STUDENT DISCIPLINARY CODE AND PROCEDURE

Introduction

1. Students at the University of Oxford are required to observe two separate but complementary sets of disciplinary procedures: the University’s conduct regulations (available from the University website) and the code of student discipline of their college.

2. This document sets out the Code of Conduct and associated Disciplinary Procedures of Nuffield College in respect of its student members. It enables the College to take appropriate measures in cases in which one or more of its students are in breach of their obligations as a member of the College. These obligations arise from the College’s Statutes, By-Laws and from the College Rules, Regulations and Codes of Policy, Practice and Procedure which are made under them, and are noted in the College Student Contract. The relevant documents can be found on the College’s website.

3. Disciplinary matters which occur purely within the University environment will normally be dealt with under the relevant University procedures (as set out in University Statute XI).

4. Sources of support and advice available to students within College can be found on the College’s website, and in the introduction to the College’s Fitness to Study guidelines. Further information and guidance is also available on the Student Health and Welfare pages of the University’s website.

Definitions

5. For the purposes of these procedures, the following words and terms have the following meanings:

   a. The term ‘Student Member’ includes i) any person who has been matriculated by the University on presentation by the College and who is still studying for their degree; ii) any person who has been admitted by the College as a Junior Visiting Scholar or Visiting Student.

   b. The ‘Dean’ is the College Officer responsible for student discipline; the role of the Dean in the disciplinary procedure is to deal constructively with allegations pertaining to less serious breaches of the Code. Breaches that might reasonably be considered more serious should be referred to the Student Disciplinary Panel (see below). In such cases the role of the Dean is to investigate the case and provide evidence for the Student Disciplinary Panel.

   c. The ‘Student Disciplinary Panel’ ['SDP'] is appointed by the Governing Body to act on its behalf and shall consist of
i. two members of the Governing Body, not normally holding other College offices, appointed by the Warden on behalf of the Governing Body;

ii. a representative of the student body who is a member of the University;

iii. a Fellow of the College who is not a member of the Governing Body and who shall serve as the non-voting chair of the panel.

Members of the SDP shall be appointed on an ad hoc basis as required. No person who has an actual or apparent interest in the outcome of the case before the SDP and no person who may reasonably be considered to possess prior knowledge of the circumstances of the case such as to give rise to a perception of bias, may be a member of the SDP considering the case.

d. ‘Expulsion’ by the College means the permanent loss of membership of the College and the University.

e. ‘Rustication’ by the College means the withdrawal of the right of access to all of the premises or facilities of the College for a fixed period or pending the fulfilment of certain conditions.

f. ‘Banning’ by the College means a withdrawal of the right of access to specified premises or facilities for a fixed period or pending the fulfilment of certain conditions.

g. ‘Suspension’ by the College means a withdrawal of a right of access to all of the College premises or facilities as an interim measure pending further investigation, or where action is required in a non-disciplinary situation. Suspension may be for a limited period pending the fulfilment of certain conditions or may be indefinite.

h. ‘Harassment’ means unwanted and unreasonable behaviour which has the purpose or effect of either violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for them.

i. ‘In a College context’ means:

i. on College premises;

ii. in the course of College activity within or outside College premises, whether academic, sporting, social, cultural or other.

**Code of Conduct**

6. Nuffield College seeks to be an inclusive, friendly and diverse community for its students, employees, and associates. The College embraces equality and aims to foster collegiality and to provide a learning, working and social environment in which individuals are respected and able to realize their potential. All members of the College community are therefore expected to treat each other with respect, courtesy and consideration. **No Student Member of the College shall intentionally or recklessly:**
a. Disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College.

b. Disrupt or attempt to disrupt the lawful exercise of the freedom of speech by members and employees of or visitors to the College.

c. Obstruct or attempt to obstruct any officer, employee or agent of the College in the performance of his or her duties.

d. Damage or deface any property of the College or of any member, officer or employee of the College or person being accommodated in College, or knowingly misappropriate such property.

e. Harm or threaten to harm any member, officer, employee of the College or person being accommodated in the College.

f. Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by College authorities concerned.

g. Forge or falsify expressly or by implication any University or College certificate or document or knowingly make false statements concerning standing or results obtained in examination.

h. Engage in any activity likely to cause injury or to impair safety, including activity that may be criminal or fall under the Prevent legislation;

i. Engage in violent, indecent, disorderly, threatening or offensive behaviour or language.

j. Engage in the harassment of any member, visitor, employee or agent of the College.

k. Engage in any fraudulent or dishonest behaviour in relation to the College or its members, officers, visitors, employees, or persons accommodated in the College.

l. Refuse to disclose his or her name and other relevant details to a relevant officer or an employee or agent of the College in circumstances where it is reasonable to require such information to be given.

m. Use, offer, sell or give to any person drugs the possession or use of which is illegal.

n. Engage in conduct in breach of the Statutes and Regulations of the University.

o. Engage in conduct in breach of the College Statutes and By-Laws as amended from time to time and the College Rules, Regulations and Codes of Policy, Practice and Procedure which are made under them.

p. Fail to comply with any measures or instructions given by the College or the University to reduce risk of transmission of any illness or pandemic (including COVID-19).
q. Fail to co-operate with regard to any investigation being carried out as a result of this Code or fail to comply with a penalty previously imposed under these procedures.

r. Fail to pay any monies due and owing by a student to the College.

Interaction with Other Procedures

7. Where an alleged breach of the rules constitutes, in the opinion of the Dean, a violation of the law, the Dean shall normally refer the matter to the Police.

8. Where a Student Member is subject to criminal proceedings arising out of the alleged breach of the rules, the Dean shall not normally proceed with the case other than, if appropriate, temporarily to suspend him or her from residence or from use of College facilities (for example, in order to limit contact between two parties).

9. When a criminal offence has been committed, these procedures may not be appropriate. In the first instance, such allegations will normally be a matter for police investigation and action. For the avoidance of doubt, disciplinary actions may subsequently be taken under these procedures notwithstanding that criminal proceedings were discontinued or criminal charges were dismissed. The Dean may take interim measures not regulated by these procedures to ensure the peace of the College and the safety of its members, which may include the exclusion of the student from College premises, or from certain College facilities or activities.

10. If the alleged breach of the rules is not proceeded with as a criminal matter by the prosecuting authorities, the Dean shall then deal with the matter as though it had not been referred to the Police.

11. If a Student Member is convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (whether or not such a sentence was in fact imposed) the College’s Student Disciplinary Panel (see below) shall have power, after hearing any representation that the Student Member may wish to make, to expel the Student Member or impose such lesser penalty as it shall see fit.

12. Where an alleged breach of University Discipline has in the opinion of the Dean, not occurred within a College context, the Dean shall immediately refer the matter to the Proctors. Where a Student Member is subject to an investigation by the Proctors arising out of the alleged breach of the rules, the Dean shall not normally proceed with the case other than, if appropriate, temporarily to suspend him or her from residence, or from use of College facilities.

13. If the complaint relates to activity which falls within the College’s Policy and Procedure on Harassment, the Dean shall normally refer the matter to the Senior Tutor, who shall be responsible for implementing the relevant parts of the College’s Policy and Procedure on Harassment, except that complaints made by a member of staff against a student will normally be dealt with through these procedures.

14. In the event that a Student Member is expelled by the University, such expulsion shall apply to the College also, subject to a right of appeal.
15. In the event that a Student 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.

16. In the case of non-payment of any monies due and owing by a Student Member to the College, the Dean may suspend the student concerned on receipt of confirmation from the Bursar that the debt is outstanding. Any suspension imposed by the Dean solely in respect of non-payment of monies owed will be lifted on confirmation from the Bursar of receipt of payment of the debt.

17. Matters concerning a student’s fitness to study will normally be dealt with separately, under the College’s Fitness to Study Policy.

18. Expressions of dissatisfaction about the College’s standards of service; actions or lack of actions by the College or its staff; provision of services by the College affecting students, academic and non-academic staff, visitors, or clients of any group should be dealt with under the College’s separate Complaints procedure.

Disciplinary Process

Stage 1: Initial Investigation and Action by the Dean

19. The Disciplinary Procedure may be initiated by any employee or member of the College who has good reason to believe that a Student Member has breached the College Code of Conduct above, or by the Dean if matters come directly to his or her attention. The complainant shall refer the matter to the Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the Student Member concerned and giving details of the alleged breach in writing.

20. In the event of an alleged breach of the College Code of Conduct by a Student Member, the Dean shall have the authority, where the seriousness of the alleged breach justifies it, to suspend the Student Member from residence or from other use of College facilities, with immediate effect, for as long as the Disciplinary Process is in operation.

21. Provided that, in the opinion of the Dean, the complaint is not frivolous or vexatious, s/he shall, if possible within 24 hours of receiving the report of the alleged breach, write to the Student Member concerned to attend an interview with him/her at a specified time and place, providing the Student Member with at least 48 hours’ notice. The notification of the interview shall include a description of the alleged breach of the College Code of Conduct and information on the support that is available to the Student Member (see paragraph 4 above). The Student Member shall be told that s/he may be accompanied at the interview by an officer of the JCR or of the Oxford University Student Union.

22. The student must inform the Dean if they are providing copies of any documents that the student intends to rely upon at the interview, and these must be submitted to the Dean with at least 48 hours’ notice before the interview. No other documents may be presented at the hearing or further witnesses called unless the Dean decides it is fair and reasonable to do so.
23. If the student fails to appear at the interview after two written notifications from the Dean, the Dean may deal with their case in their absence.

24. At the interview, which shall be private, the Dean shall explain to the Student Member that s/he can:

   a. Admit the alleged breach and continue with the interview so that the Dean may gather information relevant to the penalty.

   b. Deny the alleged breach and continue with the interview as an investigative process, which may be adjourned if either the Dean or the Student Member reasonably require evidence in relation to the alleged breach to be provided by other persons.

The Dean may appoint a Legal Adviser to attend and/or advise on procedure but who shall take no part in the decision making process.

25. At any stage of the interview the Dean may, if it seems appropriate in all the circumstances, refer the matter to the Student Disciplinary Panel ['SDP'].

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

   a. Take no further action, in which case the matter shall be terminated.

   b. Accept an admission that a breach has been committed. After hearing any mitigation s/he may:

      i. EITHER impose an admonition or one or more of the penalties listed in Paragraph 27 below;

      ii. OR refer the case to the College’s SDP if the breach is of such seriousness that it warrants a penalty outside the Dean’s own powers.

   c. If the breach is not admitted:

      i. EITHER determine that a breach has been committed and, after hearing any mitigation, impose one or more of the penalties listed in Paragraph 27 below;

      ii. OR refer and present the case to the College’s SDP.

27. The Dean has the authority to impose one or more of the following penalties (without referral to the College’s Student Disciplinary Panel):

   a. a verbal or written warning;

   b. a fine up to a maximum of £250 (the maximum value of the penalty is ratified by the Governing Body from time to time);

   c. payments in compensation for damage to College property or the property of an employee or College member or fines imposed on the College as a consequence of the breach of the Code of Conduct;
d. banning from specified premises or facilities (including Library and IT facilities and accommodation) for a fixed period of time not normally exceeding ten weeks.

On deciding the penalty to be imposed the Dean shall have regard to the effect on the Student Member’s ability and eligibility to take an examination or complete a course, their financial means as well as the interests of the College.

28. The details of any breach established and any warning and/or penalty imposed shall be entered on an appropriate record and signed by the Dean and the Student Member. One copy of the record shall be given to the Student Member and one retained by the Dean. The Dean will file his or her record in a sealed envelope that may only be opened by the Dean, the Senior Tutor, or the Warden. This will be held in the Student Member’s file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.

29. As appropriate, the Dean shall consider writing to any witnesses and/or the member(s) of the College who initiated the allegation of the breach of the Code of Conduct to provide an anonymized summary of the steps taken by the Dean and the outcome of the Dean’s investigations.

30. A Student Member may appeal to the SDP against a determination or penalty imposed by the Dean. The Student Member shall inform the Dean of his or her intention to exercise the right of appeal within a maximum of seven days of the receipt of the Dean’s determination. The notification of appeal by the student shall include a statement of the arguments on which the application for an appeal is based and the appellant’s request for a remedy.

31. If the Student Member decides to appeal, then the Dean shall be entitled, if appropriate, to suspend the student (or continue an existing suspension) from residence or the use of College facilities pending the determination of the appeal.

32. The Dean shall present an anonymized report to Governing Body at the end of each academic year setting out the number and kinds of complaints of misconduct (if any) considered during the year, and the number and kinds of penalty imposed.

Stage 2: Referral to the Student Disciplinary Panel

33. Following stage 1 and in the case of a referral from the Dean or appeal by the Student Member, a SDP shall be set up, as described under paragraph 5c above. Members of the SDP shall be asked to confirm that they have no conflict of interest in the matter to be considered by way of a close personal relationship with the student concerned, or involvement in the alleged breach. If the Student Member against whom an allegation of misconduct has been made objects to an appointment s/he should advise the Chair without delay.

34. The SDP will be informed by the Dean in writing:
   a. Where there is reference to the SDP under paragraph 26 above of the particulars of the alleged breach of the Code of Conduct;
   b. Where there is an appeal to the SDP after the initial stage of investigation by the Dean, of the particulars of the breach and of the penalty imposed and the
reasons for the penalty; and of the appellant’s arguments on which the application for an appeal is based and his/her request for a remedy;

c. In either case, copies of any documents used by the student at the initial interview.

35. The Student Member may not introduce new evidence at this appeal stage unless s/he can show that s/he could not reasonably have obtained the evidence in time to put it before the Dean.

36. If a member of the SDP is unable to attend a hearing, or to serve due to a real or perceived conflict of interest or prior involvement in the case being heard, the Warden shall, on behalf of Governing Body, appoint another member to serve in his or her place.

37. Within a maximum of seven days after the reference or appeal to the SDP, the SDP shall require in writing the Student Member and any witnesses to attend for a hearing at a time and place stipulated, normally with not less than seven days’ notice. The notice shall state the membership of the SDP.

38. In case of a reference to the SDP such notice shall state the details of the alleged breach of the Code of Conduct. Copies of all relevant documentation shall be provided to the Student Member in advance of the hearing and not less than five days before the date of the hearing.

39. A Student Member appearing before the SDP to answer an allegation of breach of the Code of Conduct or to make an appeal against a finding of a breach or a penalty imposed by the Dean shall be informed of the support that is available to him or her both within the University and elsewhere (see paragraph 4 above). The Student Member shall be told that s/he may be accompanied to the hearing by an officer of the JCR or an Oxford University Student Union adviser.

40. If any person required to attend a hearing before the SDP fails to make an appearance, the Panel may, at its discretion, adjourn the proceedings and in particular, if the Student Member refuses, or fails without good reason to appear before the SDP, it may deal with his or her case in their absence, if satisfied that proper notice has been given.

41. At the hearing, the Chair shall explain the procedure to be followed and shall read out, in the case of a reference, the allegation of a breach of the Code of Conduct against the Student Member; and in the case of an appeal, the finding of breach and/or the penalty imposed by the Dean against which the appeal is directed. The Chair will explain that the Student Member can:

   a. Admit the alleged breach and continue with the hearing so that the Dean may make a recommendation to the SDP as to the penalty.

   b. Deny the alleged breach and continue with the hearing so that both the Dean and the Student Member may present their case.

42. The case against the Student Member shall be presented by the Dean. The Dean and the Student Member shall be required to disclose to the Chair of the SDP, at least 48 hours before the hearing, the evidence (including, if appropriate, witness statements)
on which they intend to rely at the hearing. The Dean and the Student Member may call, examine, and cross-examine witnesses.

43. The Student Member may write a letter to the Chair of the SDP at least 48 hours before the hearing, outlining any mitigating factors that they think are applicable in his or her case. Where these mitigating factors include medical evidence, they must submit a report from a qualified medical practitioner.

44. The standard of proof shall be the civil standard, namely the balance of probabilities.

45. At the conclusion of the hearing and after the parties have left the room, the SDP shall determine by the vote of a majority of the voting members present, whether any breach of the rules has been established, taking into account any representations made by or on behalf of the student.

46. The SDP may:
   a. Dismiss or allow the reference or appeal in whole or part
   b. Substitute such other finding of breach of the Code of Conduct as the SDP determines is supported by the evidence presented;
   c. Impose a penalty, in the case of referral, or vary the penalty/ies already imposed by the Dean, in the case of appeal. The penalties available to the SDP are:
      i. expulsion;
      ii. rustication for a fixed period of time or pending the fulfilment of certain conditions;
      iii. banning from specified premises or facilities for a fixed period of time or pending the fulfilment of certain conditions;
      iv. fine of up to a maximum of £250 (the maximum value of the penalty is ratified by the Governing Body from time to time);
      v. requirement to make payments in compensation for damage to College property or the property of an employee or College member or fines imposed on the College as a consequence of the breach of rules;
      vi. deprivation of any scholarship or other financial assistance of which s/he may be in receipt from the College or of any part thereof;
      vii. suspension from such scholarship or assistance or from any part thereof.

47. If the SDP is of the opinion that none of the penalties specified above would be adequate, having regard to the circumstances of the offence and of the offender, it may make a recommendation for a different penalty in writing to the Governing Body, giving its reasons. A written copy of the recommendations shall be given to the Student Member charged.
48. The SDP shall inform the Student Member in writing, as soon as is possible and no later than within seven days of the conclusion of the hearing, of its determination and the reasons for any penalty imposed. Subject to a right of appeal, any decision of the SDP shall be final and binding on the Student Member.

49. The details of any breach established and any admonition and/or penalty imposed by the SDP shall be entered on an appropriate record and signed by the Chair of the SDP and the Student Member. One copy of the record shall be given to the Student Member and one filed in a sealed envelope that may only be opened by the Dean or the Senior Tutor or the Warden. This will be held in the student's file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.

50. As appropriate, the Chair of the SDP shall consider writing to any witnesses and/or the member(s) of the College who initiated the allegation of the breach of the Code of Conduct to inform them of the outcome.

51. If obligated to do so the Dean shall inform the University or any relevant Department.

52. The SDP shall notify the Governing Body of the outcomes of its investigation in an anonymized way.

53. An anonymized report shall be submitted to the Governing Body at the end of each academic year setting out the number and kinds of charges and appeals (if any) considered by SDPs during the year, and the number and kinds of penalty imposed.

Stage 3: Appeal to Governing Body

54. A Student Member may appeal to the Governing Body against any determination or penalty imposed or recommended by the SDP above. To do so, s/he should give notice of his or her intention to appeal to the Chair of the SDP within seven days of receiving the written decision.

55. The notification of appeal should include:
   a. a copy of the decision being challenged;
   b. a brief statement of the facts;
   c. a statement of the arguments on which the application for an appeal is based;
   d. the appellant’s request for a remedy.

56. The Student Member may not introduce new evidence at this appeal stage unless s/he can show that s/he could not reasonably have obtained the evidence in time to put it before the SDP.

57. Governing Body shall appoint three of its members, who were not previously involved in the case, to act on its behalf and hear the appeal (the “Appeals Panel”). The Appeals Panel shall have the authority to adjudicate on behalf of the Governing Body and shall consider at a meeting any appeal by a Student Member against a finding of a breach or imposition (or recommendation) of any penalty made by the SDP. The Student Member shall be given at least seven days’ notice of the meeting in writing.
58. The Student Member shall have the right to attend the meeting and, if making an appeal to be heard by the Governing Body, to be accompanied by an officer of the JCR or of an Oxford University Student Union adviser.

59. The case against the Student Member (or the case for the recommendation of a penalty made under Paragraph 47 above) shall be made by the Chair of the SDP.

60. All the members of the SDP shall have the right to attend the meeting of the Appeals Panel.

61. At the conclusion of the meeting, the Appeals Panel shall determine by the vote of a majority whether any breach of the rules has been established.

62. The Appeals Panel shall have power either to confirm the decision and/or penalty appealed against, or to reject it and refer the matter back to the SDP for review. The Appeals Panel shall in each case provide to the Student Member and the SDP a detailed description of its decision and the reasons underlying it, in writing.

63. At the conclusion of the process, the details of any breach established and any admonition and/or penalty imposed shall be entered on an appropriate record and signed by the Warden and the Student Member. One copy of the record shall be given to the Student Member and one filed in a sealed envelope that may only be opened by the Dean or the Senior Tutor or the Warden. This will be held in the student’s file for one year or as long as the student is enrolled on a University course, whichever is the longer. It will then be destroyed.

64. The Appeal Panel’s determination shall be final and no further route for appeal is available within the College. The Student Member is to be reminded of the right of students – once the College’s procedures have been completed – to appeal to the Conference of Colleges Appeal Tribunal, and thereafter to take complaints to the Office of the Independent Adjudicator for Higher Education (OIA).

Medical Factors

65. If the Dean believes that ill-health may be the cause of serious disciplinary problems for a Student Member and that the nature or extent of ill-health may not yet have been properly assessed, s/he shall refer the Student Member for assessment to the College Doctor or any other health professional approved by the College for this purpose. The Chair of the SDP shall act similarly in cases where disciplinary proceedings by the Panel have begun. If disciplinary procedures have already been commenced, they shall be adjourned pending a determination under the procedures described in this section.

66. If the Dean or Chair of the SDP, having considered the doctor’s assessment, is of the opinion that a further opinion would be helpful, or if the College Doctor recommends it, s/he may request that the Student Member have an independent specialist assessment, in which case any expense will be borne by the College. The College Doctor shall be asked to recommend an independent specialist, and the Student Member shall be consulted on the choice.

67. In the event that the Student Member refuses to co-operate with an assessment by the College Doctor, or any other health professional approved by the College, the Dean shall have the authority (where the seriousness of the alleged disciplinary
problem or the risks to the student or other College members justifies it) to suspend
the Student Member from residence or from use of College facilities, if necessary,
with immediate effect, pending satisfactory completion of that assessment.

68. If, having considered any health assessments, the Dean or Chair of the SDP is
satisfied that ill-health is not an important cause of serious disciplinary problems,
s/he may resume disciplinary proceedings.

69. If, having considered any health assessments, the Dean or Chair of the SDP is of the
opinion that ill-health is the sole or an important cause of serious disciplinary
problems for a Student Member or that the student’s ability to study has been
compromised by ill-health, he or she shall refer the matter to the Senior Tutor in the
first instance, who shall be responsible for implementing the College’s Fitness to
Study procedures.

Confidentiality

70. All those concerned in implementing Student Disciplinary Procedures within College
shall respect the need for appropriate levels of confidentiality, and should familiarize
themselves with and take care to follow the principles and procedures set out in the
College’s Guidelines on Confidentiality in Student Health and Welfare.

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