Disciplinary Procedures for Junior Members

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2. Introduction

2.1 Most disciplinary matters will be resolved by the Dean of College and/or the Tutor of the Junior Member concerned, either of whom, in accordance with Statute XXXVII.2 may impose a fine or punishment proportionate to the offence.

2.2 If a disciplinary case arises which in the view of the Dean of College is serious, or if a Junior Member wishes to appeal against a disciplinary decision of the Officer of the College under Statute XXXVII.2, the Dean of College shall ask the College Council to appoint a Disciplinary Committee under Statute XXXVII.3 to hear the case. Such a request shall normally be made after the Dean has consulted with the Tutor.

3. Disciplinary Committee and Other Parties to a Hearing

3.1 The Council shall appoint a Disciplinary Committee of three members from among the panel constituted under Statute LXVII.25 and shall designate one of the persons so appointed to be Chairman of the Committee. The Chairman shall appoint a suitable person to act as Secretary to the Committee.

3.2 The parties to a hearing shall be the Committee, the Secretary, the Dean of College who acts as Presenting Officer, the Junior Member charged and his/her Tutor. If any party feels that the membership of the Committee could give rise to a conflict of interest or possible bias, this must be reported to the Secretary and Chairman of the Committee immediately.

3.3 The Junior Member shall not normally have legal representation at the hearing and witnesses shall not normally be called in person. However, in cases of extreme seriousness, where there are material differences in factual accounts, the Chairman shall have discretion to permit legal representation and/or allow witnesses to be called in person and to be questioned appropriately.
4. Timing of a Hearing

4.1 The Chairman may set time limits for each stage of the hearing and adjourn, postpone or re-convene a hearing as necessary. It is the duty of the Committee and of the Chairman to ensure that a charge is heard and disposed of as expeditiously as possible.

4.2 The fact that a Junior Member has been or is liable to be prosecuted in a court of law in respect of an act or conduct which is the subject of proceedings before the Committee shall not affect the jurisdiction or the powers of the Committee; but the Committee shall consider the advisability of referring the matter to the police. If the matter is so referred (by the Committee or otherwise), the Committee may adjourn its proceedings for such time as is reasonable in the circumstances to enable a prosecution to be undertaken. Evidence that an offence has been found proved by a court of law shall, for the purpose of proving that the person committed the offence, be admissible in any proceedings before the Committee.

5. Procedures

5.1 As soon as possible after the Committee has been appointed, the Presenting Officer shall send to the Chairman of the Committee written notice of the charge(s) to be brought before the Committee and the particulars thereof, a copy of up to four witness statements and any other documents which it is proposed to produce at the hearing.

5.2 No documents concerning previous incidents may be circulated in advance or produced at the hearing until the Committee has made a decision on whether the current charge is proved. Such information may be taken into account only when the sanction to be imposed is under consideration.

5.3 The Chairman shall:

5.3.1 after consultation with all parties, fix a date, time and place for the hearing;

5.3.2 send to each party a notice of the hearing, including information on membership of the Committee, guidance on the procedures, a copy of the charge or charges, and a copy of the documents provided by the Presenting Officer under 8 above.

5.4 The Junior Member may submit, through his/her Tutor, a written statement in light of the papers received, and, if appropriate, may provide up to four witness statements, to be received by the Secretary of the Committee at least two days before the hearing. The Tutor may also submit a written statement. The Secretary shall, no later than two days before the hearing, send a copy of the papers to the Presenting Officer, the Members of the Committee, the Junior Member and his/her Tutor.

5.5 At the discretion of the Chairman, if more than one Junior Member is charged, they shall normally appear separately at all stages of the hearing. Their cases and the sanctions (if any) to be imposed shall be considered separately by the Committee.
5.6 At the discretion of the Chairman, the normal order of proceedings shall be as follows:

5.6.1 The Presenting Officer shall present the charges. The Junior Member shall then present his/her case. His/her Tutor shall be permitted to speak on his/her behalf. The Junior Member shall be prepared to answer questions put to him/her by the Committee or the Presenting Officer. The Presenting Officer, the Junior Member and his/her Tutor may make closing statements in that order.

5.6.2 The Junior Member, the Tutor, and the Presenting Officer shall withdraw while the Committee deliberates.

5.6.3 The Presenting Officer, the Junior Member and his/her Tutor shall re-join the Committee to hear its verdict on the case. If more than one Junior Member has been charged, the Tutors shall normally re-join the Committee separately. If the charge(s) are found proved, the Presenting Officer shall address the Committee on the question of appropriate penalty. The Tutor shall be given an opportunity to comment. The Presenting Officer, the Junior Member and his/her Tutor shall then withdraw again while the Committee reaches its final decision.

5.7 The Committee shall find a charge proved only if this has been proved beyond reasonable doubt. The Committee shall ensure that any sanctions imposed are proportionate, consistent with previous cases and comply with current legislation. The Chairman shall communicate the Committee’s decision to the Tutor and the Presenting Officer as promptly as possible after the meeting and send a report to the Secretary of the College Council including the Committee’s findings of fact, its decisions, the reasons for those decisions and any other recommendations. A copy of the report shall be made available to the Presenting Officer and the Junior Member’s Tutor. The Tutor shall notify the Junior Member of the outcome of the hearing and, if appropriate, of the right of appeal to the College Council.

6. Appeals

6.1 The Junior Member shall have the right of appeal to the College Council. Within seven days of receiving the decision of the Disciplinary Committee, he/she must make a written submission to the Secretary to the College Council stating the grounds upon which the appeal is based. Otherwise the matter will be considered closed.

6.2 The Junior Member will be invited to appear before Council. He/she may be represented by his/her Tutor or other person at the discretion of the Master. The Presenting Officer and the Chairman of the Disciplinary Committee will be invited to attend.

6.3 No member of the Council or other person who has been involved with the disciplinary matter at an earlier stage shall be present when any decision in relation to the appeal is made. The decision of the Council, which may involve a penalty greater or lesser than that agreed by the Disciplinary Committee, will be communicated to the Junior Member by the Secretary to the Council.
7. Office of the Independent Adjudicator

7.1 The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints which have already been considered in full under the College's internal procedures. When communicating the final decision under 17 above, the Secretary to the Council will issue a formal Completion of Procedures letter to the Junior Member, together with details of the OIA Student Complaints Scheme. If the Junior Member is dissatisfied with the conduct of the disciplinary procedures within the College he/she may bring the complaint to the OIA within three months of the date of issue of the Completion of Procedures letter, provided that the complaint is eligible under the rules of the OIA scheme. Further information may be viewed at www.oiahe.org.uk.

8. Review of Procedures

8.1 The Senior Tutor’s Office will maintain records on the nature and number of cases dealt with under these procedures, preserving the confidentiality of the parties concerned. The College Council will review the procedures from time to time, in consultation with the Liaison Committee.

8.2 Copies of the Disciplinary Procedures may be obtained from the College website and Tutorial Offices
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