

SECTION 14

RESIDENCE AND CONDUCT

14.1 **Academical 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 Academic Director, who shall arrange a meeting with the junior member, to which the Academic Director 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 Academic Director 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 Academic Director in writing. The Academic Director 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 Academic Director'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 Academic Director 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 Academic Director 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 DACC.
- c) The DACC 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 DACC 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 DACC; 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 DACC (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 DACC (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 DACC that any damage may have been intentionally or recklessly caused, the DACC 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 DACC that personal injury has been caused, whether intentionally, recklessly or otherwise, the DACC 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 DACC 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 Estates 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 Estates Bursar shall send a similar statement in respect of that Trinity Term together with a date for payment thereof. The Estates 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 Estates 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** This sub-part of the Bylaws sets out a general disciplinary code (15.2), the specific offence of harassment (15.3), and specific offence of sexual misconduct (15.4). The term College Context is defined in Bylaw 15.19.
- 15.2** No member of the College shall intentionally, recklessly, or negligently:
- 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 any fraudulent or dishonest behaviour in relation to the College or the holding of any College office.
 - h) Refuse to disclose their 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.
 - i) In a College Context, possess or use, or offer, sell or give, to any person drugs, the possession or use of which is illegal.
 - j) Engage in conduct in breach of the Statutes and Regulations of the University published from time to time.
 - k) Engage in conduct in breach of College regulations regarding conduct in examinations.

- l)* Keep any firearm, ammunition or other offensive weapon in College, or in College-controlled accommodation.
- m)* 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.
- n)* Engage in conduct in breach of any duty imposed under another Bylaw or any regulation made by the Dean and approved by the Principal and by the Governing Body under Bylaw 14.10.

15.3 Harassment:

- a)* No member of the College shall engage in the harassment of another person in a College Context.
- b)* For the purposes of this Bylaw, a person (A) subjects another person (B) to harassment where A engages in conduct towards B, which causes B to feel physically threatened, harassed, alarmed or distressed, if A either knew or ought to have known that their conduct would cause B to feel physically threatened, harassed, alarmed or distressed.
- c)* The College's Policy and Procedure on Harassment sets out informal processes in relation to harassment. As set out in that Policy, the complainant may choose to refer the matter directly to the Dean.
- d)* Special considerations in relation to the investigation of, and hearings into, harassment are set out in Bylaws 15.17 and 15.18 below.

15.4 Sexual Misconduct:

- a)* No member of the College shall engage in sexual misconduct in a College Context.
- b)* 'Sexual misconduct' is defined in sub-paragraphs (c) and (d) subject to sub-paragraphs (e) to (h) inclusive.
- c)* Sexual misconduct entails any physical conduct of a person (A) towards another person (B) which is of a sexual nature, where B does not consent to that conduct and A does not reasonably believe that B consents to that conduct.
- d)* Sexual misconduct also entails any non-physical conduct of a person (A) towards another person (B) which is of sexual nature and which causes B to feel harassed, alarmed, violated or distressed, where A knows or ought to know that that conduct will cause B to feel harassed, alarmed, violated or distressed.
- e)* For the avoidance of doubt, the sexual misconduct mentioned in (d) includes the non-consensual sharing by A of any material of a sexual nature relating to B with a third person (C).

- f)* Consent is the free agreement by choice of a person (B) to participate in sexual conduct with another (A) where B has both the freedom and the capacity to make that choice.
 - g)* A person (A) may not presume that another person (B) consents to sexual conduct either because of previous sexual conduct with B, to which B consented, or because B does not, by word or action, object to that conduct. A person (A) may not presume that another person (B) consents to a particular kind of sexual conduct on the basis that B has consented to another kind of sexual conduct
 - h)* A person (B) does not consent to sexual conduct by another person (A) in circumstances where B initially consents to conduct but subsequently, by word or action, withdraws consent.
 - i)* In appropriate circumstances, certain matters falling under this provision may be dealt with under the College's Policy and Procedure on Harassment.
 - j)* Special considerations in relation to the investigation of, and hearings into, sexual misconduct are set out in Bylaws 15.17 and 15.18 below.
- 15.5** If a junior member accepts a caution for, is charged with, or is convicted of, an offence which carries a term of imprisonment (whether or not such a sentence is in fact imposed) they shall promptly inform the Dean in writing.
- 15.6** In the event that a junior member has been cautioned for or convicted of a serious criminal offence, a Disciplinary Committee, constituted as set out below, shall have the power, after hearing any representation that the junior member may wish to make, to recommend that the Governing Body expel the junior member or to impose such lesser penalty as it sees fit. The Governing Body has the power, after receiving such a recommendation, to expel the junior member.
- 15.7 University Procedures:**
- a)* In the event that a junior member is expelled by the University, such expulsion shall also apply to the College, subject to a right of appeal to a Disciplinary Committee, which shall have the power to make a recommendation 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 a Disciplinary Committee, which shall have the power to decide the matter.

Disciplinary Procedures

15.8 General Principles

- a) The Governing Body is responsible for maintaining and regularly reviewing policies, codes and processes relating to discipline, harassment and the appeals process. For the avoidance of doubt, it may delegate such responsibilities from time to time. Day-to-day administration of discipline is the duty of the Dean, assisted by the Junior Deans.
- b) Reports will be dealt with confidentially by all parties involved and details will not be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a precautionary measure or the outcome, to protect members of the University community, or to comply with a legal obligation, including as required by the Police or by order of a Court. Anonymous reports will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. One important factor is whether there is sufficient evidence independent of the report to enable a fair and effective investigation.
- c) In cases of alleged bullying or harassment, students making a report of an alleged breach may, depending on the seriousness of the alleged behaviour, be encouraged to follow the initial stages of the College's Policy and Procedure on Harassment in the first instance. The Academic Director can advise students on the operation of the Policy.
- d) All staff involved in disciplinary procedures will act with impartiality and maintain confidentiality, aim for the consistent application of the procedures, be free from bias or the reasonable perception of bias, and aim to proceed in a timely manner.
- e) All parties involved in this procedure are required to act reasonably and fairly towards each other and to respect the College's procedures.
- f) Throughout any disciplinary procedure the College will bear in mind its obligations and duties of care towards both the student against whom an allegation is made and any student or other person making an allegation. Students will be directed to College and University welfare services where appropriate.
- g) Unless the alleged conduct constitutes a serious criminal offence, students involved in procedures under this Bylaw are not normally allowed to have legal representation. If the circumstances so warrant, any person involved in these procedures may be assisted by an appropriate third person, who may accompany them to any meeting. The student seeking to bring such a person shall notify the College of the latter's identity at least 24 hours before the meeting.
- h) Non-compliance with a penalty imposed under these procedures will constitute a disciplinary offence in its own right and may attract further penalties, up to and including rustication and expulsion.

- i) The burden of proof in establishing a breach of College discipline is borne by the College. The member bears the burden of proving any justification or mitigating factor for the conduct. The standard of proof in either case is the balance of probabilities.
- j) Self-induced intoxication by alcohol, licit or illicit drugs will not excuse proven misconduct.
- k) No departure from this procedure shall 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.
- l) Any time limits contained in this Disciplinary Procedure are advisory and not mandatory.
- m) An allegation of wrongdoing that has previously been investigated may, in certain circumstances, be reconsidered if new evidence emerges at a later stage. When deciding to reinvestigate, the Dean should consider:
 - (i) whether the correctness of the outcome of the first process has been called into question by new evidence or fresh considerations;
 - (ii) the length of time that has elapsed and its effect on the reliability of the evidence;
 - (iii) the gravity of the alleged offence;
 - (iv) the impact on the student undergoing a second disciplinary process; and
 - (v) whether leaving the matter unaddressed would impact on matters of fitness to practice or those relating to other regulatory bodies.
- n) The Disciplinary Committee or any appeal committee may have a legally qualified, non-voting, lay assessor to advise it on its proceedings, who shall be appointed by the Principal.
- o) Students reporting a complaint of sexual misconduct against another student can access support from the University's Sexual Harassment and Violence Support Service. This may involve a specialist advisor offering support at each stage throughout the disciplinary process, including accompanying the relevant student to interviews and hearings, if appropriate. Support for students who are the subjects of such reports is available from Student Welfare and Support Services or the Oxford SU Student Advice Service.

15.9 Preliminary Steps of the Disciplinary Procedures

- a) The Dean has authority to investigate any apparent breach of these Bylaws. The Dean may require, in writing or otherwise and with reasonable notice, any junior member whom the Dean believes may be able to assist

the decanal investigations to attend an interview. Failure to heed a summons without good reason will constitute a disciplinary offence.

- b) In the event that there is more than one apparent breach in a single incident or event, the Dean may, as the circumstances so require and with due regard to the safety of the community, prioritize the investigation of the more serious breach.
- c) The Dean has the power to begin a disciplinary investigation on their own initiative. Otherwise, the disciplinary procedures may be initiated by any member of the College who has good reason to believe that a breach has occurred. This person shall 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.
- d) Save in cases of harassment or sexual misconduct, the Dean will not ordinarily initiate an investigation if the alleged misconduct took place more than six months previously.
- e) 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 will rarely proceed unless and until the Dean is satisfied either that any criminal proceedings in respect of the 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. The Dean's over-arching consideration will be to avoid investigating if to do so risks prejudicing a police investigation or criminal proceedings. The Dean may investigate if satisfied that there will be no such prejudice. This provision is without prejudice to the power to take a precautionary measure as set out below.
- f) 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 preceding provision. The Dean shall also explain that the College only deals with the alleged conduct as a breach of the Bylaws rather than as a criminal offence, and detail the possible penalties that may follow if a breach is established.
- g) If the Dean is satisfied that there is evidence that a particular junior member has breached a College rule, the Dean may, if possible within 48 hours, require in writing the junior member concerned to attend for interview 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. For the avoidance of doubt, writing includes electronic communication.
- h) A junior member alleged to be guilty of misconduct constituting a serious criminal offence must be advised that a record of his answers may, if required, disclosed to the police, in the event of a police investigation. A junior member who is so summonsed but declines to answer questions will

be told that his failure may be relied upon against him in any subsequent disciplinary proceedings.

- i) The Dean has discretion to decide whether to proceed with an investigation and/or to refer the matter to a Disciplinary Committee. In exercising this discretion, the Dean may take into account, amongst other factors, the nature of the allegation and potential risks to members of the College of not proceeding, whether other authorities are better placed to deal with the matter, and the prospects for a fair and effective investigation.

15.10 Ordinary Breaches and Major Breaches of the Bylaws

- a) Different procedures are followed depending on whether the matter concerns a potential Ordinary Breach or a potential Major Breach. The Dean is to determine into which category the matter falls.
- b) An 'Ordinary Breach' of these Bylaws is one for which no penalty other than the following may appropriately, in the circumstances, be imposed:
 - (i) A written warning;
 - (ii) A requirement to write a letter of apology;
 - (iii) Community service;
 - (iv) A requirement to attend a programme of education or training;
 - (v) A fine, not to exceed £300;
 - (vi) A restriction from entering certain parts of the College estate, or from accessing certain College facilities or events;
 - (vii) Removal of the right to occupy College accommodation or ejection from College accommodation, which ejection shall take effect from the start of the following term unless circumstances require that the eviction proceeds sooner; and/or
 - (viii) A no-contact order.
- c) A 'Major Breach' of these Bylaws is one for which a penalty of rustication or expulsion or a fine of more than £300, in addition to, or instead of, any of the penalties described in Bylaw 15.10(b) above, may appropriately, in the circumstances, be imposed.
- d) The Dean has the authority to resolve matters concerning Ordinary Breaches on their own authority, except that:
 - (i) Before removing the right to occupy College accommodation or imposing an ejection order on the junior member, the Dean shall consult the Principal; and
 - (ii) Before imposing a no-contact order, the Dean shall consult the Academic Director.

- e) A Disciplinary Committee has the authority to resolve matters concerning Major Breaches.
- f) Should a student who is summoned to an interview with the Dean, or to proceedings before a Disciplinary Committee or any appeals committee, fail to attend without providing good reason, a determination may be made in their absence, provided proper notice has been given.
- g) Unless the gravity or nature of the allegation demands otherwise, the Dean shall conduct an initial interview with the junior member. At the outset of the initial interview, if the circumstances so require the Dean shall inform the junior member of the distinction between Ordinary Breaches and Major Breaches and their different consequences.

15.11 Precautionary Measures

- a) Precautionary measures do not entail a finding of misconduct.
- b) The Principal may, in the light of the nature and/or seriousness of the alleged breach and risks to any member of the community, suspend the junior member from their studies and/or from use of College facilities, if necessary with immediate effect, for as long as the Disciplinary Procedures are in effect. A student subject to such a suspension may appeal to an *ad hoc* Disciplinary Appeals Committee, which shall review the suspension within one week. Such a student may also request a review if there is a material change of circumstance.
- c) The Dean may, in the light of the nature and/or seriousness of the alleged breach and risks to any member of the community, impose any of the following measures on any student involved in disciplinary procedures for as long as the Disciplinary Procedures are in effect:
 - (i) A no-contact order.
 - (ii) A ban from, or time constraints on, accessing particular College buildings or services.
 - (iii) Alternative teaching arrangements.
 - (iv) In consultation with the DACC, moving the student to alternative College accommodation.

15.12 Disciplinary Proceedings before the Dean – Ordinary Breaches

- a) At the initial interview:
 - (i) If the junior member admits the breach, the Dean shall elicit all information relevant to determining the appropriate penalty.
 - (ii) If the junior member denies the alleged breach, the Dean shall continue with the interview as part of the investigative process.

- b) During the interview, or thereafter, the Dean shall decide whether the matter concerns an Ordinary Breach or a Major Breach. The Dean shall inform the junior member of their decision. For the avoidance of doubt, a breach admitted by the junior member might nonetheless constitute a Major Breach.
- c) If the Dean has decided that the matter concerns an Ordinary Breach and the junior member has not admitted the breach, the Dean may pause proceedings to undertake further investigation, as needed.
- d) At the conclusion of the investigation, the Dean may determine whether the breach has been established and shall inform the junior member of their decision.
- e) Where (i) the junior member has admitted conduct which constitutes an Ordinary Breach or (ii) the Dean has determined that such a breach has been established, the Dean shall impose whatever penalty set out in Bylaw 15.10(b), if any, they deem proportionate and appropriate.
- f) The details of any breach established and any penalty imposed shall be emailed to the student by the Dean. The email shall also inform the junior member of their right of appeal. If exceptional circumstances so require, in the judgment of the Dean, the junior member's Tutor or Tutors shall be informed. In the event of a financial penalty, the Estates Bursar shall be informed.
- g) Following the completion of disciplinary proceedings before the Dean, if the initial allegation was made by a member of College who can reasonably claim to have suffered personal harm or detriment due to the behaviour complained about, the Dean will usually write to that person setting out (a) whether a breach was determined; (b) the penalty imposed; and (c) sources of advice or support, if appropriate. The message will not include confidential information.

15.13 Major Breaches – Disciplinary Committee

- a) If the Dean has decided to treat an alleged breach as a major breach, the Dean shall inform the junior member of that fact and that the matter will be referred to a Disciplinary Committee to be appointed by the Principal. The Dean may, if appropriate, seek written statements from the junior member, the complainant, and any other witnesses.
- b) The Dean shall only refer the alleged breach to the Principal pursuant to the above paragraph if satisfied that the evidence gathered in the course of the investigation, including any account provided by the junior member, is sufficient to satisfy a reasonable and properly directed Disciplinary Committee that the junior member is guilty of the alleged breach and that there is a realistic prospect that such a Disciplinary Committee would be so satisfied.

- c) Once informed by the Dean, 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.
- d) The 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.
- e) The Secretary shall require in writing the junior member concerned, as well as any witnesses, 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. It shall also include any relevant witness statements.
- f) The junior member may give to the 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 Secretary shall require in writing any such witness or witnesses to attend.
- g) The junior member must, if required to do so by the Panel Chair, provide a statement in writing detailing his response to the alleged breaches, if his response is not clear from any account he gave in the course of the investigation, or if he indicates that his response to the alleged breach is different to that he gave in the course of the investigation.
- h) The Disciplinary Committee shall determine its own procedure for the hearing, subject to the following provisions.
- i) The 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.
- j) If the junior member denies the breach the Disciplinary Committee shall proceed as follows:
 - (i) At the hearing, the Disciplinary Committee shall hear evidence from the complainant, the junior member, and from any other witnesses. The Disciplinary Committee shall, where it decides to take evidence orally, be entitled to ask questions of the junior member and, as the case may be, the complainant and other witnesses.

- (ii) 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.
 - (iii) The junior member may make a closing statement.
 - (iv) The Disciplinary Committee may, at any time, seek further statements or hear from a further witness, or seek additional guidance or assistance, as appropriate.
- k) At the conclusion of the hearing, the Disciplinary Committee shall determine, by majority, whether, in its view, any breach has been established. The Committee shall also determine what penalty, if any, would, in its view be appropriate.
- l) A determination that no breach has taken place shall conclude the case against the junior member, who shall be informed of that determination.
- m) 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, anonymized as appropriate, to the Governing Body, both of its findings of fact and its decision on the appropriate penalty, if any.
- n) Where appropriate, the Disciplinary Committee may:
- (i) Impose any of the penalties set out in Bylaw 15.10(b) above or the penalty of rustication or a fine of more than £300.
 - (ii) Impose a penalty of expulsion, save that:
 - a) Where the junior member subject to the penalty of expulsion elects not to appeal the decision in accordance with the procedure set out below in Bylaw 15.15, then the penalty of expulsion shall be of no effect unless and until it has been approved by Governing Body.
 - b) Where the junior member elects to appeal the penalty of expulsion, the penalty shall be of no effect until the completion of the appeal procedures set out in Bylaw 15.15.
- o) Following the completion of disciplinary proceedings before the Disciplinary Committee, if the allegation was made by a member of College who can reasonably claim to have suffered personal harm or detriment due to the behaviour complained about, the Disciplinary Committee will usually write to that person setting out (a) whether a breach was determined; (b) the penalty imposed; and (c) sources of advice or support, if appropriate. The message will not include confidential information.

Appeals

15.14 Appeals – Ordinary Breaches

- a) If the junior member wishes to appeal in the case of an Ordinary Breach, whether as to the fact of breach, as to penalty, or as to both, they shall inform the Vice-Principal in writing within seven days of the fact and nature of that appeal.
- b) The Vice-Principal shall appoint a single member of the Disciplinary Panel to act as an Appellate Authority. That person shall not be someone who is or has been a Tutor of the junior member.
- c) The role of this Authority shall be to determine:
 - (i) If the proper procedures have been followed;
 - (ii) If there has been a proper application of the Bylaws to the facts of the case;
 - (iii) That, with respect to the facts of the case, the Dean's findings were reasonable in the light of the evidence, and, if not, the matter will be referred back to the Dean with a recommendation that they reconsider their findings of fact;
 - (iv) Subject to iii) above, the Appellate Authority will not make any judgement about whether the evidence the Dean considered accorded with the Dean's findings of fact or make any findings of fact of its own.
 - (v) If the penalty is proportionate.
- d) The Appellate Authority shall obtain from the Dean all material papers and information in the latter's possession, which relate to the breach.
- e) The Appellate Authority shall determine its own procedure, provided that:
 - (i) Unless the basis of the appeal is spurious, the appellant shall have an opportunity to appear before them to state their case and to answer the case against them in writing or orally or through a third person.
 - (ii) With permission, fresh evidence may be adduced if it is in the interests of justice.
 - (iii) The Dean shall have an opportunity to appear before it to explain their actions.
- f) The Appellate Authority shall have power to reverse, confirm or alter the decisions appealed against, and to annul, reduce, or confirm the penalties imposed by the Dean.
- g) The Appellate Authority shall notify the Governing Body of its determination or determinations.

15.15 Appeals – Major Breaches – Major Appeals Committee

- a) Any junior member subject to a penalty for a Major Breach shall have a right of appeal against the determination that such a breach has been established, or as to penalty, or as to both.
- b) A junior member wishing to appeal must notify the Principal in writing of their intention to exercise the right of appeal within seven days of their receipt of the decision of the Disciplinary Committee.
- c) The Principal shall appoint two members of the Disciplinary Panel, as well as a person external to the College with appropriate experience, to act as a Major Appeals Committee. The Major Appeals Committee shall, so far as is practicable, not include any member who is or has been a Tutor of the junior member, shall not include the members of the Disciplinary Committee in the matter under consideration. The senior Fellow shall chair the meeting and act as Secretary of the Committee. In any event, the Disciplinary Committee shall be quorate with two members.
- d) The role of the Major Appeals Committee shall be to determine:
 - (i) If the proper procedures have been followed;
 - (ii) If there has been a proper application of the Bylaws to the facts of the case;
 - (iii) That with respect to the Disciplinary Committee's findings of fact, the conclusion it reached is not perverse in the light of the evidence it considered and if it is the Major Appeals Committee may draw its own conclusion;
 - (iv) Subject to iii) above, there shall be no appeal on the facts, and the Committee shall not make a finding on the facts;
 - (v) If the penalty is proportionate.
- e) The Secretary of the Major Appeals Committee shall obtain from the Secretary to the Disciplinary Committee all material papers and information in the latter's possession, which relate to the breach.
- f) The Major Appeals Committee shall determine its own procedure, provided that:
 - (i) The appellant shall have an opportunity to appear before it to state their case and to answer the case against them in writing or orally or through a third person.
 - (ii) With permission of the Committee, fresh evidence may be adduced if it is in the interests of justice.
 - (iii) The Secretary of the Disciplinary Committee shall have an opportunity to appear before it to explain the Committee's actions.

- (iv) Decisions shall be taken by a simple majority of those members present and voting.
- g) The Major Appeals Committee shall have power to reverse, confirm or alter the decisions appealed against, and to annul, reduce, or confirm the penalties imposed by the Disciplinary Committee.
- h) Where the Major Appeals Committee decides to confirm a penalty of expulsion, the decision of the Major Appeals Committee shall be of no effect unless and until it has been approved by Governing Body.
- i) The Secretary shall notify the Governing Body both of the decision of the Disciplinary Committee against which the junior member appealed and of its to determination or determinations. If appropriate, the identity of the complainant and/or witnesses may be anonymized in the report.

15.16 Further Appeals

- a) A determination by either the Appellate Authority or the Major Appeals Committee or, in the case of expulsion, the Governing Body, represents the completion of procedures within the College. Following such a determination, a Completion of Procedures Letter will be sent to the student within 28 days.
- b) On completion of procedures within the College, a student member may appeal to the Conference of Colleges' Appeals Tribunal (CCAT), of which Jesus is a member. To ensure compliance with CCAT's regulations, the student should file such an appeal with the Secretariat of the Conference of Colleges within five days of receipt of the final determination. Information on the procedure for applying to CCAT is available from the Academic Office.
- c) If a complaint remains unresolved after the CCAT procedures have been exhausted a student may ask for the complaint to be reviewed by the Office of the Independent Adjudicator for Higher Education (OIAHE; see www.oiahe.org.uk for further information). The complaint should be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.

Special Considerations in relation to Alleged Harassment or Sexual Misconduct

15.17 Special Considerations in relation to Investigations concerning alleged Harassment or Sexual Misconduct

- a) In cases of alleged harassment or sexual misconduct, if the circumstances so demand the Dean, after consultation with the Principal and Academic Director, may appoint a trained and/or experienced investigator to assist with the investigation. Such an appointment may also be made in relation to other alleged serious misconduct.

- b) Such an appointment may be made at any stage, including prior to any initial interview by the Dean of the student against whom the allegation is made.
- c) Any investigator considering allegations of lack of consent should enquire as to the steps taken to obtain consent, including how the subject knew or believed the reporter was (a) consenting to the sexual behaviour and (b) continued to consent.
- d) The investigator shall determine their own procedure, but will normally follow the Policy and Procedures of the University with such changes as are appropriate.
- e) The investigator shall produce a report, which shall include witness statements, for consideration by the Dean. The Dean shall decide how to proceed after receipt of the report, as set out above.
- f) Decision-makers and staff at all stages should be mindful that:
 - (i) Reports of sexual misconduct are more likely to exceed the 6-month timeframe than other types of misconduct.
 - (ii) Delays in reporting, or reluctance to involve the police, should have no bearing on determining the veracity of the report.
 - (iii) The College does not have the legal investigatory powers of the police and cannot make a determination on criminal guilt. A College investigation determines only whether a breach of the Bylaws has occurred.
- g) Appropriate welfare support will be offered to both parties in such an investigation as well as any other participants in the process.

15.18 Special Considerations in relation to Hearings concerning alleged Harassment or Sexual Misconduct

- a) In relation to allegations of harassment or sexual misconduct, the Dean, a Disciplinary Committee, or any appeal committee, may put in place practical arrangements to safeguard the complainant or any witness. Such arrangements may also be made in other cases, if appropriate.
- b) These arrangements may include:
 - (i) Separate waiting areas for the reporter and the student against whom the allegation is made;
 - (ii) The reporter bringing a supporter to sit with them whilst giving evidence;
 - (iii) The reporter giving evidence from behind a screen so that the reporter does not need to see the other student;

- (iv) The reporter not facing direct questioning from the student against whom the allegation is made – in such a case, questions may be put by a third party on behalf of the student against whom the allegation is made;
 - (v) The reporter responding to questions via video link from a different location;
 - (vi) Shorter and/or multiple hearings, as appropriate.
- c) Appropriate welfare support will be offered to all parties involved in disciplinary proceedings throughout and after any such hearing.

Definition of College Context

15.19 For the purposes of this Bylaw, College Context means:

- a) on College-owned or College-controlled premises;
- b) in the course of College activities, whether in or outside of Oxford;
- c) where the person affected by the alleged misconduct is a member of the College; or
- d) where the person affected by the alleged misconduct is not a member of the College and it is necessary for the proper functioning of the College community to treat the matter as a potential breach of College discipline.

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 and shall have due regard to the obligations of the University and the College under equality legislation and the duty to make reasonable adjustments.
- 16.2** If it comes to the attention of a College Officer or Fellow of the College that a junior member may be 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 Officer or Fellow shall refer the matter to the Principal.
- 16.3** Where the Principal has come to believe that a junior member may be 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.
- 16.4** 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.
- 16.5** 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.
- 16.6** 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

- 16.7** Should the Principal, having taken all or any of the steps referred to in Bylaws 16.5 and 16.6, 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.
- 16.8** 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.

- 16.9** 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.
- 16.10** The Medical Committee may refer the case to the University's Fitness to Study Panel which will make a recommendation to the College based on academic judgement informed by medical, legal and other expert decision. A recommendation will combine a proper regard for the welfare of the student with recognition of the demanding academic requirements of Oxford degree courses. As long as, in the judgement of the Medical Committee, the recommendation combines a proper regard for the welfare of the student with recognition of the demanding academic requirements of Oxford degree courses, the Medical Committee will take the Fitness to Study Panel's recommendation into consideration.
- 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 ACC 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 ACC 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 ACC 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;

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.

Fitness to Study

The College uses the University's definition of Fitness to Study.

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.

Support Staff

All staff of the College employed by the College other than the Principal, Fellows, Lecturers and junior members 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 fulfilment 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.

Functional Property

Existing buildings or houses assigned to the occupation of Fellows, students or staff of the College.