



Reuben College Student Conduct Code and Disciplinary Procedures

Agreed by Reuben College Governing Body 24th May 2023

Reuben College students are expected to act as responsible members of both the College's and University's communities, including treating other members of the community and the public with courtesy and respect.

As part of this, students are expected to follow the College's Code of Conduct set out at section 4 below, as well as other policies set out in the [College Handbook](#), to adhere to the conditions of their [accommodation contract](#), as applicable, and to follow the University's Statutes and Regulations and other University policies and rules which are detailed in the [University's Student Handbook](#).

The Code of Conduct applies to all students at the College when they are involved in activities which occur in a "College Context". This includes visiting students and current students who are resident elsewhere as part of their course. More information on the scope of this procedure is available at sections 3.1.c) and 15 below.

The College's main disciplinary officer is the Dean (or Deans), and the disciplinary procedures are set out at sections 5 to 10 below. The College is also concerned with the behaviour and treatment of its members in the wider community of the University. Its authorities will therefore cooperate with the Proctors and those responsible for University Discipline, as well as the Deans of other colleges. Such cooperation will be disinterested and unprejudiced – depending on the facts of the case, it might involve assisting a student involved in a University disciplinary matter, or enforcing penalties imposed by the University.

There are specific arrangements for reports involving sexual misconduct and for conduct which also constitutes a criminal offence. More information is at sections 12 and 13 below.

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1. Interaction with other Procedures

- 1.1. The Disciplinary Procedure covers reports about student behaviour which breaches the College's Code of Conduct and which occurs in a College Context. Reports may be brought by students, staff, or members of the public.
- 1.2. This procedure interacts with other procedures, including:
 - a) the [College's Harassment Policy](#)– for harassment complaints against staff, other college postholders, or students;
 - b) [Fitness to Study Procedures](#)
 - c) Fitness to Practise and Fitness to Teach procedures for [Medical Students](#) and [PGCE Students](#);
 - d) Departmental procedures (for example in relation to access to buildings and facilities);
 - e) University procedures including for [Discipline](#), [Harassment](#), [Fitness to Study](#), [Whistle-blowing](#) and [Complaints and Academic Appeals](#) (see 1.5 to 1.7 below).
- 1.3. Complaints about College services should be pursued under the College's [Complaints Procedure](#).
- 1.4. Complaints about misconduct by staff should be pursued under the Harassment Policy or in other cases made to the College Bursar (bursar@reuben.ox.ac.uk).

Outcome of University Procedures
- 1.5. If a student is expelled by the University, the College will automatically expel the student from the College.
- 1.6. If a student is suspended by the University, the College will automatically suspend the student for the same length of time as the University suspension.
- 1.7. If the outcome of a University procedure is a recommendation that the College should ban a student from certain college premises or facilities, there is a presumption that the College will accept that recommendation, but the student will be given the opportunity to make representations to the Disciplinary Panel to argue that the College should not do so.

2. Sources of Advice and Support

- 2.1. For informal advice about procedural aspects of the disciplinary process, please contact the Dean at dean@reuben.ox.ac.uk.
- 2.2. Advice and support are also available from:
 - a) for students: the [college welfare team](#), [Graduate Common Room Officers](#), [Student Welfare and Support](#), or [Oxford SU advice service](#)
 - b) for staff members making reports: from line managers/other managers/HR contacts, or from the harassment advisor network

3. Definitions

- 3.1. In these procedures:

- a) 'Student' means:
- i. any person who has been matriculated by the University on presentation by the College who is registered as a student for a degree or other qualification from the University, including if their registration has been suspended; or
 - ii. any visiting or recognised student admitted by the College who is currently affiliated with the College, including if their studies have been suspended; or
 - iii. any individual who is a student at the College and has a contract with the College requiring them to abide by the Code of Conduct, including if their studies have been suspended; and
 - iv. any individual who was defined as such under (i), (ii) or (iii) either (a) at the beginning of disciplinary proceedings and against whom disciplinary proceedings are ongoing or (b) at the time when the alleged breach of the Code of Conduct occurred;
- b) 'College' means Reuben College;
- c) 'College Context' means conduct which:
- i. occurs on College premises or Partner College premises; or
 - ii. occurs in the course of College or Partner College activity within or outside Oxford whether academic, sporting, social cultural or other; or
 - iii. threatens to bring the College or a Partner College into disrepute among reasonable people; or
 - iv. occurs using College or Partner College facilities (such as computer networks) or privileges (such as room bookings).
- d) 'Expulsion' means the permanent loss of membership of the College and the University.
- e) 'Ban' means withdrawal of a right of access to specified premises or facilities of the College or Partner College for a fixed period or pending the fulfilment of certain conditions.
- f) 'Partner College' means a college with whom Reuben College has an arrangement to share facilities and premises to the extent that the Student's interaction with the Partner College is because of that arrangement.
- g) 'Reporter' means a person making a report about a Student's behaviour.
- h) 'Subject' means a Student who is alleged to have breached the Code of Conduct.
- i) 'Suspension' means withdrawal of a right of access to all of the land, buildings, services, including academic-related services, and facilities of the College for a fixed or indeterminate period or until the fulfilment of specified conditions either as a penalty imposed following a disciplinary investigation or where action is taken as an interim measure pending further investigation, or where access is otherwise withdrawn under College policies for non-disciplinary reasons. Suspension by the College results in a parallel suspension from University land, buildings and facilities, including teaching, examinations and other academic services, subject to a right of appeal to the Disciplinary SDP (see [s.42 of Statute XI](#)).

- j) 'Harassment' has the meaning set out in the College's [Policy and Procedure on Harassment](#) which includes 'violating another person's dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment for another person'.
- k) "Sexual Misconduct" means behaviour of a sexual nature which takes place without consent where the individual alleged to have carried out the misconduct has no reasonable belief in consent.
- l) 'Working Day' means a full working day (Monday-Friday) and excluding Saturday, Sunday, public holidays and fixed closure days.

3.2. Verbs which correspond to these nouns shall have similar meaning.

4. Code of Conduct

4.1. No student shall in a College context intentionally or recklessly:

- a) Disrupt or attempt to disrupt 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 by members, students, and employees of the College or by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of their duties;
- b) Damage or deface, or attempt to damage or deface, any property of the College or of any Partner College, or of any member, visitor, officer or employee of the College or any Partner College, or knowingly misappropriate such property;
- c) Occupy or use or attempt to occupy or use any property or facilities of the College or Partner College except as may be authorised by the College authorities concerned;
- d) 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 any examination;
- e) Engage in any activity likely to cause injury to others or to impair their safety;
- f) Engage in violent, indecent, disorderly or threatening or offensive behaviour or language;
- g) Engage in harassment of or sexual misconduct towards any member, visitor, employee or agent of the College or Partner College;
- h) Engage in any fraudulent or dishonest behaviour in relation to the holding of any office in the College;
- i) Refuse to disclose their name and other relevant details to an officer or an employee or agent of the College or of the Partner College in circumstances where it is reasonable to require such information to be given;
- j) Decline or refuse to obey any lawful instruction of an officer or employee of the College or Partner College, including any order or summons issued by the Dean(s), the Disciplinary Panel or the Appeal Panel;

- k) Engage in any act, omission, or course of conduct in breach of the regulations and policies set by the College or Partner College;
 - l) Use, offer or sell or give to any person drugs or other substances, the possession or use of which is illegal (see [College Policy on the Possession, Supply and Production of Drugs](#));
 - m) Engage in any other conduct which threatens to bring the College or Partner College into disrepute among reasonable people;
 - n) Fail to take reasonable steps to prevent disruptive or offensive behaviour on the part of anyone that they invite into College or any Partner College.
 - o) Engage in any act, omission, or conduct in breach of the Statutes and Regulations of the University or a University Code of Practice issued by Council or a local rule of any University site or building, or a regulation created by the Proctors;
 - p) Engage in any act, omission, or course of conduct which is contrary to government, Public Health England or local public health rules, any instructions issued by public health officials, or any rules which College or Partner College has issued based on official health guidelines.
- 4.2. Being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for breaching this Code and may be regarded as an aggravating factor.
- 4.3. No Student shall incite or conspire with any other individual to engage in any of the conduct prohibited under this section.

5. Disciplinary Procedure - General Principles

- 5.1. Reports will usually 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 an interim measure or the outcome, to protect members of the College community and/or to comply with the College's legal obligations (e.g. the Reporter's identity will usually be disclosed to the Subject, the department will be informed where a student is suspended, the Bursar will usually be informed where a report is made by a member of staff, and relevant College members may be notified in order to make the necessary administrative arrangements).
- 5.2. All College staff involved in this procedure will be trained appropriately and will act with impartiality and discretion.
- 5.3. All parties involved in this procedure are required to act reasonably and fairly towards each other and to respect the College's procedures.
- 5.4. All complaints will be dealt with promptly and time limits should usually be met by all parties. Time limits may only be extended by the relevant decision-maker where it is necessary to do so in order to ensure a fair outcome. Where time limits are extended, the parties concerned should be kept updated about the progress of the case. Where there is an urgent need to do so the relevant decision-maker at each stage will consider whether it is appropriate to expedite this procedure as much as possible while ensuring that the fairness of the process is maintained.

- 5.5. If any member of staff has concerns that a student involved in this procedure is suffering health problems or other difficulties, the student should be directed to College welfare services and/or to the University's Student Welfare and Support Services, and the procedures at section 11 below should be followed.
- 5.6. Anonymous reports will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action because of the need to allow the student concerned to respond to the report.
- 5.7. Malicious or vexatious allegations may result in disciplinary action against the Reporter.
- 5.8. Students involved in reports may be accompanied by a friend or a member of the College's graduate body or Oxford SU to meetings, interviews or hearings for support or, in the case of hearings, representation, so long as the College is informed in advance. Students involved in reports are not normally permitted to have legal representation.
- 5.9. Meetings and hearings may take place via video link where this is reasonably necessary, including to avoid undue delay, because of the location of the individuals involved or to protect individuals involved.
- 5.10. If a report falls across more than one University or College procedure, the College will deal with the matter as flexibly, fairly and proportionately as possible. If the Subject is a PGCE or medical student the relevant decision-maker will consider whether any referral is appropriate under University Fitness to Practise or Fitness to Teach procedures.
- 5.11. Where there are more than one Reporter and/or more than one Subject the College will seek to deal with the case consistently and fairly. It will normally be appropriate for all concerned to hear and/or view each other's evidence, and also to be given an opportunity to address the relevant decision-maker in private.
- 5.12. The standard of proof is "on the balance of probabilities" (i.e. whether it is more likely than not that the action or event occurred). The burden of proof will usually be on the College. In certain circumstances there may be a burden on the Subject to provide evidence, or when setting out mitigating factors.
- 5.13. Non-compliance with a penalty or condition imposed under this procedure may result in further penalties, including additional fines, suspension and/or expulsion.
- 5.14. No member of College staff involved in this procedure should have any conflict of interest in the matter or should act if there is any reasonable perception of bias. If any decision-maker has a conflict of interest or is otherwise unavailable an appropriate substitute will be appointed by the Vice-President (or the President if the person who is to be replaced is the Vice-President).
- 5.15. Records will be kept at all stages of the process in accordance with relevant College policies, including on data protection. In particular, a copy of any decision letter issued under this procedure will be kept on the Subject's file (on paper or electronically) in the College Office.

6. Disciplinary Procedure - Initial Considerations

- 6.1. For straightforward, minor matters it may be possible for the report to be resolved informally by the member of College staff most closely connected with the incident.
- 6.2. In addition, minor breaches can be reported to Sub-Deans, who have the option of cautioning students if they agree that the matter is minor, or reporting more serious behaviour to the Dean for a formal disciplinary process.
- 6.3. Reporters who are students can also consider using the [Student Resolution Service](#) which is a free mediation service for students who find themselves in conflict with another student. The Service is not appropriate for reports of serious criminal conduct.
- 6.4. Reports about harassment and sexual misconduct (but excluding serious criminal conduct) may be more appropriately addressed under the [College's Harassment Policy](#) in the first instance, and the Dean may refer such a report accordingly.

7. Disciplinary Procedure - Precautionary Measures

- 7.1. The Dean can impose precautionary measures on students who are in the process of University, College or criminal proceedings, or assist students who are in dispute in agreeing to such measures. These can include: no-contact restrictions; a ban from, or time constraints for, accessing buildings or services; alternative mentoring arrangements, and moving accommodation.
- 7.2. The measures set out in paragraph 7.1 are intended to be used either where no disciplinary investigation is being undertaken or where an investigation is pending, and are on the basis of no admission of fault. Such measures will impose the minimum impact reasonably possible on all students involved.
- 7.3. When an alleged breach of the College rules occurs, or where a student is facing criminal proceedings (see paragraph 13.3 below), the Dean in consultation with the President may suspend the Subject or ban them from use of College and any Partner College facilities with immediate effect for up to two weeks or, with the Disciplinary Panel's approval, for a period not longer than the period in which the Disciplinary Procedures are in operation or the criminal proceedings are ongoing. Such measures will only be imposed where the seriousness of the alleged breach justifies it, and no other option under paragraph 7.1 is appropriate.

8. Disciplinary Procedure - Stage 1: Consideration by the Dean

Making a report

- 8.1. The disciplinary procedures may be initiated by anyone who has good reason to believe that a Student has breached the Code of Conduct if it has not been possible to resolve the report informally or if informal resolution is not appropriate. The Dean may accept reports made by a third party on a reporter's behalf where the reporter consents,¹ the third party provides evidence of that consent, and there are good

¹ The Dean will need to see evidence that the reporter consents to the third party making the report on their behalf and to the contents of that report and that the reporter understands their role as a reporter under this procedure.

reasons to do so (for example reports made by specialist sexual violence support services).

- 8.2. The Reporter should complete and submit a College Report Form ([available here](#)) to the dean@reuben.ox.ac.uk. A group of students making a joint report must nominate one student as their spokesperson in the Report Form. Exceptionally, the Dean may consider a report that is made in another format where it is fair to do so.
- 8.3. The Reporter should submit the Report Form to the Dean(s) as soon as reasonably possible, and at the latest within 6 months of when the matters complained about occurred
- 8.4. The Dean will acknowledge receipt of the report within 2 working days and will usually complete their investigation and arrive at an outcome within three weeks of receipt of the report.

Preliminary Considerations

- 8.5. The Dean will decide whether or not to investigate and will inform the Reporter and the Subject within 5 working days of receipt of the report. In order to make this decision, the Dean may make some preliminary enquiries. If the Dean decides to investigate, the Dean will usually send the Subject a summary of the report at this point together with the information outlined at paragraphs 8.9 and 8.10 below. If the Dean decides not to investigate, a Reporter who is a Student and is dissatisfied with the way that the procedure has been followed has the option to complain as set out in paragraph 8.20 below.
- 8.6. The Dean will **not** investigate reports:
 - a) about matters which did not occur in the College Context (see sections 3.1.c) and 15), or
 - b) which are frivolous and/or vexatious.
- 8.7. The Dean will **not** usually investigate in the following instances, but has a discretion to do so where there are exceptional circumstances:
 - a) reports of conduct which happened more than 6 months previously (and particularly if the Subject is no longer a current student) (Subject to specific considerations for cases involving sexual misconduct, as set out in section 12),
 - b) where another body is better placed to investigate (i.e. the University) (see section 15 for more information);
 - c) where there are ongoing criminal, regulatory or other proceedings in relation to the same matter (see 13 for more information),
 - d) where the report has already been determined under this procedure, and/or
 - e) reports of the most serious kinds of criminal conduct where a report has not been made to the police (see section 13 for more information).
- 8.8. When deciding whether it is appropriate to investigate, the Dean will consider all the relevant circumstances including:
 - a) whether the report has been determined by an external body (such as the University or a court), and the relevant standard of proof in that procedure,
 - b) whether it is proportionate to investigate, having regard to factors including the cost to the College, the nature and/or seriousness of the report; and/or the available remedies (this may be particularly relevant for reports against former

- students and/or reports made by individuals who are not members of the College), and
- c) whether the subject is on a course resulting in a professional qualification where the alleged misconduct may be of particular relevance.
- 8.9. If the Dean decides to investigate, the Subject will be given an opportunity to accept the breaches and receive a clear explanation of the implications of acceptance.

Investigation

- 8.10. The Dean may take any step to investigate and to assemble relevant evidence. The Dean will usually start the investigation by interviewing the Subject (and in some cases the Reporter and other witnesses).
- 8.11. Details of the date and time of the interview will usually be sent at the same time as the notification of the intention to investigate (see paragraph 8.5 above). The Subject will be given at least 2 working days' notice of the interview which will usually be held within 5 working days of the notification. If any person being interviewed wishes to be accompanied (see paragraph 5.8) they should inform the Dean who will be attending the interview with them at least 1 working day before the interview.
- 8.12. If a subject does not attend the interview, the Dean may proceed with the investigation process in the absence of the Subject unless the absence is due to circumstances beyond the Subject's control.
- 8.13. Notes will normally be taken during interviews. The person(s) interviewed will be sent a copy of the note and will be invited to agree it.
- 8.14. Before interviewing a Subject, the Dean will explain:
- a) that the Subject does not have to answer questions and that any responses or documents provided may be used by the Dean in evidence against the Subject;
 - b) that if the Subject refuses to answer questions this may be taken into account in a subsequent disciplinary hearing; and
 - c) that, if the reported conduct could constitute a criminal offence, the police might be able to obtain any records from the disciplinary process in a future investigation.
- 8.15. Once the Reporter and Subject have been interviewed and have reviewed the note of their interview, the Reporter's account of the facts will usually be shared with the Subject, and *vice versa*, so that they each have an opportunity to comment on the other person's account. Confidential information which is not about the disputed facts may be redacted.
- 8.16. If the Reporter withdraws the report at any time the Dean may nevertheless decide to continue the investigation if it is appropriate and fair to do so.

The Dean's Decision

- 8.17. The Dean will decide whether there are reasonable grounds for believing that the Code of Conduct has been breached, and whether it is fair, just and reasonable to proceed with disciplinary action.
- 8.18. The Dean will communicate the decision to the Reporter and the Subject. The Dean's decision letter to the Reporter and Subject will set out the decision, include brief

reasons and sources of support and advice, as appropriate, and will emphasise that the decision is confidential.

- 8.19. The Dean's decision will be one of the following three options:
- a) if the report is one which the Dean considers is suitable for the Summary Determination process (see paragraphs 8.21 to 8.27 below), the decision will set out the Dean's findings on the report and the proposed penalty and the Subject will be invited to agree to this outcome within 2 working days;
 - b) for serious matters, that the report is to be referred to the Disciplinary Panel for a disciplinary hearing, in which case the referral will be made on the same day if it is a working day, or the next working day, and the Reporter may be asked to be a witness; or
 - c) no further action will be taken.
- 8.20. If the decision is to take no further action, and the Reporter is a student, the decision letter to the Reporter will explain if the College is going to take any other steps as a result of the report (for example, reviewing its procedures). If a Reporter who is a student is dissatisfied with the way this procedure has been followed, the Reporter has the option of making a complaint under the College's [Student Complaints Procedure](#), in which case the complaint will be considered by members of the College who have not previously been involved in the report.

Summary Determination by the Dean

- 8.21. The Dean may deal with a case under this Summary Determination procedure where the Dean's view is that the matter can be resolved by the imposition of a less serious penalty (ie one or more of the penalties listed at paragraph 8.26.b) below) on the basis of the Dean's assessment of the case in light of the investigation.
- 8.22. If the Subject does not accept the proposed outcome of the Summary Determination process under paragraph 8.19.a) the Dean will notify the Reporter and refer the matter to the Disciplinary Panel.
- 8.23. If the Subject does agree, the Dean will send the Subject a decision letter confirming the decision to the Reporter and the Subject. The Dean will emphasise that the decision is confidential.
- 8.24. The decision letter to the Reporter will set out:
- a) whether the Subject has been found to be in breach of the Code of Conduct;
 - b) brief reasons and, if the Reporter is a member of the University, details of any penalty imposed, but will not include information which is not about the disputed facts and which is confidential to the Subject;
 - c) any remedy for the Reporter where this is considered appropriate, including explaining if the College is going to take any other steps as a result of the report (for example, reviewing its procedures); and
 - d) sources of support and advice, as appropriate.
- 8.25. If the Reporter is a student and is dissatisfied with the way this procedure has been followed, the Reporter has the option of making a complaint under the College's [Student Complaints Procedure](#), in which case the complaint will be considered by members of the College who have not previously been involved in the report.
- 8.26. The decision letter to the Subject will include reasons and will state:

- a) the finding(s) of breach of the Code of Conduct;
- b) the penalty: which will be limited to:
 - i. a written warning,
 - ii. payment of a fine and/or compensation up to a maximum of £200,
 - iii. a no-contact arrangement,
 - iv. suspension for up to 2 weeks
 - v. banning the Subject from College premises or facilities for up to 2 weeks (including a total ban or a ban subject to certain conditions),
 - vi. recommending that the Subject be banned from University buildings or services for up to 2 weeks (including a total ban or a ban subject to certain conditions) (Subject to endorsement by the University),
 - vii. a condition (as set out at paragraphs below 9.19.f) and 9.20),
- c) that the Subject has the right to seek to appeal the Dean's decision and/or the penalty to the Disciplinary Panel within 5 working days; and
- d) sources of support and advice, as appropriate.

- 8.27. The process for an appeal under paragraphs 8.26.c) above will, so far as is relevant, follow the process set out at section 10 below in relation to appeals to the Appeal Panel, except that the decision-maker will be the Disciplinary Panel. The outcome of that appeal will be the end of the College's procedures.
- 8.28. If the decision is likely to impact on the Subject's academic work the Dean will also inform an appropriate member of the Subject's department of the decision and any penalty.

9. Disciplinary Procedure - Stage 2: Disciplinary Panel

- 9.1. During the Disciplinary Panel stage the Dean presents the case against the Subject to the Disciplinary Panel on behalf of the College.
- 9.2. The Vice-President elects the Chair and two other members of the Committee from the College's Governing Body fellows. Members of the Disciplinary Panel shall not include: the Senior Tutor, the Dean(s), the Welfare Dean, the President, or the Subject's College Advisor.
- 9.3. Where appropriate, due to the nature of the case, the Disciplinary Panel may be attended by a specialist advisor.
- 9.4. Once the report is referred to the Disciplinary Panel the day-to-day handling of the matter will be carried out by the Secretary to the Disciplinary Panel who will normally be a member of the College's administrative offices. Queries about this stage should be addressed to info@reuben.ox.ac.uk.
- 9.5. Within 5 working days of receiving the referral, the Secretary will send the Subject notice of the Disciplinary Panel proceedings and will include:
 - a) a copy of this procedure;
 - b) information relating to the next steps, including the timeframe for calling witnesses (which will usually be 2 working days)
 - c) the names of the members of the Disciplinary Panel;
 - d) the details of the alleged breach of the Code of Conduct;

- e) the evidence the Dean will rely on (which will usually include the investigation report and evidence gathered during the investigation) and the recommendations the Dean has made;
 - f) information about the right to be accompanied or represented (as explained at 5.8 above) and who will be at the hearing;
 - g) a statement to the effect that they are expected to attend the hearing and the consequences of non-attendance (see paragraph 9.12);and
 - h) a statement to the effect that the Subject does not need to speak at the hearing, with the consequences explained above at paragraph 8.14 above.
- 9.6. If the Reporter is a member of the College, the Secretary will also send the Reporter a copy of the investigation report and details of the next steps but may exclude information which is not relevant to the disputed facts and which is confidential to the Subject, such as mitigating factors.
- 9.7. If the Dean and Subject agree, the Chair may implement the Dean's recommendations without a hearing of the Disciplinary Panel.
- 9.8. The Secretary will notify the Subject, any witnesses, and the Dean, of the time, date and venue of the hearing (including if it will be held online or in person), with at least 5 working days' notice.
- 9.9. The hearing should be held within 2 weeks of the date of the notice under paragraph 9.5 above. The Subject should contact the Secretary with reasons as soon as possible if the hearing time is unsuitable.
- 9.10. At least 3 working days before the hearing the Subject should:
- a) send the Secretary copies of all the evidence the Subject intends to rely on at the hearing. The Secretary will send a copy of this to the Dean; and
 - b) inform the Secretary whether anyone will be attending the hearing with the Subject and if so in what capacity (i.e. for support or as a representative).
- 9.11. The Dean may also be represented at the hearing and should inform the Secretary as soon as possible if this is the case. The Dean will not usually have external legal representation unless the Subject does.

Disciplinary Panel Hearing

- 9.12. The Disciplinary Panel may proceed with a hearing in the absence of the Subject unless the absence is due to circumstances beyond the Subject's control.
- 9.13. The hearing will start with the Secretary reading the alleged breach(es) of the Code of Conduct and the Subject will be asked whether these are accepted. The Secretary will take notes of the hearing and the hearing may be recorded.
- 9.14. If the Subject accepts the breach(es) the hearing will focus on the appropriate penalty (see paragraphs 9.17 to 9.21 below).
- 9.15. The Dean and the Subject will have an opportunity to give evidence, make an opening statement, call witnesses, question the other party or any witness, and give a closing statement. If the Reporter is a witness the Disciplinary Panel may also decide that it is appropriate for the Reporter to be given the opportunity to make a statement. The Dean's case will usually be presented first and the Subject will be given the opportunity to speak last. Questions of the other party or witnesses will usually be

asked through the Chair. In certain circumstances the Disciplinary Panel may require the Subject to put questions in writing, prior to the panel hearing.

- 9.16. The Disciplinary Panel will ask the parties to leave the room while they consider their decision. The Disciplinary Panel will then inform the parties whether or not they have found that there has been a breach of the Code of Conduct.
- 9.17. If the Disciplinary Panel finds that there has been a breach they will invite the Dean to propose an appropriate penalty. The Dean should usually only provide the Disciplinary Panel with details of any former breaches by the Subject at this stage. The Subject may call witnesses in relation to the penalty and make a statement in mitigation and the Dean may call witnesses in reply. Mitigating factors could include whether:
- a) the incident is a minor example of a serious breach,
 - b) it is the Subject's first breach of the Code of Conduct,
 - c) the Subject admitted the breach, and at what stage of the process, and/or
 - d) the Subject has compelling personal circumstances that should be taken into account.
- 9.18. The Disciplinary Panel will then ask the parties to leave the room while they consider the appropriate penalty. The Disciplinary Panel may take into account mitigating and aggravating factors (including where there is a hate element related to a protected characteristic²) when determining the appropriate penalty. The Disciplinary Panel will then inform the parties of the penalty.
- 9.19. The Disciplinary Panel will impose a penalty that is proportionate to the breach, consistent with former decisions, and which takes into account any mitigating factors. The penalties which the Disciplinary Panel can impose for non-academic misconduct are:
- a) a written warning;
 - b) requiring the Subject to attend a relevant education programme;
 - c) a no-contact arrangement;
 - d) payment of a fine or compensation,
 - e) issuing directions relating to the provision of references for the Subject;
 - f) a condition, such as a requirement that the Subject is to:
 - i. commit no breach of any type for a specified time or indefinitely;
 - ii. report at regular intervals to the Dean, or their representative, for a specified time or indefinitely; and/or
 - iii. take some other reasonable step(s) by a specified date;
 - g) temporary denial of access to, or exclusion from, College accommodation, or requiring the Subject to move to other College accommodation,
 - h) banning the Subject from College or Partner-College premises or facilities (including a total ban or a ban subject to certain conditions),
 - i) recommending that the Subject be banned from University or other college buildings or services (including a total ban or a ban subject to certain conditions) (subject to endorsement by the University or other college), and/or

² Protected characteristics include: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race including ethnic or national origin, religion or belief, sex and sexual orientation.

- j) suspension or expulsion.³
- 9.20. If the penalty includes condition(s) under paragraph 9.19.f), the Disciplinary Panel will also decide the consequences of breach of that condition, which will be a penalty within the scope of 9.19. That penalty will subsequently be incurred if: the condition is breached and the Dean has given the Subject 3 working days' notice to remedy the breach, if this is possible, and the Subject has not done so. The Subject has the right to appeal a decision by the Dean relating to a breach of condition to the Disciplinary Panel. The process for such an appeal will, so far as is relevant, follow the process set out at section 10 below in relation to appeals to the Appeal Panel, except that the decision-maker will be the Disciplinary Panel.
- 9.21. The Disciplinary Panel will normally consider the range of penalties available to it in order to decide which is most appropriate. The Disciplinary Panel will not normally impose academic penalties for non-academic misconduct.
- 9.22. The Disciplinary Panel has a discretionary power to adjourn proceedings where this is considered necessary.
- 9.23. The hearing may be recorded and the Secretary will keep a brief note of the hearing and the Disciplinary Panel's decision.

Disciplinary Panel Written Decision

- 9.24. The Secretary will send the Reporter, the Subject and the Dean the Disciplinary Panel's reasoned decision including their finding as to whether the Subject breached the Code of Conduct and details of any penalty within 5 working days of the hearing. The Secretary will emphasise that the outcome is confidential.
- 9.25. The decision letter to the Reporter will set out:
 - a) whether the Subject has been found to be in breach of the Code of Conduct;
 - b) brief reasons and, if the Reporter is a member of the College, details of any penalty imposed, but will not include information which is not about the disputed facts and/or which is confidential to the Subject;
 - c) any remedy for the Reporter where this is considered appropriate, including explaining if the College is going to take any other steps as a result of the report (for example, reviewing its procedures); and
 - d) sources of support and advice, as appropriate.
- 9.26. If the Reporter is a College student and is dissatisfied with the way this procedure has been followed, the Reporter has the option of making a complaint under the [Student Complaints Procedure](#), in which case the complaint will be considered by members of the College who have not previously been involved in the report.
- 9.27. The decision letter to the Subject will include reasons and will state:
 - a) whether the Subject has been found to be in breach of the Code of Conduct;
 - b) where a breach has been found:
 - i. any penalty imposed; and

³ Suspension or Expulsion from the College results in corresponding suspension or expulsion from the University subject to a right to appeal to the Student Disciplinary Panel under Section 42 of [Statute XI](#)

- ii. that the Subject has the right to seek to appeal the Disciplinary Panel's decision and/or the penalty and the next steps for doing so (see 10.3 and 10.4 below), and
 - c) sources of support and advice, as appropriate.
- 9.28. If the Subject does not apply for permission to appeal within the relevant time limit, the Secretary will notify the Subject that the matter has been closed.
- 9.29. If the decision is likely to have a substantial impact on the Subject's academic work the Dean will inform an appropriate member of the Subject's department of the relevant parts of the decision and any penalty.
- 9.30. If the Subject is a PGCE or medical student or a student on any other course which makes them subject to the rules of a professional body and the penalty is expulsion, the Secretary will inform the University's Designated Safeguarding Lead as this may need to be reported to the government's Disclosure and Barring Service or any other appropriate statutory body. The relevant decision-maker will also consider whether any referral is appropriate under University Fitness to Practise or Fitness to Teach procedures.

10. Disciplinary Procedure - Stage 3 Appeal

- 10.1. There are two routes for a Subject to appeal a decision of the Disciplinary Panel: either to the Conference of Colleges Appeal Tribunal (CCAT) where a substantial penalty has been imposed (see 10.2 below), or within the College for other matters.

Appeal to CCAT

- 10.2. A Subject may appeal to CCAT if the penalty imposed by the Disciplinary Panel is one or more of:

- a) expulsion,
- b) suspension,
- c) a substantial fine (£1,000 or more); and/or
- d) another penalty of similar severity.

- 10.3. Appeals to CCAT must be made in accordance with the [CCAT Regulations](#). The first step is to file a written application within 5 working days of the date of the Disciplinary Panel's written decision.

Appeal to the Appeal Panel

- 10.4. A Subject wishing to appeal any matter which is not one that can be considered by CCAT, should submit an appeal within 5 working days of the Disciplinary Panel's written decision. An appeal may only be made on one of the following grounds:

- a) that the appropriate procedures have not been followed properly;
- b) that the Disciplinary Panel's decision was unreasonable (the Subject must identify which aspects of the decision are considered to be objectively unreasonable and explain why);
- c) that the Subject has new material evidence that they were unable, for valid reasons, to provide earlier in the process;
- d) that there was bias or reasonable perception of bias during the process; and/or

- e) that the penalty imposed was disproportionate, or not permitted under the procedures.
- 10.5. The appeal is considered by the Appeal Panel which acts as a review body in reviewing the Disciplinary Panel's decision and may confirm or reject in whole or part the Disciplinary Panel's decision or make any other order which it would have been within the Disciplinary Panel's power to make.
- 10.6. The parties to the appeal are the Subject and the Dean.
- 10.7. The President elects the Appeal Panel from the College's Governing Body fellows. Members of the Appeal Panel shall not include: the Senior Tutor, the Dean(s), the Welfare Dean, the President, the Subject's College Advisor, or anyone who has previously been involved in the Complaint. A sitting of the Appeal Panel will usually involve one member of the Appeal Panel acting alone.
- 10.8. Where appropriate, due to the nature of the case, the Appeal Panel may be attended by a specialist advisor.
- 10.9. The day-to-day handling of the appeal will be carried out by the Secretary to the Appeal Panel who will normally be a member of the College's administrative offices who has not previously been involved in the report. Queries about this stage should be addressed to the Secretary at info@reuben.ox.ac.uk.

Appeal Panel – Permission Stage

- 10.10. If the appeal is submitted after the 5 working days' time limit, the application should explain why it has been made late and the Appeal Panel will consider whether it is fair and reasonable to allow an extension. Where an application is made late, the Appeal Panel will invite the Dean to comment on the Subject's reasons for the delay.
- 10.11. Before the appeal is considered, the Subject must be granted permission to appeal. The Appeal Panel will usually decide whether to grant permission having reviewed the documents seen by the Disciplinary Panel, the Disciplinary Panel's decision, and any further submissions from the Subject. The Appeal Panel will reach a decision taking into account all the relevant circumstances including the import of the report and/or penalty to the Subject, and the prospects of success of the proposed appeal. The Appeal Panel may ask any of the parties for more information to assist it in deciding whether to grant permission.
- 10.12. The Appeal Panel's decision will be made and sent to the Subject within 5 working days of the submission of the appeal.

Appeal Panel – Appeal Stage

- 10.13. If permission to appeal is granted, the Appeal Panel will proceed with the appeal as originally submitted and may ask for more information.
- 10.14. The Subject may apply to the Appeal Panel to suspend part or all of the penalty imposed by the Disciplinary Panel pending the outcome of the appeal.
- 10.15. The Secretary will send the Subject and the Dean the hearing bundle and core information at least 5 working days before the hearing. This will include information about:

- a) the time, date and venue for the hearing (including if it will be held online or in person),
- b) attending the hearing, and
- c) the right to be accompanied or represented (as explained at 5.8 above) and who will be at the hearing.

10.16. The hearing should be held within 2 weeks of the decision to grant permission to appeal. The Subject should contact the Secretary with reasons as soon as possible if the hearing time is unsuitable.

10.17. The Subject should inform the Secretary as soon as possible, and not less than 3 working days before the hearing, if a representative will be attending the hearing.

10.18. The Dean may also be represented at the hearing and should inform the Secretary to the Appeal Panel as soon as possible if this is the case. The Dean will not normally have external legal representation unless the Subject does.

10.19. If either party wants the Appeal Panel to hear evidence at the hearing, they must apply for permission in writing not less than 3 working days before the hearing, attaching a witness statement, or a description of the evidence and an explanation of why a witness statement is not available.

Appeal Panel - Hearing

10.20. The Appeal Panel may proceed with a hearing in the absence of the Subject unless the absence is due to circumstances beyond the Subject's control.

10.21. At the hearing, the Dean and the Subject will each have an opportunity to make a statement and address the Appeal Panel and, where permitted in exceptional circumstances, to call witnesses. The Appeal Panel may set time limits for the different stages of the proceedings.

10.22. The Appeal Panel may ask the parties to withdraw while considering the appropriate outcome and may communicate the decision to the parties at the hearing.

10.23. The hearing may be recorded and the Secretary will keep a brief note of the hearing and, where given at the hearing, the Appeal Panel's decision.

Appeal Panel - Decision

10.24. The Appeal Panel will produce a reasoned decision in writing within 5 working days of the hearing, which the Secretary will send to the Dean and the Subject.

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

10.26. If the appeal is upheld or partially upheld:

- a) the letter to the Subject may offer a remedy where this is considered appropriate, including explaining if the College is going to take any other steps as a result of the appeal (for example, reviewing its procedures);
- b) if the decision is likely to have a substantial impact on the Subject's academic work the Secretary will inform an appropriate member of staff at the Subject's

department of the relevant parts of the decision and any penalty, and will note if there has been any change to any information provided under paragraph 9.28 above; and

- c) if the outcome alters the information that was provided to the Reporter under paragraph 9.25, then the Secretary will inform the Reporter of the outcome to the extent necessary to correct the information previously provided to them.

11. III Health

- 11.1. This section relates to circumstances where a behavioural or disciplinary problem has arisen which may be, either wholly or in-part, attributed to a student's ill-health and where the student is not seeking an academic suspension, or withdrawal on the grounds of ill health. In such cases it is important to address the health concerns first, before commencing or continuing disciplinary action.
- 11.2. Where concerns arise in the course of an existing procedure those procedures shall be adjourned while the matter is considered under this section.
- 11.3. Where appropriate and necessary, precautionary measures including suspension may be imposed while the process outlined in this section is carried out. Such measures must be put in place in accordance with section 7 above.
- 11.4. Once concerns have been raised under this section, the Dean must take the following steps to ensure firstly that appropriate support is put in place for the student, and secondly what the appropriate route is for dealing with the matter. The Dean will usually ask for the student's permission to consult the Welfare Dean while following this procedure.
- 11.5. At the outset, the Dean must supply the student with information relevant to their circumstances and about the welfare resources available to them. If the student is struggling to engage with the process the Dean may suggest that the student appoints a representative.

Medical Evidence

- 11.6. The Dean's first step will be to seek medical advice from the College doctor if the student agrees. Alternatively, with the agreement of the Dean and the student, the opinion may be sought from the student's own doctor or one of their choosing. See the [College's Student Welfare and Confidentiality Policy](#) for details.
- 11.7. If in the light of this advice the Dean is of the opinion that a further opinion would be materially helpful, they may recommend that the student has an independent specialist medical examination at the expense of the College. The Subject may choose whether or not to agree to this recommendation.

Meeting

- 11.8. Once any medical evidence has been obtained, the Dean will invite the student to a meeting. The student may be accompanied for support as set out at paragraph 5.8 above and the Dean may also invite a member of the College with welfare experience to attend. If the student has not agreed to seek a medical opinion, the Dean will proceed without having access to that information.

- 11.9. The Dean may proceed without a meeting if the student fails to attend, unless the absence is due to circumstances beyond their control.
- 11.10. At the meeting the Dean will first consider whether there is any additional support that can be put in place for the student, either directly by the College or by referring the student to a University or external service.
- 11.11. The Dean will then decide how to proceed having regard to any medical evidence and any representations made by the student in writing or in person or through a representative.
- 11.12. The Dean may decide:
- a) that the student is not suffering from a serious problem relating to ill health of relevance to the case, in which case the disciplinary procedures may be commenced or resumed;
 - b) that the health problem is considered serious and relevant to the alleged breach of the Code of Conduct, and that the matter should be considered under [Fitness to Study procedures](#);
 - c) that, despite the student's ill-health, disciplinary proceedings should be commenced or resumed, with the College making any appropriate adjustments to the procedures as necessary in light of the student's needs and considering the student's ill health as a mitigating factor where appropriate (the Dean who has considered the matter under this section will not be involved in the subsequent disciplinary proceedings); or
 - d) that no further action needs to be taken and the matter can be closed.

12. Special Arrangements in reports involving sexual misconduct and/or violence

General Considerations

- 12.1. The College recognises that sexual misconduct and/or violence can affect anyone and can have a serious impact on health, wellbeing and academic progress. Sexual misconduct is defined in the Code of Conduct as "any behaviour of a sexual nature which takes place without consent where the person alleged to have carried out the misconduct has no reasonable belief in consent". Harassment, including sexual harassment, and bullying are defined in the College [Policy and Procedure on Harassment](#). The College uses the following definition of consent:

Consent is the free agreement by choice to participate in a sexual act where the individual has both the freedom and the capacity to make that choice. Consent cannot be assumed on the basis of a previous sexual experience or previously given consent, or from the absence of objection. Consent may be withdrawn at any time.

- 12.2. 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.
- 12.3. In cases of alleged sexual misconduct and/or violence, at least one postholder involved at each stage in investigations and decision-making should have received appropriate training.

- 12.4. Decision-makers and support staff at all stages of the procedure should be mindful that:
- a) Reports of sexual misconduct and/or violence are more likely to be made with a delay in reporting than other types of misconduct.
 - b) Delays in reporting, or reluctance to involve the Police, should have no bearing on determining the veracity of the Report.
 - c) 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 Code of Conduct has occurred.

Initial Stages

- 12.5. In most cases of harassment or sexual misconduct and/or violence (but excluding cases of serious criminal conduct as explained in the [Harassment Policy](#)) the Dean will decide that it would be appropriate for students to follow the Harassment Policy in the first instance.
- 12.6. Reporters 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 process. Support for students who are the Subject of a complaint is available from [Student Welfare and Support Services](#) or the [Oxford SU Student Advice Service](#).

Investigation

- 12.7. In cases of alleged sexual misconduct and/or violence, the Reporter and Subject may be interviewed by a specially trained interviewer or investigator. The Dean may also attend the interview. While the interviewer will provide the Subject with the usual warning (set out at paragraph 8.14b) above) it would not usually be appropriate to draw negative inferences from a Subject exercising the right to silence in cases where the conduct complained of could constitute a criminal offence. The Dean will keep the Reporter and Subject informed on the progress of the investigation.
- 12.8. Where there is a significant delay in raising a complaint, the Dean will have discretion to decide whether it has been raised as soon as "reasonably possible" and will have regard to the additional considerations identified in this section.

Hearings

- 12.9. In cases of alleged sexual misconduct and/or violence, at least one member of the relevant Panel should have received appropriate training.
- 12.10. Where a Reporter of conduct covered by this guidance is to be a witness at any hearing, the relevant Committee or Panel can put practical arrangements in place to safeguard that individual. This could include:
- a) separate waiting areas for the Reporter and the Subject;
 - b) the Reporter bringing a supporter to sit with them whilst giving evidence;
 - c) the Reporter giving evidence from behind a screen so that the Reporter does not need to see the Subject;
 - d) the Reporter responding to written questions from the Subject, or questions via the Chair, rather than spoken questions from the Subject or their representative;

- e) the Reporter, or other individuals involved in the proceedings, responding to questions via video link from a different location, or holding the whole hearing over video conference;
- f) providing appropriate welfare support where the Reporter is a student.

Key Contacts

- 12.11. The [Sexual Harassment and Violence Support Service](#) provides free, impartial, confidential support and advice to any students who have been affected by sexual harassment or violence. E-mail: supportservice@admin.ox.ac.uk. The Dean can advise on the procedural aspects of the disciplinary process. The [Oxford SU Student Advice Service](#) offers independent advice to matriculated students. External sources of advice and support are listed at: <https://edu.admin.ox.ac.uk/internal-and-external-sources-of-advice>.

13. Criminal Conduct

Criminal Proceedings against a student

- 13.1. A student who is the Subject of criminal proceedings in respect of an alleged offence of such seriousness that an immediate term of imprisonment might be imposed on conviction must promptly inform the Dean in writing.
- 13.2. If a student is alleged to have committed a breach of the Code of Conduct and is likely to be prosecuted in a court of law in relation to that breach, the College shall not commence or proceed with disciplinary action, if at all, unless they are subsequently satisfied either that any criminal proceedings in respect of that breach have been completed, whether by conviction or acquittal or discontinuance of the proceedings, or that the student is unlikely to be prosecuted in a court of law in respect of that alleged breach, or that the police have agreed to the College proceeding in parallel to the criminal process.
- 13.3. Where there are reasonable grounds to do so, the Dean may suspend a student or impose a ban on them or impose any other temporary precautionary measure on them (as set out in section 7.3 above) pending the outcome of criminal proceedings.
- 13.4. For the purposes of 13.1 and 13.3 above, “criminal proceedings” are understood to start when the police start taking steps to investigate a matter.

Criminal Conviction of a student

- 13.5. A student who 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 on the student) must promptly inform the Dean in writing.
- 13.6. The Dean may refer the matter to the Disciplinary Panel which may expel the student or impose another penalty (from those set out at 9.19 above) as it thinks fit.

Reporting to the Police

- 13.7. Where the President and Dean consider that an alleged breach of the Code of Conduct may constitute a sufficiently serious criminal offence, having regard in particular to any risk to members of the College or the wider public, the Dean shall

consider whether it is appropriate to refer the matter to the Police, in consultation with the Reporter and the Director of Student Welfare and Support Services. Where the Reporter does not agree, the Dean shall only report to the police in cases where there is a serious risk of imminent harm.

Disciplinary Complaints relating to Serious Criminal Conduct⁴

- 13.8. If a student, member of staff or member of the public wishes to report a student’s behaviour formally, that report should be made to the Dean under: the [College’s Harassment Policy and Procedure](#) (for harassment reports, including allegations of sexual assault); or the [College’s Disciplinary Procedure](#).
- 13.9. Additional considerations, explained below, will be taken into account where the conduct reported would be likely to constitute a serious criminal offence if prosecuted in the criminal courts, together with some particularly relevant procedural steps that would apply for any disciplinary report. This type of conduct requires additional considerations because of the seriousness of the allegations.
- 13.10. The Dean will decide whether conduct falls within this definition, taking account of the details reported to the Dean. The table below provides guidance on conduct likely to fall within this definition.

Examples of conduct that <i>would usually</i> be considered serious criminal conduct:	Examples of conduct that <i>might</i> be considered serious criminal conduct:
<ul style="list-style-type: none"> • Conduct resulting in a death • Conduct resulting in serious injury • The most serious sexual offences of rape, including rape and attempted rape • Stealing involving violence or threat of violence • Supply of Class A drugs • Criminal damage that endangers life • Blackmail 	<ul style="list-style-type: none"> • Conduct resulting in less serious injury • Other sexual offences • Harassment • Damage to property • Stalking • Possession of drugs and supply of Class C drugs • Stealing • Fraud • Other offences involving dishonesty

Police Investigation

- 13.11. Owing to its seriousness and the possible criminal sanctions, the investigation of such conduct should be first and foremost a matter for the police and it should usually be reported to the police in the first instance. Any investigation by the College is not an alternative to police investigation, not least because it could prejudice any subsequent police investigation.

⁴ This guidance mirrors the University’s guidance on Serious Criminal Conduct set out in Appendix D to the [Student Disciplinary Procedure for Non-Academic Misconduct](#)

13.12. As such, unless the Dean is satisfied there are strong reasons for investigating having regard to all of the relevant circumstances⁵, the College will usually only carry out an investigation when:

- a) the police decide to take no further action;
- b) the Crown Prosecution Service (CPS) decides not to prosecute;
- c) the Dean obtains permission from the police to investigate in parallel to the police investigation; or
- d) the Subject is found not guilty in a criminal court.⁶

13.13. Subject to the above and to the terms of the disciplinary procedure, the Dean will usually investigate all reports of misconduct unless they consider that they are unable to proceed fairly as a result of the period of time that has elapsed since the events in question (e.g. due to lack of access to witnesses).

13.14. The Dean may delegate the investigation or aspects of it to other members of the College who are suitably qualified, or to an external investigator. While delegation is available for all cases, it is more likely to be used in these types of complaints.

Referral to the Disciplinary Panel

13.15. Having carried out an investigation, the Dean will then decide whether or not to refer the case to the Disciplinary Panel having regard to the following two questions:

- a) Is there a case to answer (i.e. is there sufficiently strong evidence)? and
- b) Is it fair and reasonable in all the circumstances for the matter to be referred to the Panel?

13.16. If the Dean decides to refer the matter to the Disciplinary Panel they will record their decision and their reasons in the referral document. If the Dean decides not to refer the matter to the Disciplinary Panel they will write to the Reporter setting out the reasons for their decision and appropriate avenues of support.

14. Indicative Penalties

The table below summarises the behaviours that are prohibited under the Code of Conduct if carried out “intentionally or recklessly”. For the full definitions see section 4 above.

This list of examples and indicative penalties are not exhaustive, and each case will be determined in relation to its particular circumstances: for this reason a direct relationship between a category of breach and a particular penalty should not be presumed.

⁵ Circumstances which may be relevant could include: (a) the seriousness of the conduct complained about, (b) the practicability of carrying out an investigation including the length of time since the matters complained about, (c) the risk of prejudicing any future criminal investigation, (d) the Reporter’s reasons for not going to the police, and (e) the potential impact on the reported student.

⁶ This is because of the different burden of proof that applies in criminal cases as opposed to civil cases or internal investigations, which are “beyond reasonable doubt” and “balance of probabilities” respectively.

Section 4	Summary of Code of Conduct provision	Examples	Possible Penalty
(a)	Disrupting or attempting to disrupt College activities	Stopping an event through disruptive behaviour Setting off a fire alarm in College or Partner-College premises without due cause	Formal warning Fine (including payment of any costs)
(a)	Disrupting or attempting to disrupt the exercise of freedom of speech	Disrupting an event Being a member of a group action which, beyond legitimate means, prevents, or attempts to prevent an event proceeding.	Formal warning Fine (including payment of any costs) Banning
(a)	Obstructing or attempting to obstruct a College officer or employee in the performance of their duties	Ignoring the instructions of College postholder	Formal warning Fine
(b)	Damaging or attempting to damage or misappropriating College property or the property of College employees, students or members of the public	Deliberately, or through reckless negligence, damaging property	Fine (including payment of any costs) Banning Suspension Expulsion
(c)	Occupying or attempting to occupy College property or facilities without permission	Short term occupation (up to 1 day)	Formal warning Fine
		Long term occupation	Banning Suspension Expulsion
(d)	Forging College certificates or making false statements about exam results	Lying about examination results Forging part of a College form	Remedy Formal warning Fine File record (including impact on references) Suspension
(e)	Engaging in action or actions likely to cause injury or impair safety	Act/omission that did cause or could have caused a health and safety concern on College premises (for example, smoking cigarettes in non-designated areas, violating health and safety rules)	Fine (including payment of any costs) Banning
		Act/omission that did cause or could have caused serious harm on College premises or during College activities (e.g, disabling fire extinguishers, blocking fire exits)	Fine (including payment of any costs) Banning Expulsion

(f)	Engaging in violent, indecent, disorderly, threatening or offensive behaviour or language	Violent and aggressive conduct Repeatedly following another person without good reason Acting in an intimidating or hostile manner	Formal warning Fine (including payment of any costs) No-contact order Banning Suspension Expulsion
(g)	Harassment or sexual misconduct	Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age Repeatedly following another person without good reason Repeatedly contacting another person against their wishes Making unwanted remarks of a sexual nature Kissing without consent Inappropriately showing sexual organs to another person Sharing private sexual materials of another person without consent	Formal warning No-contact order Banning Suspension
		Attempting to engage in sexual intercourse or engaging in a sexual act without consent Touching inappropriately through clothes without consent Sexual intercourse or engaging in a sexual act without consent	Banning Suspension Expulsion
(h)	Engaging in dishonest behaviour	Lying during a Formal investigation Lying during the admissions process	Fine Suspension Expulsion
(i)	Refusing to disclose your name or details to a College employee or postholder	Failing to identify yourself on request to a College postholder	Formal warning Fine
(j)	Disobeying a reasonable instruction or order by the Dean or other College body	Failing to attend an interview Failure to comply with a precautionary measure	Fine (and consequences of non-attendance) Banning Suspension
		Failure to pay a fine or compensation	Suspension Expulsion
(k)	Breaching College policies	Breach of confidentiality in a disciplinary procedure	Formal warning Fine

			Banning Suspension
(l)	Possessing, using, offering, selling or giving illegal drugs	Possession Class C Possession Class B Possession Class A Supplying or offering to supply	Fine Fine Suspension Fine Banning Suspension Suspension Expulsion
(m)	Conduct bringing the College into disrepute	Anti-social behaviour	Formal warning Fine
(n)	Failure to prevent disruptive behaviour of a visitor	Not reasonably preventing a visitor you have invited onto College premises from breaking College property Not preventing a visitor you have invited onto College premises from getting drunk and/or harassing a member of College	Formal warning Fine (including payment of any costs) Banning
(o)	Conduct in breach of College /local rules	Damaging a College library book or College/University library books within partner premises	Formal warning Fine (including payment of any costs)
(p)	Conduct contrary to public health guidance	Failing to self-isolate when required to do so by Track and Trace	Formal warning Fine Banning Suspension
(q)	Inciting or conspiring to breach the Code of Conduct	Planning to disrupt an event Planning to undertake an occupation	Formal warning Fine (including payment of any costs) Banning

15. Guidance on “College Context”

College Context

15.1. The purpose of the disciplinary procedure is to address misconduct by students, rather than to resolve disputes between individuals. As such, the Dean will only consider investigating a report about student discipline if the conduct complained about took place in a “College Context” as defined at 3.1.c) above. The following paragraphs provide guidance as to how the definition is usually interpreted in common scenarios.

Definition of College or Partner College premises

15.2. “College or Partner College premises” will usually be interpreted as meaning premises which are owned by and subject to the day-to-day control of the College and/or Partner College. It is unlikely to include premises that are occupied by a tenant

on a long lease but would usually include premises subject to short leases and premises where the College is responsible for facilities management.

Conduct where the University or another College also has jurisdiction

- 15.3. The colleges and University are separate entities and normally have separate codes of discipline and separate contractual and non-contractual relationships with students. In certain circumstances both the College and the University or another College could have overlapping jurisdiction in relation to particular student conduct.
- 15.4. In such cases, it will not usually be appropriate for both to proceed as this will risk conflicting outcomes and wasted resources.
- 15.5. In such circumstances the Dean will liaise with the Proctors, or the Dean of the other College to decide which entity should proceed having consulted with the student(s) involved.
- 15.6. One compelling reason for either to decide not to take the matter forward will be if the other entity is better placed to carry out the investigation.

Conduct that occurs during College-related activities outside Oxford

- 15.7. Any activity that has been formally organised by the College will be within a College context. Where there are informal or unofficial activities during trips or activities the Dean will decide whether they fall within a College context having regard to all of the circumstances of the matter, as explained in paragraph 15.11.

Conduct that occurs during registered club activities

- 15.8. Conduct that occurs during a registered College club's activities will usually be within a College context. However, the Dean will consider all of the circumstances and will decide whether the activities fall within a College context having regard to all of the circumstances of the matter, as explained in paragraph 15.11.
- 15.9. The Dean may also advise a reporter to discuss the matter with the club's committee members in the first instance.

Conduct online

- 15.10. Electronic communications and online activity are within a College context if they use a College email address or are within a college site. The Dean will decide whether other communications or activity are within a College context having regard to all of the circumstances of the matter, as explained in paragraph 15.11.

Conduct in other situations

- 15.11. For all other scenarios the Dean will consider all of the circumstances to determine whether the conduct can be said to fall within the "College Context" including considering whether it has taken place during a "College activity", or threatens to bring the College or a Partner College into disrepute, or whether it is too remote to fall within the College's jurisdiction.

Agreed by Reuben College Governing Body 24th May 2023