whether or not induced by drink or drugs, including any anti-social conduct resulting from the consumption of drink or drugs, or coercing or inappropriately encouraging others to participate in the use of drink and/or drugs.

4 Criminal Offences

- 4.1 In cases where misconduct could amount to a violation of criminal law, the College will, in line with guidance provided by Universities UK in 2016, adopt special procedures. These normally mean that the College may take initial statements and collate evidence, but a full consideration of the matter under internal disciplinary procedures will be adjourned whilst any police action is in hand or pending and until the outcome of proceedings in the criminal justice system, if any, is known. The College will focus instead on ensuring that the appropriate safeguards and support are in place for all involved parties.
- 4.2 The College has neither the standing nor the expertise to make findings about alleged criminal offences. Only a criminal court can decide whether or not a person committed a criminal offence and does so on the basis that the elements of the offence have been proved beyond reasonable doubt.
- 4.3 What the College can do is determine whether the alleged facts and matters occurred on the balance of probabilities and whether those facts and matters amount to a breach of discipline. If so, the College will assess the level of seriousness of the breach of discipline; and what sanction (if any) should be imposed.
- 4.4 A decision by the Police or Crown Prosecution Service (or other law enforcement agency) to take no further action in relation to a criminal matter, or an acquittal at a trial, does not preclude the College from taking action under this policy.

5 Precautionary measures

- 5.1 If a serious allegation is made about a student's behaviour or the College receives a report that a student is under police investigation or is subject to criminal proceedings, the Dean or someone delegated to exercise the powers of the Dean may decide to take precautionary action to protect the College community, staff or individuals. He or she will undertake a risk assessment and decide whether or not to take any action and the timing of such action. The College will seek to balance the rights and interests of any reporting student, the reported student, the general student body and the staff and Fellows when considering what action to take.
- 5.2 Precautionary action may include:
- 5.2.1 Imposing conditions on the student (for example, requiring them not to contact another student and/or certain witnesses and/or requiring the student to move accommodation);
 - 5.2.2 Suspending the student from their studies;
 - 5.2.3 Excluding the student from certain areas (for example, prohibiting the student from going to certain accommodation blocks or using the sports facilities or from attending a placement); and/or
 - 5.2.4 Other action reasonably required in the circumstances.
- 5.3 Precautionary measures do not constitute a penalty or sanction and do not indicate that the College has concluded that the student has committed a breach of discipline or a criminal offence.
- 5.4 The aim of imposing precautionary measures is to best protect others from harm whilst having the minimum possible impact on the student. The College will consider the interests and welfare of the student, the general student body and the Staff and Fellows and endeavour to treat them all fairly and equally when undertaking the risk assessment and when ascertaining the potential effectiveness and impact of precautionary measures.
- 5.5 The risk assessment and any precautionary measures that are put in place will be reviewed at regular intervals and reconsidered as the case develops. A failure to comply with a precautionary measure will trigger a review and is likely to result in more serious measures being put in place (for example, a failure to comply with a

requirement not to contact another student could result in the student being suspended).

- 5.6 Any decision to suspend a student can have serious consequences as it is likely to disrupt and/or interrupt the student's course of study. Consequently, this step will only be taken where the risk level is high and where there are no reasonable alternative measures that could be put in place to mitigate that risk. The student will have an opportunity to make representations to the decision-maker before the decision is made (or if that is not possible or appropriate due to the urgent or sensitive nature of the matter, as soon as possible thereafter); to appeal the decision and/or request a review at any stage if there is a material change in the circumstances of the case.

6 Stage 1 process – the Dean

- 6.1 On becoming aware of alleged misconduct, the Dean (which in this Stage 1 includes an Associate or Assistant Dean) shall undertake an appropriate investigation to determine whether a breach of College discipline has occurred. An individual who could reasonably be viewed as the victim of alleged misconduct shall not undertake the role of the Dean.

- 6.2 The Dean's investigation:

6.2.1 Will include:

- (i) An interview with the student who is alleged to have engaged in misconduct, or
- (ii) An opportunity for the student to provide a written response to the allegations; and

6.2.2 May also include interviews, or other forms of evidence gathering, with:

- (i) The person(s) who reported the alleged breach of discipline; and/or
- (ii) Any witnesses to the alleged breach of discipline.

All students and staff interviewed in the course of the investigation will be reminded of the need for confidentiality.

- 6.3 The Dean will notify the student in writing of:

- 6.3.1 The allegations;
- 6.3.2 The fact they are being considered under this Policy;
- 6.3.3 The date, time and place of any interview;
- 6.3.4 Any information or documents which appear relevant to the Dean's investigation; and
- 6.3.5 The student's right to:
 - (i) Be accompanied at an interview by a member of the College; and/or
 - (ii) Submit any written evidence relating to the allegations to the Dean.
- 6.4 Having heard from the student and any other parties which the Dean considers in their reasonable discretion to be relevant to the alleged breach of discipline, the Dean will decide whether, on the balance of probabilities, misconduct has been established.
- 6.5 In the event that a finding of breach is made, the Dean shall go on to consider whether any of the following sanctions are appropriate:
 - 6.5.1 No further action in respect of the misconduct;
 - 6.5.2 Verbal warning from the Dean;
 - 6.5.3 Formal written warning from the Dean, to be placed on the student's file;
 - 6.5.4 To require the student to make a written apology to any party affected by the misconduct;
 - 6.5.5 To require repair or restitution by the student to the property or equipment damaged, or the payment of compensation;
 - 6.5.6 To require a period of community service in the College gardens or elsewhere on the College site;
 - 6.5.7 Removal or restriction of College benefits/facilities/privileges;
 - 6.5.8 To require the student to move to alternative accommodation (which may include deprivation of the right to use College accommodation entirely);

- 6.5.9 To exclude the student from the whole or any specified part or parts of the College and its facilities for a defined period or periods (including rustication);
 - 6.5.10 Expulsion of the student from the College; and/or
 - 6.5.11 Any other such action as may be appropriate in the circumstances, including referral on to another procedure of the College or University.
- 6.6 The Dean will confirm the decision to the student in writing within seven days of the meeting and inform the student of their right of appeal below. A copy of the outcome notification will be kept on file. All records will be stored in accordance with the College's Data Protection Policy.

7 Stage 2 process: Disciplinary Committee

- 7.1 If the student is not satisfied with the outcome of the Stage 1 process, they may request a hearing before a Disciplinary Committee. The request should be made in writing to the Provost within seven days of the date the Dean sending their written decision.
- 7.2 A panel from which members of a Disciplinary Committee in any particular case shall be drawn will be appointed by the Governing Body as set out at paragraph 1.2.
- 7.3 Upon receiving a request for a hearing, The Provost shall appoint a Disciplinary Committee consisting of:
 - 7.3.1 Four members of the panel referred to in paragraph 7.2, together with

One junior member proposed by the President of the JCR ("the Committee").

No member of the Committee shall have any interest in, or previous involvement with, the issue or complaint.
- 7.4 The Provost will appoint a Chair from among the members of the Committee.
- 7.5 The purpose of the Committee is to hear afresh the alleged breach of discipline.
- 7.6 On receipt of a request for a Stage 2 hearing, the Chair shall:
 - 7.6.1 Call a meeting of the Committee to be held, whenever possible, within 14 days of a student's request for a Stage 2 hearing;

7.6.2 Confirm to the student and the Dean:

- (i) The fact of Stage 2 of this procedure being invoked;
- (ii) The composition of the Committee;
- (iii) The date and time of the Committee meeting;
- (iv) The date by which any evidence they wish the Committee to consider should be received and sent to the other;
- (v) The date by which they should inform the Committee and each other of the names and other relevant details of any witnesses they propose to call to give evidence to the Committee; and
- (vi) Their right to be accompanied to the meeting (see paragraph 7.7 below).

7.7 A student who is subject to misconduct allegations may be accompanied at the Committee hearing by one person. The student shall notify the Chair in writing of the name of the other person a minimum of two days in advance of the hearing and the capacity within which the friend will accompany them. If the student wishes to be legally represented at the hearing, they must make a request to the Chair at least five days before the hearing. The Chair will not usually refuse the request but will notify the Dean, who may engage legal representation, and may appoint a lawyer to advise the Committee. No party to the process can be required to pay another's legal or other costs of the hearing.

The Committee meeting

7.8 The Committee will invite a staff member to be present at the meeting to take a note of the meeting which will stand as a record of the meeting. No other recording shall be taken without the Chair's prior written consent.

7.9 The Committee shall determine its own procedure at the meeting, but the procedure must involve:

7.9.1 The Dean (or their nominee) presenting the case against the student first;

7.9.2 The student (or their representative) having the opportunity to see all evidence presented to the Committee by the Dean and to ask questions

(whether directly or through the chair) of any witness called by the Dean to give evidence

7.9.3 The student (or their representative) presenting their case in response to the allegation(s);

7.9.4 The Dean (or their representative) having the opportunity to see all evidence presented to the Committee by the Student and to ask questions (whether directly or through the chair) of any witness called by the Student to give evidence; and

7.9.5 Both the Dean and the student having the opportunity to address the Committee after all evidence has been submitted, with the Student being the last person to address the Committee.

7.10 The Committee may adjourn the hearing at any time.

The Committee decision

7.11 Following the Committee meeting, the Committee shall deliberate in the absence of all parties and reach a decision on the whether a breach of College discipline has occurred on the basis of the evidence presented to it. The Committee may consult the note of the hearing and may seek legal advice but neither the note taker nor any legal adviser may participate in the Committee's deliberations or decision making. All questions of fact will be determined on the balance of probabilities. The decision may be reached on a majority basis.

7.12 Where a finding of misconduct is made, the Committee shall determine the sanction(s) which are appropriate in the circumstances. The Committee may recall the Student and the Dean in order to hear any mitigation from the Student before deciding what sanction to impose. The Committee can impose any of the following sanctions proportionate to the finding of misconduct it has made and is not constrained by any sanction previously imposed by the Dean:

7.12.1 No further action in respect of the misconduct;

7.12.2 Formal written warning, to be placed on the student's file;

7.12.3 To require the student to make a written apology to any party affected by the misconduct;

- 7.12.4 To require repair or restitution by the student to the property or equipment damaged, or the payment of compensation;
 - 7.12.5 To require a period of community service in the College gardens or elsewhere on the College site;
 - 7.12.6 Removal or restriction of College benefits/facilities/privileges;
 - 7.12.7 To require the student to move to alternative accommodation (which may include deprivation of the right to use College accommodation entirely);
 - 7.12.8 To exclude the student from the whole or any specified part or parts of the College and its facilities for a defined period or periods (including rustication);
 - 7.12.9 Expulsion of the student from the College; and/or
 - 7.12.10 Any other such action as may be appropriate in the circumstances, including referral on to another procedure of the College or University.
- 7.13 The Committee shall issue their decision to the complainant and the Dean in writing within seven days of the Committee meeting. The decision will provide reasons for the Committee's decisions on the allegation(s) and for imposing any sanction.
- 7.14 The College will then provide the complainant with a Completion of Procedures letter (see section 9 below).

8 Conference of Colleges Appeal Tribunal

- 8.1 The College is a participating member of the Conference of Colleges Appeal Tribunal (the "Tribunal") <http://www.confcoll.ox.ac.uk/html/main/ccat.html>, which is external to the College but within the broader University of Oxford collegiate relationship.
- 8.2 The Tribunal provides an appeal mechanism against disciplinary decisions imposing a "substantial penalty", which the Tribunal defines in its Regulations <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> as follows:

“Substantial penalty includes the penalties of expulsion, rustication or suspension, substantial fines, and other penalties of similar severity. Substantial penalty does not include measures such as the imposition of probation or specially assessed collections”.

Members of Tribunal Panels appointed to hear cases are not members of, or have any direct connection with, the College against whom the appeal is brought.

- 8.3 Students who are subject to “substantial penalties” of that nature who are dissatisfied following the outcome of the Disciplinary Committee should contact the Tribunal as early as possible if they are considering making an application. Details of the Tribunal’s process can be accessed via its website; students should note that normally an application to the Tribunal must be made within five days of decision of the Disciplinary Committee.

9 Complaint to the OIA

- 9.1 If the student is unhappy with the Disciplinary Committee’s decision and/or that of the Tribunal (as applicable), the student has the right to issue a complaint with the Office of the Independent Adjudicator for Higher Education (the “OIA”).
- 9.2 The Completion of Procedures letter provided under paragraph [7] will indicate how to make such a complaint and details are also available at www.oiahe.org.uk.

10 Timescales and records

- 10.1 The College seeks to progress disciplinary processes within the following timescales:
- 10.1.1 the Dean to reach a decision on whether or not misconduct occurred within 30 days of receipt of a report of allegations
- 10.1.2 the Disciplinary Committee to reach its decision within 30 days of a request for a hearing.

As the complexity of disciplinary cases varies greatly, the College will not always be able to meet these time scales: while it is always highly desirable to resolve all complaints at the earliest possible opportunity, this will not always be possible if the investigation is to be both thorough and fair.

- 10.2 Records will be made of all investigations and hearings, their outcome and the action taken and will be kept confidential.

11 Support

- 11.1 Any student involved in any element of a disciplinary process in any capacity can contact the Student Welfare Officer at any time, who will advise on the different sources of support available to them.

12 Related policies

- 12.1 This Policy is supported by the following other policies and procedures:

12.1.1 The Harassment and Bullying Policy;

12.1.2 Fitness to Study Policy;

12.1.3 Student Complaints Policy; and

12.1.4 The University disciplinary regulations.

Policy first adopted: adopted by Governing Body TT 2021 to take effect 01 October 2021

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