

**WADHAM COLLEGE
NON-ACADEMIC MISCONDUCT
DISCIPLINARY PROCEDURE**

1. Introduction

- 1.1. This Disciplinary Procedure deals with conduct by students which breaches their non-academic obligations as a member of the College. These obligations, which are summarised or identified in Annex A, are referred to as “the College Code of Discipline”. In this Procedure a “Breach of Discipline” refers to a breach of one or more of the provisions of the College Code of Discipline.
- 1.2. The purpose of this Procedure is to address breaches of discipline by students, and not to resolve disputes between individuals. Students may only be disciplined where their conduct occurs in a College Context, as defined in Appendix B. Further definitions are contained in Annex C.
- 1.3. In this Procedure the person making a report is referred to as the “reporter” and the person who is alleged to have breached the College Code of Discipline is referred to as the “subject”.
- 1.4. For informal advice about procedural aspects of the disciplinary process, please contact the Academic Support Administrator at tutorial@wadham.ox.ac.uk or 01865 277967.
- 1.5. Where disciplinary proceedings are contemplated the Dean will remind reporters and subjects of the sources of support available to them. Advice and support for students are available from:
 - The College welfare team: <https://www.wadham.ox.ac.uk/current-students/student-welfare>
 - The University Sexual Harassment and Violence Support Service
 - University Student Welfare & Support Services: <https://www.ox.ac.uk/students/welfare>
 - Oxford SU Advice Service: <https://www.oxfordsu.org/support/studentadvice/>
 - SU Representatives, in particular the [SU President](#) and [SU Welfare Officers](#); in some cases students may also wish to consult one of the SU equalities officers
 - In the case of graduate students, MCR representatives, in particular the [MCR President](#) and [MCR Welfare Officer\(s\)](#)
- 1.6. Separately, the Dean may impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members and employees. Such measures may include requiring a student to have no contact with another Member of the College or excluding any person from College premises. These safeguarding measures are neutral in effect and do not imply that any student on whom measures are imposed has been found to be in breach of any of their obligations.

2. General

- 2.1. Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a safeguarding or precautionary measure (under paragraph 1.6 above or 4.5 below) or to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations.
- 2.2. Parties should strive to act promptly, and to meet the time limits set out in this Procedure. Time limits may be extended by the relevant decision-maker where it is necessary in the interests of fairness. It will often be necessary to extend time-limits for complex cases. Where time limits are extended, the subject (and reporter where appropriate) will be kept updated about the progress

of the case.

- 2.3. If any member of the College has concerns that a student involved in this Procedure is suffering health, welfare or academic study issues as defined in the College's [Fitness to Study Procedures](#) or other difficulties that may be relevant to whether or how the disciplinary procedure should be used, the student should be directed to the welfare team and to the University Student Welfare and Support Services. The member of College should at the same time inform the person responsible for fitness to study procedures in College.
- 2.4. Reasonable adjustments may be made to this Procedure in individual cases in order to enable the subject and any other person affected by application of the Procedure to participate fairly.
- 2.5. 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 following an anonymous report, because of the need to allow the subject to respond to the report.
- 2.6. Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College or a member of the Oxford Student Union, so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the procedure below are met. Requests to be accompanied by a supporter should be made to the Dean, Investigator and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing. Legal representation will not normally be permitted, though reasoned requests for such representation may be made, and will be considered.
- 2.7. Meetings and hearings may take place online where this is necessary to avoid undue delay or to protect the welfare of any person.
- 2.8. Where there is more than one reporter and/or more than one subject it may be appropriate for all the subjects to hear or be provided with the other subjects' evidence.
- 2.9. The standard of proof used when making determinations under this Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.
- 2.10. Non-compliance with a disciplinary penalty imposed under this Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.
- 2.11. Any member of College involved in administering this Procedure shall comply with the College's conflict of interest policy (<https://www.wadham.ox.ac.uk/governance-regulations-policies>) and should not act if there is any reasonable perception of bias. If the Dean is unable (for any reason) to act the Warden will appoint an appropriate substitute. Any decision to be made or action to be performed by the Warden may be made or performed by the Sub-Warden in the event that the Warden is absent, has a conflict of interest, or is otherwise unable to undertake the action within a reasonable time.
- 2.12. Records will be kept at all stages of the process and will be processed in accordance with the College's records management and privacy policies (<https://www.wadham.ox.ac.uk/gdpr-framework>).
- 2.13. This Procedure makes provision for the subject to appeal from adverse decisions taken under Parts 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under this Procedure they may make a complaint under the College Complaints procedure (<https://www.wadham.ox.ac.uk/current-students/student-policy-documents>). Any complaint will be addressed by individuals who have not previously been involved in the report.

3. Initial Considerations

- 3.1. Reporters who are students may consider using the University Student Resolution Service (<https://www.ox.ac.uk/students/welfare/harassment/student-resolution-service>) which is a free mediation service for students who find themselves in conflict with another student.
- 3.2. The Dean may liaise between reporting students and subjects where there has been a relationship breakdown to put in place a no contact agreement on the basis that there has been no admission of fault. Such agreements will be neutral in effect and will impose the minimum impact reasonably possible on all students involved.
- 3.3. Appendix B sets out the College's approach in cases where the alleged conduct falls within the scope of more than one procedure or may constitute a criminal offence.

4. Reports and Precautionary Measures

- 4.1. Reports should normally be made in writing, by email to the Dean (dean@wadham.ox.ac.uk). If a reporter does not wish to make a written report in the first instance they should contact any senior member or employee of the College who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.
- 4.2. If the report is not successfully resolved informally, or if informal resolution is not appropriate, the Dean will decide whether to investigate an alleged breach of discipline.
- 4.3. If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may (i) investigate the report under the Procedure for Minor Breaches of Discipline set out at Part 5 below, or (ii) refer the case to the Warden in accordance with the Procedure for Major Breaches of Discipline set out at Part 6 below.
- 4.4. The Dean will not normally investigate, or refer to the Warden, an alleged breach of discipline which is reported to have occurred more than 6 months previously but may do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current member(s) or employee(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider include (but are not limited to): the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event, was repeated or was part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting and any barriers to reporting. Exceptional circumstances are more likely to be found to exist in cases of sexual misconduct and/or violence. The Dean will notify the reporter of the decision not to investigate or refer a report under this provision.
- 4.5. The Dean may at any time impose temporary precautionary measures on the reporter and/or the subject for the remainder of this Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.
- 4.6. Possible precautionary measures may include (without limitation): a no contact arrangement; a ban from, or time constraints for, accessing particular College buildings or services; recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another college (subject to endorsement by the University or relevant college as appropriate); moving either the reporter or subject to alternative College or University accommodation; and/or, where no other option is appropriate, a temporary suspension of studies.
- 4.7. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or members and employees of the College from an identified risk, or to protect an investigation under this Procedure, and should take into account safeguarding considerations where relevant.
- 4.8. Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or

where there is a threat of significant disruption to academic study or other College activities.

- 4.9. The Dean will promptly provide the student and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Warden at any time (warden.ea@wadham.ox.ac.uk) for the precautionary measures to be reviewed.
- 4.10. The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Dean should take into account the wishes of the reporter.

5. Procedure for Minor Breaches of Discipline

- 5.1. The Procedure for Minor Breaches of Discipline applies to cases in which the Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in paragraphs (1) to (8) of Appendix A(II), under the heading "Penalties for Minor Breaches of Discipline".
- 5.2. Where the Dean proceeds to investigate under this section the aim will be to complete an investigation and issue a decision in relation to the alleged breach of discipline as soon as reasonably practicable and in any event within 2 weeks of their decision to investigate.

Determination by the Dean

- 5.3. The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing or at a meeting with the Dean. In all but exceptional circumstances the Dean will provide the subject with at least 24 hours' notice of the date and time of any meeting.
- 5.4. If the subject admits the breach of discipline the Dean will proceed to consider what, if any penalty should be imposed.
- 5.5. If the subject does not admit the alleged breach of discipline the Dean may take any step reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter and interviewing the subject, as well as interviewing any witnesses, requesting written response to questions and requesting relevant documents.
- 5.6. A member of the College administrative staff will attend any meeting under this Part of the Procedure and take notes of the meeting and/or the meeting will be recorded.
- 5.7. Before reaching any determination under this Part the Dean will disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 5.8. The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may elect to respond in writing or at a meeting with the Dean.
- 5.9. Where there are substantial questions of fact to be decided the Dean may refer the report to the Warden to be considered by a Disciplinary Panel under Part 6 below. It will not normally be necessary in such cases for the Warden or the Disciplinary Panel to appoint an investigator. All materials gathered by the Dean in the course of their investigation will be provided to the Disciplinary Panel.

- 5.10. After having satisfied themselves that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.
- 5.11. Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Appendix A(II) paragraphs (1)-(8) or may make a conditional determination under Appendix A(II). The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.
- 5.12. The Dean will inform the subject and, where appropriate, the reporter of their decision in writing, providing reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal and of the matters set out in paragraph 5.13 to 5.17 below. The reporter will be notified of the Dean's decision.

Appeal to the Warden

- 5.13. The subject may appeal to the Warden against a decision made by the Dean under paragraph 5.12 above.
- 5.14. The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 5.15 below.
- 5.15. The grounds upon which the subject may appeal are that:
- (a) There was bias, or a reasonable perception of bias, on the part of the Dean;
 - (b) The Dean acted unfairly or failed to follow this Procedure;
 - (c) The subject has new material that it was not reasonably practicable for them to provide earlier in the process, which would be likely materially to have affected the outcome;
 - (d) There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;
 - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
 - (f) The penalty imposed was disproportionate.
- 5.16. Any appeal must be made by sending a notice of appeal to warden.ea@wadham.ox.ac.uk within 7 days of notification of the Dean's decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Dean's decision under paragraph 5.12 above and any other documentary evidence which is relevant to their grounds of appeal.
- 5.17. The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Warden.

- 5.18. The Warden may invite the subject to an appeal meeting, and will normally do so when the subject has requested it.
- 5.19. The Warden may: confirm the Dean's determination; confirm the Dean's determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction; require the Dean to reconsider their determination as to breach of discipline; reverse the determination of the Dean as to breach of discipline; or refer the report to a Disciplinary Panel under Part 6 below.
- 5.20. The Warden will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 days of the determination. The reporter will be informed of the decision.
- 5.21. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of 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.

6. Formal Procedure for Major Breaches of Discipline

- 6.1. This section addresses the procedure which will be followed where the Dean refers a case to the Warden for the purposes of convening a Disciplinary Panel.
- 6.2. It is normally expected that, where the subject co-operates fully in the process, it will be completed within 28 days of referral of the case to the Warden, but in complex cases the period may be longer.

Notice of Referral

- 6.3. The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, the penalties set out in paragraphs (1) to (8) of Appendix A, under the heading "Penalties for Minor Breaches of Discipline" may not be sufficient to address it.
- 6.4. A referral may be made at any stage after receipt of a report, including at any stage of an investigation under Part 5 above, prior to a determination being made.
- 6.5. On referring the report to the Warden, the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Warden under this part and that a Disciplinary Panel will be convened to consider the report.
- 6.6. In any case in which the Dean has determined that there are exceptional circumstances which warrant referral under paragraph 4.4 above the Dean shall provide reasons for that conclusion. The subject may appeal to the Warden against that determination by writing to the Warden within 3 working days, setting out the reasons for which they contend that the Dean's determination that there were exceptional circumstances was wrong. The Warden will consider the appeal on the papers and will allow the appeal if they consider the Dean's conclusion was one which no reasonable decision-maker could have reached.

Appointment of Investigator and Disciplinary Panel

- 6.7. The Warden will normally appoint an Investigator to investigate the report. The appointment will normally be made within three working days of the referral. The Investigator may be a senior member of the College or an external Investigator, at the Warden's discretion. Where the investigator is a senior member of the College they will be drawn from a sub-group of nine members of the Fellowship previously agreed by Governing Body, with the following excluded from consideration: the Senior Tutor, Dean, Tutor for Welfare or Warden; any person who has taught the subject; any person who is directly involved in the events related to the disciplinary case; or any person who has served on a Disciplinary Panel in another case involving the same

subject.

- 6.8. The Warden will write to the subject and the reporter informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to warden.ea@wadham.ox.ac.uk within 2 working days. If the Warden considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within 3 working days of the objection being made. The subject and the reporter will be notified of the identity of any replacement Investigator by email.
- 6.9. A Disciplinary Panel will consist of three people appointed by the Warden for the purposes of considering the report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. Fellows appointed to the Disciplinary Panel will be drawn from a sub-group of nine members of the Fellowship previously agreed by Governing Body: the Panel will not include the Senior Tutor, Dean, Tutor for Welfare or Warden; any person who has taught the subject; any person who is directly involved in the events related to the disciplinary case; or any person who has served on a Disciplinary Panel in another case involving the same subject. The Warden will appoint one of the members as Chair of the Disciplinary Panel.
- 6.10. A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Warden has referred more than one case involving the same subject the Disciplinary Panel may decide to consolidate the cases.
- 6.11. The Warden will write to the subject and the reporter informing them of the identities of proposed Disciplinary Panel members and stating that if they have any objection to the appointment of any of the members, they must set out the reasons for their objections in an email to warden.ea@wadham.ox.ac.uk within 2 working days. If the Warden considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

Investigation

- 6.12. The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.
- 6.13. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.
- 6.14. The Investigator shall inform the subject of the case against them, and disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 6.15. The Investigator will give the subject the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case. Such representations should normally be heard at a meeting in person between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time, the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.
- 6.16. The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.

- 6.17. A member of the administrative staff of the College will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting and/or the meeting may be recorded.
- 6.18. On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel including any written or documentary evidence, notes of meetings, and a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.

Disciplinary Meeting

- 6.19. The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- 6.20. It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.
- 6.21. The Chair will write to the subject informing them of the proposed date of the Disciplinary Meeting which will be no less than 14 days after the date of the email. The Chair will: set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied in accordance with paragraph 2.5 above; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date or chooses not attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and may proceed in the absence of the subject.
- 6.22. If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.
- 6.23. If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any particular arrangements are required to safeguard the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases.
- 6.24. The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- 6.25. The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.

- 6.26. A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.
- 6.27. After the Disciplinary Meeting the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.
- 6.28. Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- 6.29. If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within 7 days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- 6.30. The Disciplinary Panel may impose any penalty or combination of penalties set out in Appendix A(II). It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that is appropriate and proportionate in all the circumstances.
- 6.31. The Panel shall report its determination and disposal to the Warden as soon as possible, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the subject by the President within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject of their right of appeal and of the matters set out in paragraphs 7.2 to 7.5 below. The reporter will be informed of the outcome of the proceedings.

7. Appeals following Disciplinary Panel proceedings

- 7.1. The subject may appeal against any determination of a Disciplinary Panel that involves the imposition of a penalty and against any penalty imposed.
- 7.2. The appeal is a review of the Disciplinary Panel decision and is limited to the grounds set out in paragraph 7.4 below.
- 7.3. Any disciplinary measures appealed against do not come into effect pending determination of the appeal. It is, however, still possible for a student to meet any conditions specified in the disciplinary measure or conditional determination and hence to terminate the measure, while the appeal is pending. Precautionary measures may continue to apply pending the determination of an appeal.

Notice of Appeal

- 7.4. The grounds upon which a subject may appeal are that:
- (a) There was bias, or a reasonable perception of bias, during the procedure;
 - (b) There was unfairness or a failure to follow this Procedure;
 - (c) The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;

- (d) There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;
 - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
 - (f) The penalty imposed was disproportionate.
- 7.5. Any appeal must be made by sending a notice of appeal to tutorial@wadham.ox.ac.uk within 7 days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

The Appeal Committee

- 7.6. An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.
- 7.7. An Appeal Committee will consist of three people appointed by the Warden for the purposes of considering the appeal constituted in accordance with paragraph 7.8 below. The Warden will appoint one of the members as Chair of the Appeal Committee.
- 7.8. The Appeal Committee will have three members and comprise:
- a) Between one and three Fellows of the College drawn from a sub-group of nine members of the Fellowship previously agreed by Governing Body: the Panel will not include the Senior Tutor, Dean, Tutor for Welfare or Warden; any person who has taught the subject; any person who is directly involved in the events related to the disciplinary case; or any person who has served on a Disciplinary Panel in any case involving the same subject.
 - b) Up to two of the following:
 - i. Fellows of another College or other Colleges of the University of Oxford who either hold academic posts or are members of a Governing Body
 - ii. Any other person who has been approved for this purpose by Governing Body.
- 7.9. The Appeal Committee will be assisted by a member of College staff who will act as Secretary to the Appeal Committee ('the Secretary').
- 7.10. The Warden will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to warden.ea@wadham.ox.ac.uk within 2 working days. If the Warden considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within 3 working days of the objection being made.

Consideration of the Appeal

- 7.11. The Warden will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure; the person will normally be one of the three members of the original Disciplinary Panel. Within 3 working days of their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 7.12. Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.

- 7.13. The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after the appointment of the Appeal Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.
- 7.14. At least 7 days before the hearing the Secretary will
- a) write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
 - b) provide the Appeal Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 7.15. If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.
- 7.16. The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.
- 7.17. The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 7.14 above. The Secretary will provide the subject and the College Representative with at least 7 days notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 7.15 above.
- 7.18. The appeal will be determined by a simple majority vote.
- 7.19. The decision of the Appeal Committee shall be provided in writing to the Warden, the subject, and the College Representative within 7 days of the conclusion of any hearing. The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 7.20. The Appeal Committee may uphold the implementation of the disciplinary penalty, vary the conditions of its implementation, require those conditions to be satisfied afresh, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 7.21. The decision of the Appeal Committee is final and not open to further appeal within the College.
- 7.22. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of 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.
- 7.23. The subject has the right to make a further appeal of the decision of the Appeal Committee to the Conference of Colleges Appeal Tribunal ('the Tribunal'). The conditions for the exercise of this right of appeal are stated in the Tribunal's Regulations. The current Regulations can be found on the University website or can be requested from the Academic Office. The Tribunal has jurisdiction only to hear appeals in relation to decisions which impose a 'substantial penalty', which includes 'expulsion, rustication or suspension, substantial fines, and other penalties of similar severity'

(Regulation 1.1). The subject must formally file a written application of appeal with the Secretariat of the Conference of Colleges within five working days of the date of the decision appealed against (see Regulation 4) in the format prescribed in Regulation 5. The Tribunal Panel which hears the appeal will be composed of three senior members of other colleges who are not members of Wadham College or directly connected with it (Regulation 8). The appeal hearing, to which the subject will be summoned, will normally take place within 14 days of the receipt of the application by the Secretariat (Regulation 13). The subject may be represented by a third party, including, at the Panel's discretion, Counsel and/or a solicitor (Regulation 15). The Tribunal will then normally communicate its decision on the appeal within seven days of the hearing (Regulation 20).

8. Appeal in relation to breach of conditions

- 8.1. If conditions are attached to any disposal under Appendix A(II) and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the subject, the appeal procedure under this Part applies.
- 8.2. The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following grounds:
 - a) that the Dean was wrong to conclude that the subject failed to meet the condition; or
 - b) that the subject's failure to meet the condition was excusable.
- 8.3. The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Warden within 7 days of receipt by the subject of notice under paragraph 8.1 above of their failure to meet the condition.
- 8.4. The appeal, which will be a rehearing, will be referred by the Warden to a Disciplinary Panel constituted in accordance with Part 6 above and the procedure under Part 6 will be followed.

Approved by Governing Body 08/03/23

APPENDIX A: CODE OF CONDUCT AND PENALTIES

(I) THE CODE OF CONDUCT

- 1.1 Students are expected to follow all regulations set out in the [College Handbook](#), to adhere to the conditions of their accommodation contract, and to follow the University's regulations set by the Proctors, which are detailed in the [University's Student Handbook](#).
- 1.2 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 member, visitor, officer or employee of the College, or knowingly misappropriate such property;
 - c) Occupy or use or attempt to occupy or use any property or facilities of the College except as may be authorised by the 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 or sexual misconduct towards any member, visitor, employee or agent of the 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 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, 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;
 - l) Use, offer or sell or give to any person drugs or other substances, the possession or use of which is illegal;
 - m) Engage in any other conduct which threatens to bring the 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;
 - 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 has issued based on official health guidelines.
- 1.3. 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.
- 1.4. No Student shall incite or conspire with any other individual to engage in any of the conduct prohibited under this section.

(II) PENALTIES

The penalties which may be imposed in respect of a breach of the College Code of Discipline are:

Penalties for Minor Breaches of Discipline

1. A requirement that the subject apologise, orally or in writing, to the College or to named individuals.
2. A requirement that the subject undertake specified training.
3. A requirement that the subject produce a written reflection.
4. A formal warning, which will remain on the subject's disciplinary record for a specified period.
5. A ban, not exceeding 14 days from any specified College locations, facilities and services not including the subject's own College-provided living accommodation or the route to it, so imposed so as not to disproportionately interfere with the subject's academic work.
6. A ban, not exceeding 28 days, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function.
7. Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work.
8. A fine of up to £500, so calculated so as not to expose the subject to disproportionate hardship.

Penalties for Major Breaches of Discipline

9. A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation with or without conditions that need to be satisfied before a return to the College premises and/or accommodation; or
10. A ban, for a period of up to one academic year, from any College premises other than by prior consent for academic purposes and/or from residing in College accommodation unless certain conditions are satisfied, with or without further conditions that need to be satisfied before a return to the College premises and/or accommodation; or
11. Suspension from the College for a period of up to one academic year, with or without conditions that need be satisfied before return to College; or
12. Suspension from the College for a period of up to one academic year unless certain conditions are satisfied, with or without further conditions that need to be satisfied before return to College; or

13. Expulsion from the College unless certain conditions are satisfied; or
14. Expulsion from the College

Conditional determination

The Dean or a Disciplinary Panel may also dispose of the case by making a conditional determination that there should be no penalty so long as certain conditions are satisfied.

Conditions

The conditions that may be attached to a penalty under paragraphs 9 to 13 above, or to a conditional determination include:

- (a) that the subject is to commit no breach of the Code of Discipline of any type or of any specified type for a specified period or indefinitely;
- (b) that the subject is to report to the Dean at such intervals and for such period as the Dean and/or Disciplinary Panel may determine with a view to keeping the subject's conduct under review and for the purposes of which review the subject's assent to a conduct agreement may be required;
- (c) that the subject is to take some other reasonable step or steps specified in the disposal, the step or steps to be taken before a specified date, provided that the step will not be one designed to penalise the student.

Costs

The Dean may always pass on to a student any costs incurred by the College as a direct consequence of the breach of discipline, for example the cost of removing graffiti. This does not include costs attributable to investigating and establishing the breach of discipline, or legal fees.

Approach to disposal

When reaching a decision as to what penalty to impose, or specify in a conditional determination, the Dean or Disciplinary Panel will dispose of the case in a manner which is proportionate to the circumstances of the breach of discipline and the subject.

Relevant factors may include (without limitation):

- The seriousness of the breach of discipline
- The degree of harm caused to any victim, including the College
- The subject's previous disciplinary record
- Whether or not the subject has co-operated with the investigation
- The degree of insight shown by the subject
- The existence of mitigating or aggravating factors
- In the case of a financial penalty, the subject's financial position

Mitigating factors may include (without limitation)

- The subject has apologised to any victim
- It is the subject's first breach of discipline
- The subject admitted the breach of discipline at the earliest opportunity
- The subject has expressed remorse
- The subject has compelling circumstances that affected their judgment

Aggravating factors may include (without limitation):

- Any failure to co-operate with investigatory or risk assessment processes
- Where the conduct was motivated by the victim's protected characteristics or perceived protected characteristics
- Repeated breaches of the same or similar provisions of the Code of Discipline
- Failure to comply with a minor sanction

EXAMPLES

A non-exhaustive list of examples of behaviour which constitutes a breach of the Code of Discipline, and indicative penalties which the College might impose is set out below. These penalties are in addition to any which might be imposed by the University or any criminal sanctions that might apply (where relevant).

	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 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	Failing to identify yourself on request to a College postholder	Formal warning Fine

	postholder		
(j)	Disobeying a reasonable instruction or order by the Dean or other College body	Failing to attend an interview	Fine (and consequences of non-attendance)
		Failure to comply with a precautionary measure	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	Fine
		Possession Class A	Banning Suspension
		Dealing	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	Formal warning Fine (including payment of any costs) Banning
		Not preventing a visitor you have invited onto College premises from getting drunk and/or harassing a member of College	
(o)	Conduct in breach of College /local rules	Damaging a College library book	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
	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

APPENDIX B

APPLICATION OF THE PROCEDURE

- 1) This Procedure applies to any current or suspended student of Wadham College, whether undergraduate or graduate, any visiting student, and whether in residence or out of residence at the time, who is alleged to have breached the College Code of Discipline as set out in Appendix A.
- 2) An alleged breach of the College Code of Discipline may be the subject of disciplinary steps under the Procedure only if the subject is alleged to have committed the alleged breach in their capacity as a member of the College. A breach of discipline will be treated as having been committed in that capacity if:
 - a) it was committed on or near College premises; or
 - b) it was committed on or near the premises of another college or on or near University premises and a reasonable request is received from the Dean or other competent official of that other college, or from the University Proctors or the Head of a University Department or the Chair of a University Faculty Board as the case may be, to deal with the matter as an offence against College discipline; or
 - c) it was committed during College activities (e.g. events organized by the SU, MCR, college sports teams or college societies) away from College premises; or
 - d) it was committed when studying at a partner organisation; or
 - e) it was committed on social media against any other member of the College; or
 - f) it threatens to bring the College into disrepute among reasonable people; or
 - g) it was committed by the use of College facilities (such as computer networks) or privileges (such as intercollegiate internal mail); or
 - h) it was committed by the use of University facilities (such as computer networks) or privileges (such as a University Card) and a reasonable request is received from the University Proctors to deal with the matter as an offence against College discipline; or
 - i) it was committed against the College or any other member of the College.
- 1.1. For certain types of report, steps may be taken under other procedures before the matter is addressed by the Dean. In particular:
 - 1.1.1. Complaints about harassment including sexual misconduct may be considered under the College's [Harassment Procedure](#).
 - 1.1.2. Reports about medical students and PGCE students may be subject to preliminary consideration by the relevant University Department under Fitness to Practise procedures and may also be considered by that Department after the completion of a disciplinary procedure in College. The Department may impose precautionary measures pending the outcome of investigation under this procedure.

Other College Policies

- 1.2. Where this Procedure applies, and the subject's situation also constitutes a proper basis for steps

to be taken under another policy or procedure of the College (for example the College's fitness to study procedure), and the responsible person in College for that other procedure confirms that a report has been made about the student under the other procedure or that steps under that other policy or procedure are anticipated or have been proposed or initiated, the responsible College officers under each policy or procedure will together determine, in consultation with the subject, whether all steps should be consolidated so that they are taken under a single policy or procedure, provided that such a consolidation may not have the effect of depriving the subject of an avenue of appeal that they would otherwise have enjoyed. In the event of disagreement as to the appropriateness of a consolidation, the final determination is to be made by the Warden. The responsible officer of the College for the purpose of this procedure is the Dean.

University Policies

- 1.3. Where this Procedure applies and the subject's situation also constitutes a proper basis for disciplinary steps to be taken by the University Proctors, and such steps have been proposed or initiated, any steps proposed or initiated under this procedure may be stayed until the conclusion of Proctorial proceedings. Disciplinary steps may subsequently be taken under this Procedure notwithstanding that Proctorial proceedings have been discontinued or that Proctorial charges have been dismissed, and no finding of fact by the Proctors or absence of any such finding will bind the College.

Behaviour which could constitute a criminal offence

- 1.4. Where this Procedure applies and the subject's situation also constitutes a proper basis for investigation by the police or by any other public authority, or for any other steps to be taken towards prosecution in the criminal courts, and such steps have been proposed or initiated (or their imminent proposal or initiation can reasonably be foreseen), any steps proposed or initiated under this Procedure will usually be stayed until the conclusion or abandonment of the investigation or prosecution.
- 1.5. Where the alleged victim of an alleged criminal offence is a member or employee of the College, the College will provide that person with necessary support, including supporting them in their decision about reporting the matter to police.
- 1.6. Disciplinary steps may subsequently be taken under this Procedure notwithstanding that criminal proceedings have not been commenced or have been discontinued or that criminal charges have been dismissed. The College will not treat discontinuance or dismissal of such proceedings as evidence that the subject did not breach the Code of Discipline in the manner alleged.
- 1.7. The fact that proceedings under this Procedure are stayed pending the outcome of criminal investigation or prosecution will not prevent the Dean from taking safeguarding and/or precautionary measures referred to in paragraphs 1.6 and 4.5 of this Procedure.
- 1.8. Where a student is found guilty of a breach of University regulations or a criminal offence, the College may subsequently pursue the same matter under this procedure and attach its own penalty to the same breach or offence, making due allowance for any penalty or other measure already imposed by the Proctors or by the courts. The College also retains the right, following any Proctorial finding against or criminal conviction of the Student as well as in any other circumstances, to take steps to ensure the peace of the College and the safety of its members, which are not regulated by this Procedure.

APPENDIX C: DEFINITIONS

‘College’ means Wadham College

‘Member of the College’ for the purpose of this procedure includes the current Warden and any other College office-holder, current Fellow, current student, employee of the College or SCR member

‘Dean’ means the Dean of Wadham College

‘Warden’ means the Warden of Wadham College

‘Disciplinary Panel’ means a panel convened in accordance with Part 6

‘Appeal Committee’ means a Non-Academic Disciplinary Appeal Committee convened in accordance with Part 7

‘Procedure’ means this Non-Academic Disciplinary Procedure

‘breach of discipline’ means a breach of the rules set out the College Code of Discipline and contained in the provisions specified in Appendix A(I)

‘reporter’ means a person who submits a report under paragraph 4.1

‘subject’ means a student who is alleged to have breached the College Code of Discipline