

SECTION 14**RESIDENCE AND CONDUCT****14.1 Academic dress**

Junior members shall wear academical dress when being admitted as Scholars, Exhibitioners or Commoners of the College, when attending Principal's Collections, or any occasion when University regulations so require, and on such other occasions as the Governing Body may from time to time determine.

(Ref. X.8)

14.2 Commencement of Term

Every junior member of the College shall be required to be resident in the University (as defined by the University's Regulations for Residence in the University) during the terms covered by their course of studies, unless permitted by the Governing Body to go out of residence for some period of time.

(Ref. X.8)

14.3 Residence in College

- (a) A junior member may request the permission of the College to go out of residence for a period of time, because of ill health or for some other good reason. Any such request must first be discussed with the person or persons appointed by the Governing Body to supervise the junior member's studies, and/or, in the case of a graduate member, the member's College Advisor. That request may then be sent by the junior member to the Senior Tutor, who shall arrange a meeting with the junior member, to which the Senior Tutor may, as a matter of discretion, invite such supervising person or persons and/or, as the case may be, the College Advisor. At any such meeting, the Senior Tutor shall make clear that any grant of permission to go out of residence may be subject to medical and/or academic conditions.
- (b) If, after any such meeting, the junior member wishes to pursue the request to go out of residence, the junior member shall so inform the Senior Tutor in writing. The Senior Tutor shall then prepare a report to the Governing Body that outlines the circumstances of the request, that includes a recommendation as to whether or not permission be granted, and, if so, on what conditions as to a later return into residence. The report shall, in particular, refer to any evidence of neglect of studies by the junior member.
- (c) Having considered the Senior Tutor's report, the Governing Body shall decide whether or not to allow the junior member to go out of residence, and, if it does allow it, decide upon the period for which the junior member may be out of residence and upon what conditions must be met before a return into residence. These conditions will in the case of an undergraduate member normally include:
 - (i) the certification by a suitably qualified medical practitioner that the junior member is fit to resume the course of study;
 - (ii) taking of Collections before any return into residence.

Where there is evidence of neglect of studies by the undergraduate member, the Governing Body may decide that those Collections shall

count as Penal Collections for the purposes of Bylaw 13.10, and, if it does so, shall set the standard of marks to be achieved in them. Provision for the standard to be achieved in any such Penal Collection, as well as for the marking thereof, shall be as in that Bylaw.

- (d) If any permission granted is conditional upon the achieving of given marks in Penal Collections, the Senior Tutor shall inform the junior member that failure to achieve those marks is likely to result in the consideration of the member's case by an Academic Discipline Board, the outcome of which may be expulsion from the College.
- (e) In cases of urgency, the Senior Tutor shall have power to act in any way that the Governing Body may act under Bylaw 14.3(c). Any such action shall be provisional, until the Governing Body meets to decide how it wishes to act.

14.4 **Residence in College-controlled accommodation**

- (a) For the purposes of this Bylaw, "College-controlled accommodation" shall mean accommodation which is not within the College or in Ship Street but is owned and occupied by the College and has been assigned by the College for the accommodation of junior members.
- (b) College-controlled accommodation shall be occupied under tenancy agreements for a fixed period of forty weeks, in the case of junior members who are undertaking an undergraduate course of studies, and a fixed period of eleven months in the case of all other junior members. If a flat shall be occupied by at least one junior member other than one undertaking an undergraduate course of studies, the period shall be 11 months. In every case, the tenancy shall commence on the Saturday preceding the Monday of Noughth Week in Michaelmas Term. The tenancy period may be extended or an earlier start of the tenancy agreed (the tenancy still terminating forty weeks or eleven months as the case may be, from the start date) at the discretion of the Home Bursar.
- (c) The Home Bursar shall exercise the functions of the College as landlord in respect of College-controlled accommodation and ensure that the College complies with the Accommodation Code of Practice of the Accreditation Network UK (ANUK) or of any body replacing ANUK or having similar functions.
- (d) Junior members of the College in College-controlled accommodation shall be subject to the disciplinary authority of the Principal and the Dean and provisions of the Disciplinary Code under Section 15 of the Bylaws, whether or not their conduct shall constitute a breach of tenancy agreement.

(Ref. X.8)

14.5 **Residence otherwise than in College or in College-controlled accommodation**

Any junior member of the College who resides otherwise than in College or College-controlled accommodation shall inform the Home Bursar through the Porter's Lodge of the member's current address.

(Ref. X.8)

14.6 **Responsibility for disturbance and damage to College property**

- (a) All damage to the quadrangles, public rooms, or other College property

will be charged to the author of such damage who shall report the occurrence to the Home Bursar; if the member fails to do so the damage will be charged to the account of the Junior Common Room unless it appears to the Home Bursar (who shall, if he or she thinks fit, consult the Dean) that the damage is the responsibility of the Middle Common Room, or of one of its members, in which case it will be charged to the account of the Middle Common Room.

- (b) Every resident in College and occupant of College-controlled accommodation shall ensure that no damage is done to the resident's room and that no disturbance or irregularity occurs in that room, unless that damage is done or that disturbance or irregularity occurs during the member's absence and without the member's authority, or in circumstances beyond the member's control.
- (c) Any damage done to a College room or to College-controlled accommodation during the absence of and without the authority of, or in circumstances beyond the control of its occupant, may, at the discretion of the Home Bursar (who shall, if he or she thinks fit, consult the Principal, the Dean, or both), be charged to the account of the Junior Common Room, unless the person who caused the damage admits that he or she has caused such damage, in which case such person shall be charged.
- (d) The cost of any damage done to shared accommodation, whether a set of rooms in College, or a flat in College-controlled accommodation shall be shared equally between all occupants of that accommodation, unless the occupant who has caused the damage admits that he or she has caused such damage, in which case such person shall be charged. Any damage to shared accommodation may, if caused during the absence of and without the authority of, or in circumstances beyond the control of the occupants or any one of them, be charged to the account of the Junior Common Room, (or as the case may be the Middle Common Room, or apportioned between the two Common Rooms) unless the person who has caused such damage admits that he or she has caused such damage, in which case such person shall be charged.
- (e) If, in any case where it shall appear to the Home Bursar that any damage may have been intentionally or recklessly caused, the Home Bursar shall inform the Dean, with a view to the instigation of disciplinary proceedings, if the Dean shall be satisfied that such a course of action is appropriate.
- (f) If, in any case where it shall appear to the Home Bursar that personal injury has been caused, whether intentionally, recklessly or otherwise, the Home Bursar shall inform both the Principal and the Dean. The Dean shall instigate disciplinary proceedings, if the Dean shall be satisfied that such a course of action is appropriate.
- (g) The Governing Body may determine that there shall be an administrative charge levied on junior members whose actions cause unscheduled work for members of the College staff, who, as a result have to perform extra tasks or who are called to work out of normal working hours. If the Governing Body shall determine that there shall be such a charge it shall, from time to time, fix the amount of that charge. This administrative charge shall not be levied where a junior member has suffered personal injury or has been the victim of theft or criminal damage, unless the perpetrator shall be a junior member of the College, in which case the perpetrator shall be liable to pay the administrative charge, in addition to any other matters in respect of which he or she may be accountable

either under the Bylaws or otherwise.

(Ref. X.8)

14.7 **Guests of junior members of the College**

- (a) Any person introduced into the College as a guest of a junior member of the College shall be subject to the relevant rules as to conduct applicable to the member.
- (b) Any junior member of the College introducing a guest into the College shall ensure that his or her guest complies with the rules made applicable to the member's guest by Bylaw 14.7(a).
- (c) A junior member of the College who introduces a guest into the College shall ensure that such guest does not remain in the College beyond 2.00am nor enter it before 8.00am, unless overnight accommodation arrangements approved by the College have been made for that guest.

(Ref. X.8)

14.8 **Home address**

Every junior member of the College shall update his or her records in the College's personal and emergency contact details database at once with any change in such details.

(Ref. X.8)

14.9 **Battels, fees and charges**

- (a) The Home Bursar shall send to each person who is promised admission to the College a list of authorised charges made to junior members of the College for the normal objects of expenditure in the College.
- (b) The Home Bursar shall send to each junior member of the College as soon as possible after the beginning of each Hilary and Trinity Full Term a statement of the battels due to the College in respect of the previous Term together with a date for the payment thereof. As soon as possible after 30th July following the end of the Trinity Term immediately preceding, the Home Bursar shall send a similar statement in respect of that Trinity Term together with a date for payment thereof. The Home Bursar shall send to those junior members of the College to whom it is applicable as soon as possible after the beginning of Full Term a statement of monies due to the College for accommodation (including the Hall Charge and caution money) in respect of that Term, together with a date for the payment thereof. As soon as practicable in each Michaelmas Term, the Home Bursar shall send to each junior member, a statement of the monies due to the University and College for fees in respect of that academic year, together with a date for payment thereof.
- (c) Any junior member of the College who does not pay to the College (whether for itself or on behalf of the University) monies due for fees and accommodation, or battels, by the date specified, may, at the discretion of the Governing Body, be refused permission to remain in or return into residence, as the case may be; and may further, either as an alternative or in addition, be suspended from access to College facilities (including the provision of teaching).

(Ref. X.8)

14.10 **Dean's regulations**

The Dean shall, at the beginning of each academic year, issue to junior members regulations governing conduct and discipline. Such regulations shall not be made without the prior approval of the Principal and of the Governing Body.

(Ref. III.4(b), XIV, X.8)

SECTION 15**DISCIPLINARY CODE AND PROCEDURES****Disciplinary Code**

- 15.1 No member of the College shall intentionally or recklessly:
- (a) Disrupt or attempt to disrupt teaching, study or research or the administrative, sporting, social or other activities of the College, or disrupt or attempt to disrupt the lawful exercise of the freedom of speech of members, students, and employees of the College and of visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of his or her duties.
 - (b) Damage or deface any property of the College or of any member, officer or employee of the College, or knowingly misappropriate such property.
 - (c) Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by the University or College authorities concerned.
 - (d) Forge or falsify expressly or impliedly any University certificate or document or knowingly make false statements concerning standing or results obtained in examination.
 - (e) Engage, in a College context, in any activity likely to cause injury or to impair safety.
 - (f) Engage, in a College context, in violent, indecent, disorderly, threatening or offensive behaviour or language.
 - (g) Engage in the sexual or racial harassment of any member, employee or agent of the College or of any visitor to the College, or engage in the harassment of any such person on the basis of the latter's religion or sexual orientation. For these purposes, "harassment" shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person.
 - (h) Engage in any fraudulent or dishonest behaviour in relation to the College or the holding of any College office.
 - (i) Refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given.
 - (j) In a College context, use or offer, sell or give to any person drugs, the possession or use of which is illegal.
 - (k) Engage in conduct in breach of the Statutes and Regulations of the University published from time to time.
 - (l) Engage in conduct in breach of College regulations regarding conduct in examinations.
 - (m) Keep any firearm, ammunition or other offensive weapon in College, or in

College-controlled accommodation.

- (n) Engage in conduct in breach of College regulations regarding the use of the College libraries, computing facilities or other College facilities, whether academic or otherwise.

Any breach of any of the foregoing provisions may amount either to a “major breach” or to a “minor breach”, as defined in these Bylaws.

15.2 No member of the College shall:

- (a) breach any regulation made by the Dean and approved by the Principal and by the Governing Body under Bylaw 14.10;
- (b) breach any duty imposed upon the member by Bylaws 13.3, 13.4, 14.1, 14.2, 14.3(a), 14.5, 14.6(a), 14.6(b), 14.7(b), or 14.7(c).

Any breach of any of the foregoing provisions shall be a “minor breach”, as defined by these Bylaws.

15.3 In the event that a junior member has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (and whether or not such a sentence was in fact imposed) the Governing Body shall have power, after hearing any representation that the junior member may wish to make, to expel the junior member or impose such lesser penalty as it shall see fit.

15.4 (a) In the event that a junior member is expelled by the University, such expulsion shall apply to the College also, subject to a right of appeal to the Governing Body.

(b) In the event that a junior member is disciplined by the University for conduct in breach of College and/or University statutes or regulations, a penalty of suspension or rustication imposed by the University shall apply also to College premises and facilities, subject to a right of appeal to the Governing Body.

15.5 (a) A “minor breach” of this Code shall be either a breach which is so designated in these Bylaws or, in the case of a breach not so designated, one for which no penalty other than a fine would appropriately, in the circumstances, be imposed.

(b) A “major breach” of this Code shall be one for which a penalty of expulsion, rustication, banning or a fine would appropriately, in the circumstances, be imposed.

II **Disciplinary Procedures**

A **Preliminary**

15.6 The Dean shall have authority to investigate any apparent breach of any College rule falling within Bylaw 15.1 or 15.2 in order to discover whether or not there is evidence that such a breach has occurred and, if it has occurred, by whom it was committed. In pursuance of that authority, the Dean may require, whether in writing or otherwise, but, in any event, with reasonable notice, any junior member whom the Dean shall believe may be able to assist the decanal investigations to attend for interview before the Dean at a time and place stipulated.

- 15.7 The Disciplinary Procedures may be initiated by any member of the College who has good reason to believe that a junior member has breached any College rule falling within Bylaw 15.1 or 15.2. This person (the complainant) shall, if not the Dean, refer the matter to the Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the junior member concerned and giving details of the alleged breach.
- 15.8 The Principal shall, where the seriousness of an alleged breach of College rules, together with the circumstances in which it was committed and the possible consequences for the College or for any of its members were any further breach or breaches to take place, so dictate, have authority to suspend the junior member from use of College facilities, if necessary with immediate effect, for as long as the Disciplinary Procedures are in operation.
- 15.9 If the alleged breach is one for which the alleged offender is, in the opinion of the Dean, liable to be prosecuted in a court of law, the Dean shall not proceed, if at all, unless and until the Dean is satisfied either that any criminal proceedings in respect of the act or conduct in question have been completed, whether by conviction, caution, acquittal or discontinuance of the proceedings, or that the alleged offender is unlikely to be prosecuted in a court of law in respect of that act or conduct. This provision is without prejudice to the power of the Principal to suspend the junior member under Bylaw 15.8 above.
- 15.10 If the Dean is of the opinion that the alleged breach is one for which the alleged offender is liable to be prosecuted in a court of law, the Dean shall inform the complainant promptly that that is the Dean's opinion and of the effect of Bylaw 15.8 above.
- 15.11 If the complaint relates to activity which falls within the College's Code of Practice on Harassment, whether or not it constitutes "harassment" for the purpose of this Bylaw, the Dean shall consider whether the complaint should more appropriately be dealt with under the informal procedures set out in the Code. If he or she takes the view that the complaint should not be so dealt with he or she shall deal with the matter under the following procedure.
- 15.12 If The Dean shall become satisfied that there is evidence that a particular junior member has breached a College rule, the Dean shall, if possible within 48 hours of becoming so satisfied of any alleged breach of a College rule, require in writing the junior member concerned to attend for interview before the Dean at a time and place stipulated and shall normally provide the junior member with not less than 24 hours' notice of the interview. The notification of the interview shall give particulars of the alleged breach.
- 15.13 In the case of a breach of the College rules which is not expressly designated in these Bylaws as a minor breach, the Dean shall decide whether or not, were the breach to be proved, it would be proper to impose any penalty other than a fine of not more than £100. If the Dean shall decide that it would, the Dean shall treat the alleged breach as a major breach. Otherwise, the Dean shall treat it as a minor breach.

B Minor Breaches

- 15.14 If the Dean has decided to treat the alleged breach as a minor breach, or if the breach is expressly designated in these Bylaws as a minor breach, the Dean shall, at the interview, inform the junior member of that fact and that, in consequence, the Dean will be dealing with the matter and that the provisions relating to major breaches will not apply, unless the matter shall fall within the provisions of Bylaw 15.19 below.

15.15 At the interview in relation to an alleged minor breach, the Dean shall explain to the junior member that the junior member can:

- (a) admit the alleged breach and continue with the interview;
- (b) deny the alleged breach and continue with the interview as an investigative process.

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

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

The Dean may, at any time, adjourn the interview for a reasonable period of time in order for either the Dean or the junior member to seek evidence in relation to the breach where it has been admitted, or the alleged breach where it has been denied, from other persons.

15.16 At the close of the interview the Dean may, dependent on its nature and outcome, either:

- (a) take no further action;

or, if the breach has not been admitted:

- (b) determine whether the breach has been established;

15.17 Where the junior member has admitted the alleged minor breach or where the Dean has determined that the alleged minor breach has been established, the Dean shall, after hearing any mitigation (and consulting, if the Dean considers it appropriate, the Principal), impose a fine.

15.18 The details of any breach established and/or any penalty imposed shall be entered on an appropriate record and signed by the Dean and the junior member. One copy of the record shall be retained by the Dean, one given to the junior member and one lodged with the Secretary to the Governing Body who shall inform the junior member's Tutor or Tutors.

15.19 If, at any time during the interview referred to in Bylaws 15.14-16 above, the Dean shall come to the conclusion that the alleged breach, being a breach not expressly designated by these Bylaws as a minor breach, is of such seriousness that it ought to be treated as a major breach, the Dean shall so treat it. The procedure shall then be as under Bylaws 15.20-37 below.

C **Major Breaches**

15.20 If the Dean has decided to treat an alleged breach as a major breach, the Dean shall, at the interview, inform the junior member of that fact and that the matter will be referred to a Disciplinary Committee to be appointed by the Principal. After the conclusion of the interview, the Dean shall, without delay, inform the Principal that the Dean is treating the alleged breach as a major one and inform the Principal of the junior member's name.

15.21 Once informed by the Dean of the matters referred to in the preceding paragraph, the Principal shall appoint three members of the Complaints and Disciplinary Panel to act as members of the Disciplinary Committee. In doing so, the Principal shall, so far as is practicable, not include any member of the Panel

who is or has been a Tutor of the junior member. The senior Fellow shall Chair the meeting and act as Secretary of the Committee.

- 15.22 The Principal shall invite the Junior Common Room and the Middle Common Room, respectively, to nominate one of its number to membership of the Disciplinary Committee. If no such nomination shall have been made within seven days, the Principal shall act as nominator. In either event, the Principal shall provide the Committee with the two names. In any event, the Disciplinary Committee shall be quorate with two members.
- 15.23 The person Chairing the meeting and Secretary of the Disciplinary Committee shall obtain from the Dean all papers and information in the latter's possession, which relate to the alleged major breach.
- 15.24 Within, if possible, five days of being provided with the name or names of the Junior Common Room and Middle Common Room member or members of the Disciplinary Committee, or of being notified by the Principal that no junior member is willing to serve, the person Chairing the meeting and the Secretary shall require in writing the junior member concerned, as well as any witnesses of whose existence the person Chairing the meeting and the Secretary is aware, to attend for a hearing at a stipulated time and place, with not less than 48 hours' notice. Such notification to the junior member concerned shall state the details of the alleged breach, shall contain sufficient particulars to enable the junior member to know the case that he or she has to meet, and shall contain the names of any witnesses that have been required to attend the hearing.
- 15.25 At any time before the hearing is due to begin, the junior member may, in writing, inform the person Chairing this meeting and Secretary that he or she admits the breach. If the breach is admitted, the Disciplinary Committee shall proceed in accordance with Bylaw 15.28 below.
- 15.26 The junior member may give to the person Chairing this meeting and Secretary the names of witnesses, other than those already notified to the junior member by the Disciplinary Committee, that the junior member wishes to have called to give evidence to it. The person Chairing this meeting and Secretary shall require in writing any such witness or witnesses to attend.
- 15.27 If any person required to attend such a hearing before the Disciplinary Committee fails to make an appearance, the Committee may, at its discretion, adjourn the proceedings and in particular, if the junior member concerned fails to appear, may deal with the junior member's case in the junior member's absence, if satisfied that proper notice has been given.
- 15.28 The person Chairing the meeting and Secretary shall explain the procedure to be followed at the hearing and shall read out the complaint of alleged breach against the junior member. The junior member shall be asked if he or she admits or denies the alleged breach. If the junior member admits the breach the Disciplinary Committee shall hear evidence from the witnesses and/or a summary of the case and the junior member shall then be invited to make a plea in mitigation of the breach, either orally or in a written statement. If the junior member denies the breach the Disciplinary Committee shall proceed in accordance with Bylaw 15.29 below.
- 15.29 At the hearing, the Disciplinary Committee shall hear evidence from the junior member and from each witness. It shall decide whether to take evidence orally, in the form of a written statement or both. The Disciplinary Committee shall, where it decides to take evidence orally, be entitled to ask questions of the junior member or, as the case may be, the witness. Where the junior member wishes to ask questions of a witness, the junior member shall be entitled to have that

witness called before the Disciplinary Committee, for that purpose.

- 15.30 If in the course of such hearing the Disciplinary Committee is given the names of additional potential witnesses, whose evidence it considers may be significant, it shall follow, so far as appropriate, the procedure referred to in Bylaw 15.24 above so as to arrange their attendance.
- 15.31 At the conclusion of the hearing, the Disciplinary Committee shall determine whether, in its view, any breach has been established, taking into account any representations made by or on behalf of the junior member. The Committee shall also determine what penalty, if any, would, in its view be appropriate in the case of any such breach. A determination that no breach has taken place shall conclude the case against the junior member.
- 15.32 If the Disciplinary Committee is of the view that a breach has been established, it shall, as soon as reasonably practicable, make a written report to the Governing Body, both of its findings of fact and of its opinion as to the appropriate penalty, if any. The junior member shall be provided with a copy of that report at least five days before the meeting of the Governing Body at which the case is to be considered.
- 15.33 If the Disciplinary Committee determines that no breach has taken place, it shall inform the junior member in writing, both of that determination and of its conclusory effect, as soon as reasonably practicable. It shall also send a copy of that report to the Governing Body.
- 15.34 The junior member shall be notified by the Secretary to the Governing Body of the date and time of the meeting of the Governing Body at which his or her case is to be considered. Such notice shall be given no less than five days before that meeting. The junior member shall be entitled to appear before the Governing Body on that occasion to speak on his or her own behalf on the issue of penalty, and, either as an alternative or in addition, to make a written submission. The junior member shall be notified in writing of these rights, also no less than five days before the meeting.
- 15.35 The nominated members of the Junior Common Room and Middle Common Room who were members of the Disciplinary Committee shall be notified of the date and time at which the case will be considered by the Governing Body and that they may attend the meeting of the Governing Body as observers.
- 15.36 The Governing Body shall, at the conclusion of its deliberations, decide whether or not to impose a penalty upon the junior member. Any penalty imposed shall not be more severe than the penalty recommended by the Disciplinary Committee. The junior member shall be informed in writing of the Governing Body's decision as soon as reasonably practicable.
- 15.37 The Secretary to the Governing Body shall deposit with the Principal both the written report of the Disciplinary Committee and a note of the relevant minute of the Governing Body. The written report shall be destroyed by the Principal once twenty-one terms have elapsed from the matriculation of all members of the College whose conduct was under consideration by that Disciplinary Committee, but shall, until such time, together with the note of the Governing Body minute, be available to subsequent Committees if the Principal considers them relevant to their deliberations. The person Chairing the meeting and Secretary of the Committee shall also deposit with the Principal an abstract of its findings, together with any decision reached by the Governing Body thereon, from which the names of such members of the College have been omitted; such abstracts shall be retained by the Principal, and shall be available to subsequent Committees at any time.

D Appeals: Minor Breaches

- 15.38 If the junior member shall wish to appeal against a decision of the Dean, whether as to the fact of breach, as to penalty, or as to both, the junior member shall inform the Principal in writing within fourteen days of the fact and nature of his or her appeal.
- 15.39 Once informed by the junior member of the matters referred to in the previous paragraph, the Principal shall appoint three members of the Disciplinary Panel to act as a Disciplinary Committee. In doing so, the Principal shall, so far as is practicable, not include any member of the Panel who is or has been a Tutor of the junior member. The senior Fellow shall Chair the meeting and act as Secretary of the Committee.
- (a) The Principal shall proceed as under Bylaw 15.22 to achieve the nomination of two junior members of the College as members of the Disciplinary Committee.
- (b) In any event, the Disciplinary Committee shall be quorate with two members.
- 15.40 The person Chairing the meeting and the Secretary of the Disciplinary Committee shall obtain from the Dean all papers and information in the latter's possession, which relate to the minor breach in question.
- 15.41 Within, if possible, five days of receiving from the Dean the papers and information referred to in the preceding paragraph, the person Chairing the meeting and Secretary to the Disciplinary Committee shall require in writing the junior member concerned and any witnesses to attend for a hearing at a time and place stipulated, with at least 48 hours' notice.
- 15.42 If any person required to attend such a hearing before the Disciplinary Committee fails to make an appearance, the Committee may, at its discretion, adjourn the proceedings and in particular, if the junior member concerned fails to appear, may deal with the case in his or her absence, if satisfied that proper notice has been given.
- 15.43 The person Chairing the meeting shall explain the procedure to be followed at the hearing and shall read out the finding of breach and/or the penalty imposed against which the appeal is directed.
- 15.44 At the hearing, the Disciplinary Committee shall take in writing a statement of evidence from the junior member concerned and from each witness, including the replies to any questions that the Committee may wish to put. Each such statement on completion shall be read through and shall incorporate any amendments and additions the junior member wishes to make and thereafter be signed and dated by him or her.
- 15.45 If in the course of such hearing the Disciplinary Committee is given the names of additional potential witnesses, whose evidence it considers may be significant, it shall follow, so far as appropriate, the procedure referred to in Bylaw 15.24 above so as to arrange their attendance.
- 15.46 At the conclusion of the hearing, the Disciplinary Committee shall, if the appeal is as to whether or not a breach was committed, determine that matter, taking into account any representations made by or on behalf of the junior member. In such a case and in a case where the appeal is only against the penalty imposed by the Dean, the Committee shall determine the appropriate fine (if any), such fine not to exceed £100. The person Chairing the meeting and the Secretary shall inform

the junior member in writing and as soon as is reasonably practicable, of the Committee's determination or determinations.

- 15.47 In any case of an appeal against a decision of the Dean, the person Chairing the meeting and the Secretary shall notify the Governing Body both of the decision of the Dean against which the junior member appealed and of its own determination or determinations.

E Appeals: Major Breaches

- 15.48 Any junior member who has had a penalty for a major breach imposed upon him or her by the Governing Body shall have a right of appeal either against the Disciplinary Committee's determination that such a breach has been established, or against the decision of the Governing Body as to penalty, or against both. However, no appeal shall lie against any finding of fact made by a Disciplinary Committee or by the Governing Body save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant.

- 15.49 A junior member wishing to appeal must notify the Principal in writing of his or her intention to exercise the right of appeal within seven days of his or her receipt of the Governing Body's decision in the junior member's case.

- 15.50 The Principal shall bring any notice of appeal received to the attention of the Governing Body as soon as is practicable and shall inform the appellant in writing that he or she has done so.

- 15.51 Where an appeal has been instituted under the preceding provisions, the Governing Body shall appoint, as soon as is practicable, a person not employed by the College, holding, or having held, judicial office or being a barrister or solicitor of at least ten years' standing to hear and determine that appeal. That person shall Chair the meeting.

- 15.52 The person Chairing the meeting shall sit alone unless they consider it better to sit with two other persons. The person Chairing the meeting shall notify the Secretary to the Governing Body of his or her decision on this matter within seven days. In either case, the tribunal hearing the appeal shall be referred to as the Appeal Tribunal.

- 15.53 Should the person Chairing the meeting have decided to sit with two other persons, the Governing Body shall, as soon as is practicable, appoint such persons, who shall be:

- (a) one member chosen from amongst the Honorary Fellows and holders of the offices listed in Statute IV.1(vii); and
- (b) one member chosen from amongst the members of Congregation, not being a Fellow, Lecturer or Chaplain of the College;

provided that neither shall have been involved in or associated with the making of the complaint or any part of it, nor have been involved in any earlier stage of the proceedings which have given rise to the appeal.

- 15.54 The person Chairing the meeting shall appoint a date, time and place for the hearing of the appeal and shall make such other directions for the disposal of the case as appear to the person Chairing the meeting to be appropriate. The Appeal Tribunal shall have power to adjourn the hearing from time to time as it sees fit.

- 15.55 Notice of the date, time and place and any directions made by the person Chairing the meeting shall be served in writing upon the appellant and upon the Secretary to the Governing Body at least 14 days before the date appointed. The appellant shall be notified of the power of the Appeal Tribunal to allow fresh evidence to be called.
- 15.56 The Secretary to the Governing Body shall, not less than 7 days before the date appointed, provide the person Chairing the meeting with a copy of the written report referred to in Bylaw 15.32 and with a note of the minute or, as the case may be, draft minute of the Governing Body's decision as to penalty in the appellant's case.
- 15.57 The Secretary to the Governing Body shall attend the hearing of the appeal by the Appeal Tribunal and shall provide the Tribunal with such information about the proceedings before the Disciplinary Committee and the Governing Body as the Tribunal shall require.
- 15.58 Any hearing of the appeal may be adjourned or postponed at the discretion of the person Chairing the meeting. The Appeal Tribunal may dismiss the appeal for want of prosecution. However no decision to dismiss in such circumstances shall be made without first having provided the appellant with an opportunity to make representations whether orally or in writing.
- 15.59 Except as provided in Bylaw 15.55 no appeal may be determined without an oral hearing, due notice of which has been served on the appellant.
- 15.60 The appellant shall be entitled to make a statement and to address the Appeal Tribunal. Witnesses may be called only with the leave of the Appeal Tribunal, which may itself call witnesses. Leave to adduce fresh evidence and/or the calling of witnesses examined at first instance shall be given only if the Appeal Tribunal is satisfied that it is necessary or expedient in the interests of justice.
- 15.61 Subject to the provisions of the Statute and of this part of the Bylaws, the Appeal Tribunal shall determine its own procedure. The person Chairing the meeting may at his or her discretion set time limits at each stage of the proceedings to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable having regard to the principles of justice and equity.
- 15.62 At the conclusion of its proceedings, the Appeal Tribunal may allow or dismiss the appeal in whole or in part.
- 15.63 The reasoned decision of the Appeal Tribunal shall be recorded in writing and shall be sent to the appellant and to the Secretary to the Governing Body, who shall notify the Governing Body of that decision.
- 15.64 The person Chairing the meeting may, by an appropriate certificate in writing, correct any accidental errors and/or any omissions in documents recording the decision of the Appeal Tribunal.

F General

- 15.65 Any findings of breach, whether a major or a minor breach and whether by the Dean, a Disciplinary Committee or an Appeal Tribunal shall be based upon the balance of probabilities.
- 15.66 The Dean, a Disciplinary Committee, the Governing Body or an Appeal Tribunal, as the case may be, may permit the junior member to be assisted by a third person. The junior member shall be informed in writing of this right.

- 15.67 The junior member may waive at any stage all or any of his or her rights under the foregoing procedure; nor shall any departure from such procedure invalidate any decision or determination purported to be made thereunder unless in all the circumstances such departure is productive of substantial unfairness to the junior member.
- 15.68 Any time limits contained in this Disciplinary Procedure may be extended at the discretion of the Dean, a Disciplinary Committee, an Appeal Tribunal or the Governing Body, as the case may be.
- 15.69 Any notice required by this Bylaw shall be valid if given in accordance with the methods prescribed by Statute XIX, Clause 1. The non-receipt of any such notice shall not invalidate the proceedings to which it refers.
- 16.70 Any disciplinary body acting under the provisions of this Section of the Bylaws shall have regard to paragraph 9 of the Code of Practice Relating to Harassment.
- 15.71 The Disciplinary Committee may have a legally qualified Clerk of the Committee who shall be appointed by the Principal.

G Penalties

- 15.72 Anybody with authority under this section of the Bylaws to impose upon a junior member a penalty for a major breach may impose upon him or her a penalty of expulsion, of rustication, of banning or of rustication combined with banning. Instead of imposing any such penalty, or, in cases other than those where a penalty of expulsion is imposed, in addition to doing so, it may impose a fine of not more than £500. In the event that the Dean or a Disciplinary Committee finds a minor breach proved against a junior member, the Dean or the Disciplinary Committee (as the case may be) may fine the junior member not more than £100.

H Office of the Independent Adjudicator

- 15.73 Any junior member who is the subject of disciplinary proceedings shall, once those proceedings and all available appeals there from have been concluded, receive a Completion of Procedures letter from the College, as required by the Office of the Independent Adjudicator. The junior member shall be entitled, if dissatisfied with the outcome, to complain to the Office of the Independent Adjudicator (OIA) provided the matter falls within the jurisdiction of the OIA.

SECTION 16**ILL-HEALTH OF JUNIOR MEMBERS****I Preliminary**

- 16.1 All those concerned in implementing this Section of the Bylaws shall respect the need for strict medical confidentiality.
- 16.2 In the event that the Dean believes that a junior member is suffering from a serious problem arising from ill-health, whether this has come to light in the course of a disciplinary investigation or otherwise, the Dean shall refer the matter to the Principal. Should the person Chairing the meeting and Secretary of a Disciplinary Committee come to believe that a junior member whose conduct that Committee is investigating is so suffering, the person Chairing the meeting and Secretary shall refer the matter to the Principal.
- 16.3 If disciplinary procedures have already been commenced, they shall be adjourned pending a determination under this procedure.
- 16.4 Where the Principal has come to believe that a junior member is suffering from a serious problem arising from ill-health, whether following a reference to the Principal under Bylaw 16.2 or otherwise, the provisions in the remaining Bylaws of this Section shall apply.
- 16.5 In the event that the junior member's conduct gives rise to a need for urgent action, the Principal may suspend the junior member forthwith pending investigation, such suspension not to exceed fourteen days.
- 16.6 The Principal may require the junior member to be seen by a College Doctor for an assessment. If the Principal, having considered the College Doctor's assessment, is of the view that a further opinion would be helpful, the Principal may require the junior member to attend for an independent medical examination, in which case the expense thereof shall be borne by the College.
- 16.7 In the event that the junior member refuses to co-operate with the Principal or with the College, or that the junior member refuses to attend for the purposes of an independent medical examination, the Principal may suspend the junior member until the junior member does co-operate, or, as the case may be, attend for examination.

II Medical Committees

- 16.8 Should the Principal, having taken all or any of the steps referred to in Bylaws 16.6 and 16.7, take the view that it may be appropriate, for medical reasons, to expel or suspend the junior member, or to make some lesser order in his or her case, the Principal shall refer the matter to a Medical Committee for its consideration.
- 16.9 A Medical Committee shall comprise three members appointed by the Governing Body on the recommendation of the Principal. At least two of the members shall be Fellows of the College, at least one of whom shall be a member of the Governing Body. At least one of the members shall be medically qualified.
- 16.10 Where a case has been referred to a Medical Committee under Bylaw 16.8, the junior member shall be given reasonable notice of the hearing. Such hearing shall be oral and shall be in camera.
- 16.11 The Committee may, having considered the evidence, expel the junior member,

suspend the junior member for an indefinite period, whether or not subject to conditions, or make such lesser order as it thinks fit. The junior member and the Principal shall be informed by the Committee of its decision as soon as reasonably practicable. The Principal shall inform the Governing Body of that decision.

III **Appeals**

- 16.12 Any junior member in respect of whom an order of expulsion or suspension or in respect of whom some lesser order has been made by a Medical Committee, shall have a right of appeal against any such order. However, no appeal shall lie against any finding of fact or medical finding made by a Medical Committee save on legal grounds or save where, with the consent of the person or persons hearing the appeal, fresh evidence is called on behalf of the appellant.
- 16.13 A junior member wishing to appeal must notify the Principal of his or her intention to exercise the right of appeal within seven days of his or her receipt of the Medical Committee's decision in his or her case.
- 16.14 The Principal shall bring any notice of appeal received to the attention of the Governing Body as soon as is practicable and shall inform the appellant in writing that he or she has done so.
- 16.15 The appeal shall be heard by an Appeal Tribunal, to be constituted in accordance with the provisions of Bylaws 15.50-52, save that the Appeal Tribunal shall always have either as Chair or as another member, a person who is medically qualified.
- 16.16 The Appeal Tribunal shall proceed to hear and dispose of the appeal in accordance with the provisions of Bylaws 15.53-64.
- 16.17 The Dean, a Disciplinary Committee, the Governing Body or an Appeal Tribunal, as the case may be, shall permit the junior member to be assisted by a third person. The junior member shall be informed in writing of this right.

IV **Office of the Independent Adjudicator**

- 16.18 Any student who is the subject of disciplinary proceedings shall, once those proceedings and all available appeals there from have been concluded, receive a Completion of Procedures letter from the College, as required by the Office of the Independent Adjudicator. The student shall be entitled, if he or she is dissatisfied with the outcome, to complain to the Office of the Independent Adjudicator (OIA) provided the matter falls within the jurisdiction of the OIA.

SECTION 17**JUNIOR CLUBS AND SOCIETIES****17.1 Financial provision for Junior Clubs**

The College shall in each Trinity Term after consultation with junior members through the medium of the Student Liaison Committee prescribe an appropriation for the next academic year out of the College fee charged to junior members. The amount of such appropriation shall be such as the Governing Body on consideration of a report of the Student Liaison Committee shall deem reasonable in the circumstances for the support of the social, domestic, recreational and representational activities of such members of the College.

The appropriated part of fees received shall be apportioned, according to a formula approved by the Governing Body on consideration of a report of the Student Liaison Committee, among such bodies whose purposes shall be wholly comprised within those for which the appropriation is made and are included in the Schedule hereto annexed.

A body included in the Schedule shall satisfy the Governing Body that it is properly constituted, with sufficient rules for the conduct of its business, and has officers responsible for its business, and has provision for the proper keeping and auditing of accounts. Such a body shall:

- (i) deposit with the Secretary to the Governing Body a copy of its constitution or rules, and shall not make any change in such constitution or rules without the consent of the Governing Body;
- (ii) inform the Secretary to the Governing Body of the officers who from time to time are appointed under its rules or constitution;
- (iii) present to the Governing Body its accounts, properly audited, not later than six months after the end of the period for which the accounts are, under the provisions of the above mentioned constitution or rules, due to be made up.

Schedule

Junior Common Room
Middle Common Room
Amalgamated Clubs

(Ref. X.9)

17.2 Taxable activities on College premises

A body (which term shall include a person, persons or association of persons acting together) shall not without the permission of the Governing Body engage on College premises in any activity which might create a liability on the organisers for Value Added Tax, and in particular shall not without such permission offer for sale to the public any tickets of admission to any concert, dramatic performance, social gathering or any other like event; and such permission shall be granted only if the Governing Body is satisfied that the activity is undertaken by a registrable body separate from the College which can and will accept such liability.

(Ref. X.8)

SECTION 18**DEFINITIONS**

In the interpretation of these Bylaws, the following terms shall have the meaning hereunder ascribed to them:

Academic year

A period beginning on the 1st day of October and finishing on the 30th day of September next following.

College Term

A period beginning on the day of commencement of term prescribed by Bylaw and finishing on the last day of Full Term next following.

Financial year

A period beginning on the 1st day of August and finishing on the 30th day of July next following.

In a College context

Any of the following:

- (i) on College or College-controlled premises;
- (ii) in the course of College activity in Oxford, be it academic, sporting, cultural or social;
- (iii) in the course of College-based activities outside Oxford, such as field trips, laboratory or library work, reading parties, or sporting, musical or theatre tours.

Junior member

Any person who is registered or enrolled at the College as a student, whether for a degree or diploma, or otherwise.

Senior member

The Principal or a Fellow or Lecturer of the College.

Tutorial Fellow

An Official Fellow holding the College office of Tutor.

Undergraduate course of studies

A course of study leading to the following degrees:

Bachelor of Arts
Bachelor of Fine Art
Bachelor of Medicine
Bachelor of Chirurgery
Bachelor of Theology
Diploma in Legal Studies
Master of Biochemistry
Master of Chemistry

Master of Engineering
Master of Earth Sciences
Master of Physics

The Governing Body shall have power to add to this list.

Banning

A withdrawal of the right of access to specified premises or facilities of the College for a fixed period or pending the fulfillment of certain conditions.

Expulsion

The permanent loss of membership of the College.

Rustication

The withdrawal of the right of access to all of the premises and facilities of the College for a fixed period or pending the fulfilment of certain conditions.

Suspension

A withdrawal of the right of access, either to specified premises or facilities of the College, or to all those premises and facilities, where action is taken as an interim measure pending further investigation, or where action is required in a non-disciplinary situation. Such withdrawal may be for a limited period pending the fulfilment of certain conditions or may be indefinite.