

HERTFORD COLLEGE

Disciplinary Bye-Law

-2010-

DISCIPLINARY BYE-LAW

for

HERTFORD COLLEGE

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I DEFINITIONS

For the purposes of this Bye-law, save where the context otherwise requires, the following words shall have the following meanings:

- (a) The term 'Junior Member' shall mean any person other than a Fellow admitted to the College to pursue and pursuing a course of study.
- (b) 'Expulsion' shall mean the permanent loss of membership of the College and the University.
- (c) 'Banning' shall mean a withdrawal of the right of access to specified premises or facilities of the College either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (d) 'Rustication' shall mean a withdrawal of the right of access to all of the premises and facilities of the College either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (e) 'Suspension' shall mean a withdrawal of a right of access as in I.(c) or (d) above where action is taken as an interim measure pending further investigation. Such withdrawal shall be either for a fixed period or for a fixed minimum period and pending the fulfilment of specified conditions.
- (f) 'Harassment' shall mean a course of unwarranted behaviour such as to cause and as may reasonably be expected to cause such distress or annoyance as seriously to disrupt the work or substantially to reduce the quality of life of another person.
- (g) 'Non-academic delinquency' shall mean conduct in breach of the provisions set out in II below (the Disciplinary Code).
- (h) 'Academic delinquency' shall mean unsatisfactory academic performance by a Junior Member, and shall include failure to pass the First Public Examination within the time and at the standard prescribed by the College rules and unsatisfactory performance in College Collections.
- (i) 'Day' shall mean a full working day (Monday to Friday) and shall exclude Saturday, Sunday, a bank holiday, Good Friday or Christmas Day.
- (j) The masculine shall include the feminine.
- (k) 'In writing' shall include any communication contained in a letter or facsimile or e-mail.

II DISCIPLINARY CODE

No Junior Member of the College shall:

commit any act of misconduct. Misconduct shall be defined as:

1. improper interference, in its broadest sense, with the functioning or activities of the College or those who work, study or are accommodated in the College; and/or
2. any activity or failure to act in a way, which otherwise damages the College or its reputation, or those who work, study or are accommodated in the College.

The following paragraphs elaborate this general principle, but not so as to derogate from the generality of the above, and are acts of misconduct:

- (a) Disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College, or the exercise of the freedom of speech by members, employees or agents of the College and by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of his duties;
- (b) Damage or deface or attempt to damage or deface any property of the College or of any member, employee or agent of the College, or knowingly take or attempt to take such property without consent;
- (c) Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by the College authorities concerned;
- (d) Forge or falsify expressly or impliedly any College certificate or document, or make false statements concerning standing or results obtained in examinations;
- (e) Engage in any activity likely to cause injury or to impair safety, including in particular any conduct in breach of the College rules relating to precautions against fire;
- (f) Engage in violent, indecent, disorderly, threatening or offensive behaviour or in threatening or offensive language directed towards members, employees or agents of the College or members of the public, or engage in the harassment of any such person;
- (g) Engage in any fraudulent or dishonest behaviour in relation to the College;
- (h) Refuse to disclose his name and other relevant details to an officer, employee or agent of the College in circumstances where it is reasonable to require such information to be given;
- (i) Use or offer, sell or give to any person drugs, the possession or use of which is illegal;
- (j) Engage in conduct in breach of the Statutes and Regulations of the University published from time to time;

- (k) Engage in conduct resulting in conviction for a criminal offence or a caution for a criminal offence issued by a police officer.
- (l) Engage in conduct in breach of such College rules set out in Information for Members or otherwise notified to Junior Members by the Governing Body as may be in force from time to time;
- (m) Engage in any other conduct which is gravely detrimental to the interests of the College.

III DISCIPLINARY PROCEDURES IN CASES OF NON-ACADEMIC DELINQUENCY

Preliminary stages of the disciplinary procedure

1. The disciplinary procedure may be initiated by any member, employee or agent of the College, who believes that a Junior Member has breached the Disciplinary Code. This person shall refer the matter to the Dean or Junior Dean as soon as reasonably possible after the occurrence of the alleged breach, naming the Junior Member concerned and giving details of the alleged breach.
2. Where the seriousness of an alleged breach of the Disciplinary Code justifies it, the Dean, or in his absence the Principal, or in their joint absence the Bursar, shall have the authority to suspend the Junior Member with immediate effect, for as long as the disciplinary procedure is in operation, or for such time as the Dean (or Principal, or Bursar) considers appropriate. The suspension of a student shall be a neutral act and the suspension itself shall have no bearing on any later decision.

Breaches also contravening other University, College or criminal codes

3. (a) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean a sufficiently serious criminal offence, the Dean shall decide having regard to all the relevant circumstances whether to refer the matter to the Police and Proctors, and where a Junior Member is subject to criminal proceedings arising out of the alleged breach of the Disciplinary Code, the Dean shall not normally proceed with the case, unless the Dean considers there are circumstances which require the case to proceed.

(b) Where an alleged breach of the Disciplinary Code constitutes in the opinion of the Dean a sufficiently serious University offence, the Dean shall normally refer the matter to the Proctors, and where a Junior Member is subject to University disciplinary proceedings arising out of the alleged breach of the Disciplinary Code, the Dean shall not normally proceed with the case unless the Dean considers there are circumstances which require the case to proceed.
4. (a) If an alleged breach of the Disciplinary Code referred to the Police under 3(a) above 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.

(b) If an alleged breach of the Disciplinary Code referred to the Proctors under 3(b) above is not proceeded with by the University authorities, the Dean shall then deal with the matter as though it had not been referred to the Proctors.

5. If the complaint relates to activity which falls within the College's Code of Practice on Harassment, whether or not it constitutes 'harassment' for the purpose of this bye law, the Dean shall consider whether the complaint should more appropriately be dealt with under the informal procedures set out in the Code. If he takes the view that the complaint should not be so dealt with he shall deal with the matter under the following procedure.

Disciplinary proceedings before the Dean or Junior Dean

6. Following receipt of the report of the alleged breach, the Dean or Junior Dean shall require the Junior Member concerned to attend for interview before him at a time and place stipulated, and shall provide the Junior Member(s) with at least two days notice of the interview. The notification of the interview shall give particulars of the alleged breach of the Disciplinary Code and if possible the allegations to be set out in writing.
7. At the interview, the Dean or Junior Dean shall explain to the Junior Member that he can:
 - (a) admit the alleged breach, in which case the Dean or Junior Dean shall elicit only such information about the breach as is relevant to penalty;
 - (b) deny the alleged breach and continue with the interview as an investigation into whether the alleged breach is established, which may be adjourned if either the Dean or Junior Dean or the Junior Member reasonably requires evidence in relation to the alleged breach to be provided by other persons.
 - (c) elect to end the interview and take the matter immediately to a Disciplinary Committee.
8.
 - (a) At any stage of the disciplinary procedure, the Dean (but not the Junior Dean) may refer the matter to a Disciplinary Committee.
 - (b) At the close of the interview the Dean or Junior Dean may either:
 - (i) take no further action; or
 - (ii) if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in V3 below.
 - (c) In case (ii), the Junior Member may appeal to the Appeal Committee against a finding of breach and/or the penalty imposed.
 - (d) The Dean or Junior Dean shall in all cases take an adequate written note of the proceedings at the interview and of any evidence presented, sufficient for the use of the Appeal Committee in the event of an appeal under III.8 (c) above. A note-taker may be employed at the discretion of the Dean.

Disciplinary Proceedings before a Disciplinary Committee

9. A Disciplinary Committee shall consist of three members of the Governing Body, who shall be nominated by the Dean, or in his absence the Principal, or in their joint absence the Bursar. The chairman of the Committee shall be the senior member of the Governing Body present.
10. The Dean shall appoint an Investigating Officer. The Investigating Officer shall ordinarily be a member of the College but may be any person who the Dean in his sole discretion shall decide to appoint. The Investigating Officer shall:
 - (i) carry out any investigations as are considered necessary;
 - (ii) collect any further documents as are considered necessary;
 - (iii) prepare a written statement of the particulars of misconduct:
11. The Committee Chairman shall arrange a hearing as soon as practicable after receiving the Investigating Officer's report. At least 7 days before the appointed hearing date, the Investigating Officer shall cause to be sent to the Junior Member concerned and to members of the Disciplinary Committee:
 - (i) a copy of the Disciplinary Bye-law ;
 - (ii) any relevant documents;
 - (iii) the names of any witnesses who will give written or oral evidence; and where possible copies of their written witness statements;
 - (iv) a written statement of the particulars of misconduct.
12. At least 5 days before the hearing the Junior Member shall provide to the Committee and to the Investigating Officer:
 - (i) copies of any documents that the Junior Member intends to rely upon; and,
 - (ii) the names of any witnesses whom the Junior Member would like to give written or oral evidence and where possible copies of their written witness statements.
13. No other documents may be presented at the hearing or further witnesses called unless the Committee decides it is fair and reasonable to do so.
14. The hearing shall be in private. The Committee may appoint a Legal Adviser to attend and/or advise on procedure but who shall take no part in the decision making process. A note-taker may be employed at the discretion of the Committee.
15. During the Hearing:

- (i) the procedure at the hearing shall, be determined at the discretion of the Committee;
- (ii) the Junior Member may be assisted by one representative.
- (iii) the allegation shall be presented to the Committee by the Investigating Officer or such other person as the Investigating Officer may designate;
- (iv) the Investigating Officer may call as witnesses persons who can give relevant evidence. The Junior Member or the Junior Member's representative may question the witnesses and, if so, the Investigating Officer may ask further questions;
- (v) The Junior Member or the Junior Member's representative may call as witnesses persons who can give relevant evidence. The Investigating Officer may question the witnesses and if so, the Junior Member or the Junior Member's representative may ask further questions;
- (vi) if a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person. If the witness is a vulnerable witness then the Committee may allow that witness to give evidence behind screens or make such other arrangements as appropriate;
- (vii) The Investigating Officer may question the Junior Member when the Junior Member gives evidence;
- (viii) The Investigating Officer and the Junior Member or the Junior Member's representative may make formal submissions to the Committee;
- (ix) Prior to making the decision, the Committee shall give the Junior Member the opportunity to make written representations in mitigation of any penalty which may be imposed if the allegation is upheld.

16. After the hearing, the Committee may either

- (i) take no further action; or
- (ii) if the breach has been established or admitted, and after hearing any mitigation, impose a penalty within the range set out in V3 below; or
- (iii) if the breach has been established or admitted and after hearing any mitigation the Committee is of the opinion that a penalty in the range V4 below is merited, make a recommendation as to penalty for consideration by the Governing Body under III.21 below.

The Committee shall make arrangements for the decision to be given to the Junior Member either orally (in which case it shall be confirmed in writing) or in writing within 5 days of the date of the conclusion of the hearing. The written communication to the Junior Member shall set out the misconduct, the decision, the reasons for the decision and any penalty imposed.

17. Before deciding the penalty to be awarded or the recommendations to be made the Committee shall take into account the effect on the Junior Members ability and eligibility to take an examination or complete a course of work as well as the interests of the College.
18. In fixing any financial penalties the Committee shall have regard to the Junior Members financial means.
19. In imposing a penalty on a Junior Member pursuing a course leading to a professional practice the Committee, if appropriate, shall have regard to the relevance of the misconduct in relation to the Junior Members fitness to be professionally registered and the Committee may take advice in this regard.
20. The Committee shall inform the Junior Member of the right to appeal to the Appeal Committee save in those cases where the Committee make a recommendation to the Governing Body as to Rustication, Expulsion or to deprive the Junior Member of a Scholarship award (penalties in the range V4 (b)-(c) below). In this latter case the Committee shall give the Junior Member no less than five days notice of its intention, and the right of appeal may not be exercised until after the Governing Body has reached a decision upon the recommendation of the Disciplinary Committee.

Disciplinary proceedings before the Governing Body

21. When considering a recommendation made by a Disciplinary Committee under penalties V4 (b)-(c) below, the Governing Body shall have reference to the information recorded under IX.2 below, and to such part or parts of the statements of evidence taken by the Committee as are relevant to penalty. The Junior Member shall have the right to make oral or written representations for consideration by the Governing Body. The student shall be entitled to be assisted by one representative but shall not be entitled to give evidence or call witnesses as to fact but may call no more than two witnesses as to character.

IV SPECIAL CASES OF CONVICTION AND UNIVERSITY OFFENCES

1. If a Junior Member is either:
 - (a) convicted of a criminal offence or receives a caution for a criminal offence issued by a police officer: or
 - (b) expelled, suspended or rusticated by the University for conduct which amounts to a breach of the Disciplinary Code in II above;

then the special procedures set out below shall apply in place of the disciplinary procedures in III above.

2. The findings of fact made by the criminal or University court, (or set out in the caution issued by a police officer) as notified to the College, shall be accepted, and shall not be the subject of further investigation by the College.
3. The Junior Member shall be given notice by the Dean, or in his absence by the Principal, or in their joint absence the Bursar, that the Governing Body intends to consider whether a penalty should be imposed for the breach of the Disciplinary Code, at a meeting scheduled to take place not less than three days after

the receipt of the notice by the Junior Member.

4. The Junior Member shall have the right to make oral representations on the question of penalty for consideration by the Governing Body. The student shall be entitled to be assisted by one representative but shall not be entitled to give evidence or call witnesses as to fact but may call no more than two witnesses as to character.
5. The Governing Body shall have full discretion to impose such penalty as it shall think fit, within the range set out in V below. However, it is the agreed policy of the Governing Body to act congruently with the University in cases falling within IV. 1(b) above, save in wholly exceptional circumstances.
6. The Junior Member may appeal to the Appeal Committee against the penalty imposed.

V PENALTIES IN CASES OF NON-ACADEMIC DELINQUENCY

1. Penalties will not normally be imposed for minor and inadvertent breaches of the Disciplinary Code.
2. The Junior Dean shall have the power to impose a fine of up to £50 or such sum as the Governing Body shall from time to time decide, which in all cases shall be payable at once unless otherwise agreed in writing by the Junior Dean.
3. The Dean, Disciplinary Committee and Appeal Committee shall have the power:
 - (a) To impose a fine which in all cases shall be payable at once unless otherwise agreed in writing by the Dean, Disciplinary Committee or Appeal Committee (as appropriate); and/or
 - (b) To require the Junior Member to pay the cost of damage resulting from the breach of the Disciplinary Code, such payment to be made at once unless otherwise agreed in writing by the Dean, Disciplinary Committee or Appeal Committee; and/or
 - (c) To confiscate electrical equipment or other property belonging to the Junior Member which constitutes a fire risk on the advice of the Bursar; and/or
 - (d) Where the Junior Member has caused serious or persistent disturbance to others, especially late at night, to require him to remove permanently from College premises the source of the disturbance ((eg musical instruments; stereos; etc.); and/or
 - (e) To ban the Junior Member from specified College premises or facilities.
 - (f) To impose an appropriate sentence of community service.

4. The Governing Body shall have the power:
 - (a) To impose any of the penalties listed in V.3 above (in any combination); and/or
 - (b) To rusticate or expel the Junior Member; and/or
 - (c) To deprive the Junior Member of any Scholarship award.
5. The power to impose a penalty shall include the power to suspend that penalty for a specified period.

VI ACADEMIC DELINQUENCY

Where academic difficulties arise, it is the job of the college and student to work together to try to resolve them. 'Academic difficulties' here covers a range of problems, including but not restricted to non-attendance at specified tutorials, classes, lectures or practicals, non-completion of work, performance in tutorials or in collections or examinations at an unacceptable level, or, for holders of scholarships, below that expected of scholars. There are four stages in Hertford's academic disciplinary procedure. In what follows, where the Senior Tutor is also the student's tutor, his/her role will be undertaken by the Principal.

1. Discussion

On identifying academic difficulties, the tutor/s or Senior Tutor should discuss these with the student. Any relevant mitigating factors must be produced, considered, and taken into account at this stage, and a record kept. The student's permission is required before the detail of any mitigating factors can be communicated to a third party, including Governing Body. The tutor/s and Senior Tutor should be alert to potential sources of help, including welfare support and professional services. A written note of any discussion, including any advice to the student, must be agreed by all parties and sent as a record to the Senior Tutor.

2. First Formal Warning

If, having discussed the concerns as above, the Senior Tutor and subject tutor/s feel it necessary to initiate academic disciplinary procedures, the student will be given a formal warning at a meeting with the Senior Tutor. The student may be accompanied by another student or member of the college to this meeting. The warning must make clear the ways in which the student's performance or attendance has been unsatisfactory, and specific expectations for future performance (i.e. by specifying particular marks to be achieved, or the number of tutorials to be attended, or problem sheets to be completed, and stating a clear time period during which these conditions should be met). Again, the student must make known any mitigating circumstances, and these should be considered and recorded as in 1) above. A formal letter or email following the meeting must set out the terms of the warning and make clear that the student may be placed on probation if these expectations are not met.

3. Probation

If the student fails to comply with the conditions set out in the first formal warning, the Senior Tutor can place the student on probation by issuing a second formal warning, by letter or email. Probation will entail further expectations - attendance at tutorials or completion of work and/or attainment of appropriate levels in penal collections. The Senior Tutor must make sure that the student understands what is required of him or her, and that failure to meet these expectations may result in suspension or termination of the course of study.

- i) where penal collections are set they will be double marked, with at least one marker from outside the college. Where there is a discrepancy between the two marks, the mark most favourable to the student must be taken.
- ii) Notice of at least 2 weeks of term or 4 weeks of vacation must be given so that the student can prepare for the penal collection. If all of the notice period is in the vacation, the student shall be entitled to 5 working days' vacation residence, without charge, in order to use Oxford facilities to prepare for the collection.

4. Formal Disciplinary Hearing

- (a) If the terms of probation are not met, the final stage of the process is a formal disciplinary hearing before a disciplinary panel, which reports to Governing Body with a recommendation about the student's future. The disciplinary panel, established by the Senior Tutor, shall include three members of Governing Body not previously involved in the case.
- (b) The Senior Tutor shall not less than 5 days prior to the sitting of the disciplinary panel provide to the student (and the disciplinary panel) full written details as to the matters of complaint to be placed before the disciplinary committee.
- (c) If the student wishes to place any documents before the disciplinary panel then copies of such documents must be given to the College Office for the attention of the Senior Tutor (and the disciplinary panel) not less than two days prior to the sitting of the disciplinary panel.
- (d) The student may be assisted by one representative.
- (e) The student may call any evidence as to facts or in relation to mitigating circumstances and shall be entitled to make submissions to the Governing Body.
- (f) The Chair of the disciplinary panel shall prepare a report for the Governing Body setting out the grounds for action, the factors taken into account and the recommendation to the Governing Body.

5. Internal appeal

If Governing Body upholds the panel's recommendation to terminate a student's course of study, the student shall have the right of appeal. The student must indicate within seven days of the date of the Governing Body meeting that he or she wishes to make an appeal. A new appeal panel, excluding any member of Governing Body who has previously been involved in the disciplinary procedure, will be convened by the Principal, and must meet to hear the appeal within 2 weeks of the Governing Body's decision.

6. External appeal

Where the student remains dissatisfied with the outcome of the Appeal process, he or she is entitled to place his or her case before the Conference of Colleges Appeal Tribunal.

Complaints Procedure:

1. Any student who wishes to complain about any academic matter should normally, in the first instance, discuss the matter informally with the relevant member of the College's academic or administrative staff, or (or in addition) with the relevant JCR or MCR representatives. A student who remains dissatisfied with such discussions, or who does not wish to initiate them, may make a formal complaint, in accordance with the following procedures:
2. Complaints about tuition and other academic or pastoral matters, including academic administration, should be made to the Senior Tutor;

If they concern the Senior Tutor, they should be addressed to the Principal.

If they concern the Principal, they should be addressed to the Senior Tutor or the Bursar.

3. On receiving any complaint made under 2, the officer receiving the complaint shall record that a formal complaint has been made, investigate whether it has foundation, and propose how it may be dealt with. In so doing, the officer shall, if so requested by the complainant, preserve the complainant's anonymity unless that would make investigation impossible. The complainant may be accompanied by a friend or adviser when making the complaint. In making the investigation the officer shall inform any person against whom the complaint is made of the full nature of the complaint, and give such persons opportunity to comment on them and question the complainant.
4. In cases where the complaint is not initially made to the Principal, and where the complaint does not concern the Principal if the complainant is dissatisfied with the manner in which the officer to whom the complaint was made proposes that the complaint be dealt with, or if the officer proposes to take no action, the complainant may refer the matter to the Principal. In case of such referral, the Principal shall follow the procedures in paragraph 3, but shall, if the complainant so requests, also convene a panel of 2 members of the Governing Body and 2 students (unless the complainant objects to the latter) who have not been involved in the issue, to consider the complaint together with him. The members of the panel must be acceptable to the Principal and to the complainant. The Principal may or may not accept the advice of the panel about how the complaint should be dealt with. If the

outcome is not acceptable to the complainant, then the complainant may appeal to the Conference of Colleges Appeal Tribunal.

5. In cases where the complaint is initially made to the Principal, the Principal shall follow the procedures in paragraph 3, but shall, if the complainant so requests, also convene a panel of 2 members of the Governing Body and 2 students (unless the complainant objects to the latter) who have not been involved in the issue, to consider the complaint together with him. The members of the panel must be acceptable to the Principal and to the complainant. The Principal may or may not accept the advice of the panel about how the complaint should be dealt with. If the outcome is not acceptable to the complainant, then the complainant may appeal to the Conference of Colleges Appeal Tribunal.

If the complaint concerns the Principal, the officer to whom the complaint is made shall propose how the complaint shall be dealt with, and that proposal shall be followed if acceptable to the Principal and the complainant. If it is not acceptable to the Principal then the Complainant may appeal to the Conference of Colleges appeal Tribunal.

VII ILL-HEALTH AND TEMPORARY WITHDRAWAL FROM COURSE

Procedure to be followed in cases of serious ill-health

1. Where it appears that a Junior Member is suffering from a serious problem arising from ill-health, the following procedures shall apply.
2. The Dean, or in his absence the Principal, or in their joint absence the Bursar, shall have the authority to suspend the Junior Member with immediate effect, where it appears that suspension is necessary for the welfare of the Junior Member or for the welfare or protection from harm of others. In taking the decision to suspend, the College doctor, and/or any other relevant medical practitioner, should be consulted where possible.
3. Any disciplinary proceedings may be adjourned pending investigation of the question of ill-health.
4. Where it appears that the state of ill-health of the Junior Member is such that it is impossible or unacceptable, either temporarily or permanently, for him to continue as a member of the College, he shall be given notice by the Dean, or in his absence by the chairman of the Governing Body, that the Governing Body intends to consider whether he should be expelled or rusticated at a meeting scheduled to take place not less than 7 days after the receipt of the notice by the Junior Member.
5. The Junior Member shall have the right to be present and make oral representations, including the presentation of medical evidence, for consideration by the Governing Body, or to make written representations. Such written representations must be delivered to the College Office not less than 1 day before the start of the meeting of the Governing Body at which the question is to be discussed.
6. The Governing Body may at its discretion invite the College doctor and/or any other relevant medical practitioner to be present at its meeting, and shall where possible obtain medical advice on the

question prior to reaching its decision. The Junior member may be accompanied by one representative and shall be entitled to ask questions of any witness or medical practitioner who provides evidence or advice to the Governing Body.

7. If the Governing Body decides that the state of ill-health of the Junior Member is such that it is impossible or unacceptable for him to continue as a member of the College, it may either:
 - (a) where the state of ill-health is likely to be temporary, rusticate the Junior Member, subject to specified conditions as to his return, unless the Junior Member within 48 hours of receiving notification of this decision accepts, in writing, a grant of permission to withdraw temporarily from his course on the same conditions; or
 - (b) where the state of ill-health is likely to be permanent, expel the Junior Member, unless the Junior Member within 48 hours of receiving notification of the decision agrees, in writing, to withdraw permanently from his course.
8. Regardless of whether he has agreed to withdraw from his course, the Junior Member may appeal to the Appeal Committee against the decision of the Governing Body to expel or rusticate him, and/or against the conditions of rustication. A Junior Member who wishes to exercise this right of appeal shall notify the Senior Tutor and the College Office of his decision to appeal and of his ground(s) of appeal within 14 days of receiving notification of the decision of the Governing Body against which he is appealing.
9. All those concerned in implementing this section of the Bye-law shall respect the need for strict medical confidentiality.

Applications for temporary withdrawal from course

10. Any Junior Member who wishes to withdraw temporarily from his course shall make a written request to do so, such request to be addressed to the Senior Tutor for consideration by the Governing Body at its next meeting.
11. If the Governing Body grants permission subject to specified conditions as to return, the Junior Member must, within two days of receiving notification of the decision of the Governing Body, accept them in writing. If the Junior Member does not so accept the conditions, the permission to withdraw shall lapse, and the application must be brought again.
12. The Junior Member shall have no right of appeal against the decision of the Governing Body on his application.

VIII APPEALS

1. (a) The Appeal Committee shall consist of no less than three members of the Governing Body, (usually the Principal, the Senior Tutor and the Tutor for Graduates), save that no member of a Disciplinary Committee shall sit on the Appeal Committee in connection with the same matter.

(b) In a case of non-academic delinquency the Junior Member may request that junior members be represented upon the Appeal Committee. If such a request is made, the chairman of the Appeal Committee shall appoint one JCR and one MCR member to the Committee (usually the Presidents of the JCR and the MCR).
2. Save where otherwise provided, a Junior Member who wishes to exercise any right of appeal conferred by this Bye-law shall notify the Dean (in cases of non-academic delinquency) or the Senior Tutor (in cases of academic delinquency) and the College Office of his decision to appeal and of his ground(s) of appeal within two days of receiving notification of the decision of the Dean, Junior Dean, Disciplinary Committee or Governing Body against which he is appealing.
3. In a case of non-academic delinquency, the procedures attendant upon an appeal to the Appeal Committee shall be the same as those attendant upon a reference to a Disciplinary Committee, with the following modifications.

(a) The Appeal Committee shall consider the note of the proceedings before the Dean or Junior Dean or the written reasons of the Disciplinary Committee. Any documents considered by the Dean, Junior Dean, or Disciplinary Committee shall be made available to the Appeal Committee and to the Junior Member.

(b) The junior member shall be entitled to be assisted by one person.

(c) The Junior Member may make oral or written representations to the Appeal Committee.

(d) The Appeal Committee shall not ordinarily hear further evidence, unless in an exceptional case, when in their complete discretion, they decide it shall be admitted. In such circumstances the Appeal Committee shall ensure the Junior member has adequate time to consider the evidence and provide an opportunity for the junior member to ask questions of any further witnesses called.

(e) The Appeal Committee shall give written reasons for its decision and shall endeavour to provide such written reasons within five full days of the completion of the appeal hearing.
4. In a case of academic delinquency, the following procedures shall apply.

(a) Within five days of being notified of the Junior Member's intention to appeal, the Appeal Committee shall give the Junior Member notice of its intention to meet to consider his case at a time and place stipulated, and shall provide the Junior Member with at least two days notice of the meeting.

(b) The Junior Member shall be entitled to

- (1) attend the meeting and be assisted by one person,
 - (2) shall have the right to make oral and/or written representations to the Appeal Committee
 - (3) to ask questions of any person who provides evidence to the Appeal Committee.
 - (4) to have copies of all documents seen by the Appeal Committee unless in an exceptional case the Appeal Committee decide that a document or documents should not be shown to the junior member.
- (c) The Appeal Committee may invite the Junior Member's tutor or tutors to be present at the meeting, and shall where possible seek to ensure at least one of the Junior Member's tutors attends the hearing.
- (d) The Appeal Committee may adjourn the proceedings in order for relevant evidence (including the advice or opinion of the College doctor and/or any other relevant medical practitioner) to be provided or obtained.
5. (a) In a case of non-academic delinquency, the Appeal Committee shall have the power to confirm, modify, or reduce any penalty imposed by the Dean, Junior Dean, Disciplinary Committee or Governing Body, save that in modifying the penalty they may only impose a penalty within the range set out in V above.

(b) In a case of academic delinquency, the Appeal Committee shall have the power to confirm, modify or revoke the decision of the Governing Body appealed from.
6. Where any Junior Member is required to fulfil specified conditions by a person or body acting under this Bye-law, the Junior Member shall have the right to appeal to the Appeal Committee against a decision that any such condition has not been fulfilled.
7. The decision of the Appeal Committee shall be final.
8. The Appeal Committee shall give written reasons for its decision

IX GENERAL PROCEDURAL MATTERS

1. Any finding of fact in relation to a breach of the Disciplinary Code shall be based upon an application of the civil standard of proof namely the balance of probabilities.
2. The details of any breach of the Disciplinary Code established or admitted and/or any penalty imposed or recommended shall be entered on an appropriate record and signed by the Dean or Junior Dean, or the chairman of the Disciplinary Committee, Appeal Committee or Governing Body (as appropriate). One copy of the record shall be given to the Junior Member as soon as is possible, one lodged with the College Office, and, in the case of decisions by the Disciplinary Committee or the Appeal Committee, and an anonymized summary circulated to the Governing Body. In the case of

decisions by the Governing Body, the information contained in the record shall also be entered in the minutes of the relevant Governing Body meeting and duly circulated to the Governing Body.

3. (a) Receipt of any notice of an interview, disciplinary hearing or other meeting, delivery of written representations or notification of any decision shall be presumed to have occurred at the time at which the document was placed in the appropriate internal pigeon-hole or 2 days after it was handed in at the College Lodge for posting to an external address.
4. (b) All notices or other notifications shall be made in writing.
5. The Junior Member may waive at any stage all or any of his rights under the foregoing procedures; nor shall any departure from such procedure invalidate any determination purported to be made thereunder unless in all the circumstances such departure is productive of substantial unfairness to the Junior Member.
6. Any time limits contained in the foregoing procedures may be extended at the discretion of the Dean, Junior Dean, Disciplinary Committee, Appeal Committee or Governing Body (as appropriate).
7. If any person required or entitled to attend an interview, hearing or other meeting, including the Junior Member concerned, fails to appear, the Dean, Junior Dean, Disciplinary Committee or Appeal Committee (as appropriate) may either adjourn the proceedings or deal with the case in his absence, if satisfied that proper notice has been given and that it is fair to proceed in his absence.