

STUDENT DISCIPLINARY PROCEDURE (NON-ACADEMIC CASES)

University of Oxford

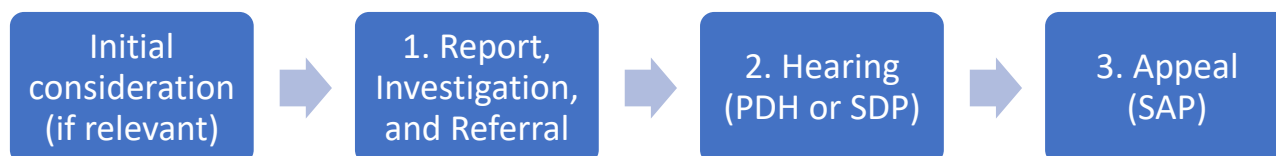
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1. Introduction and overview

- 1.1 This document describes the University's disciplinary procedure for students. There is a separate procedure for 'academic misconduct', the [Student Disciplinary Procedure \(Academic Cases\)](#).
- 1.2 The disciplinary procedure for students applies where a student member of the University may have breached the University's Code of Discipline, and where formal proceedings may be brought by the University against the student in respect of that breach. 'Student member' has the meaning set out in Part A of Statute XI of the University's statutes, and applies to most students at the University. The word "**student**" is used throughout this procedure to refer to a student member.
- 1.3 The University will generally only take disciplinary action where: (a) the breach of the Code of Discipline occurs in a 'University Context' (see paragraph [5.23]), (b) in circumstances where it is more appropriate for the University to take action in respect of the conduct than for a college to do so (see paragraph [5.16]), and (c) (save in certain serious cases) where the conduct occurred less than six months ago (see paragraph [5.27]). Special considerations apply to particular types of cases involving potential criminal offences, and any case in which sexual misconduct, harassment (including bullying) or conduct involving violence or a threat of violence is alleged: see paragraphs [5.36 to 5.47] below.

- 1.4 In this document, a person making a formal report (a **“Report”**) is referred to as the **“Reporter”**¹ and the person who is alleged to have breached the University’s Code of Discipline is referred to as the **“Subject”**. If formal proceedings are brought against a student for an alleged breach of the Code of Discipline, this is called a **“Referral”**. Before a formal Report is made, a person disclosing student misconduct is referred to as a **“Discloser”** (see definitions in paragraph [4.1] below).
- 1.5 The **“Proctors”** are senior officers of the University whose role includes upholding the University’s statutes and rules. The Proctors have overall responsibility for assessing Reports of potential misconduct by students and for formulating a Referral where appropriate. They do this by internal scrutiny and oversight within the Proctors’ Office and by taking key decisions on individual cases (including deciding whether or not to refer a matter for disciplinary action following an investigation). Caseworkers in the Proctors’ Office conduct investigations under this procedure, from which a Proctor will decide whether a Referral is appropriate. A ‘Proctor’ includes a ‘Pro-Proctor’ or an appointed substitute. Decisions under this procedure are made in all cases by a single Proctor rather than by the Proctors collectively.
- 1.6 The diagram below provides an overview of the disciplinary procedure. There is also a **GLOSSARY OF TERMS** provided at Appendix B.



- 1.7 As shown above, before the formal process commences, there will normally be an initial consideration of a matter. This may lead to a problem being resolved informally, locally (eg within a department) or through one of the policies referred to in paragraph [1.14] below. Often at this stage a Discloser is seeking support or more information about their options.
- 1.8 The formal stage begins with a Report to the Proctors’ Office, as described below, and where appropriate Caseworkers within the Proctors’ Office will investigate the Report. If formal proceedings are appropriate following the investigation, a Proctor may offer the Subject a choice of the matter being heard by themselves by way of a Proctors’ Disciplinary Hearing or by the Student Disciplinary Panel or “SDP”, and the matter will only be heard by a Proctors’ Disciplinary Hearing or “PDH” if the student consents. In serious cases, a Proctors’ Disciplinary Hearing will not be offered and any Referral will be to the Student Disciplinary Panel.

¹ This procedure is drafted on the basis that the Reporter is the victim of the relevant alleged misconduct. Where that is not the case, references to a ‘Reporter’ in this procedure may include, where appropriate, an alleged victim of misconduct (ie even if that alleged victim is not the person who makes the Report).

- 1.9 Upon a Referral being made to a Proctors' Disciplinary Hearing or the Student Disciplinary Panel, a Subject may formally admit the alleged breaches described in the Referral and accept the Proctor's proposed penalty without a hearing. The Referral will otherwise proceed to a hearing, where evidence about the Referral will be heard and a decision will be made.
- 1.10 A Proctors' Disciplinary Hearing is referred to as a "**PDH**" and the Student Disciplinary Panel is referred to as an "**SDP**". If a student is unhappy with the decision of a PDH or an SDP, the student may appeal to the Student Appeal Panel on certain specified grounds (see paragraph [7.6]). The Student Appeal Panel is referred to as the "**SAP**". A PDH is a hearing by a Proctor, and membership of the SDP and SAP is explained at paragraphs [8.12] to [8.16] below.
- 1.11 In addition to the process outlined above, there are certain other processes which apply in specific circumstances. A Proctor and certain others may immediately impose 'precautionary measures' on a student on a temporary basis, such as a ban from entering a particular building. A Proctor and their designated officers also have the power to issue 'immediate fines' for misconduct after examinations. If a student is unhappy with the decision of a Proctor in relation to precautionary measures or an immediate fine, the student may appeal to the SAP on certain specified grounds (see paragraph [7.6]).
- 1.12 Information, advice and support for students is available from the following sources, and all those involved in this procedure shall where appropriate direct students including Reporters and Subjects to services and information such as:
 - [Student Welfare and Support Services](#);
 - [Oxford SU advice service](#);
 - The University's [Sexual Harassment and Violence Support Service](#), which provides free, impartial, confidential support and advice to any students (including Reporters and Subject) who have been affected by sexual harassment or violence, domestic or relationship abuse, coercive control or stalking;
 - The college welfare team, for students who are members of a college; and,
 - the Oxford University Student Conduct [webpage](#).
- 1.13 Additionally, any questions about any aspect of this procedure may be directed at the Proctors' Office using the email address casework@proctors.ox.ac.uk.
- 1.14 The following policies and procedures may be relevant either before, during or after this procedure is used:
 - Complaints about supervision, teaching or other University services should be pursued under the [University Student Complaints Procedure](#), which may include certain complaints about the handling of cases under this procedure;
 - the [Harassment Policy](#) which sets out the University's policy and procedures relating to harassment by members of staff (see [here](#));
 - Fitness to Practise procedures for [Medical Students](#) and Fitness to Teach procedures for [PGCE Students](#); and,

- If a Proctor, the SDP or SAP in the course of this procedure have reasonable grounds for believing that a Subject is suffering from a serious problem arising from ill health which impedes or is likely to impede their ability to have their conduct fairly considered under this procedure, they shall refer the student under the University's [Fitness to Study procedures](#).

1.15 This procedure is formally made under section 10 of Statute XI of the University's statutes. Its status is that of guidance. That means that the University must follow all the provisions of this guidance unless there is a good reason in a particular case not to do so.

2. Required standards of behaviour

- 2.1 The University requires students to act as responsible members of the University's community, including by treating other members of the University and the public with courtesy and respect. The University enforces this expectation through its Code of Discipline, which is set out below, and which originates in [Statute XI](#) of the University's statutes.
- 2.2 Freedom of Speech and Academic Freedom are central tenets of University life and section 3 of Statute XI states explicitly that "any decision under [\[Statute XI\]](#) must be in accordance with the values and expectations set out in the [University's Code of Practice on Freedom of Speech](#)".
- 2.3 Further, section 4 explains that "any decision relating to whether speech (in any form) breaches the Code of Discipline must be determined on the basis of an objective assessment of the content of the speech as well as on the basis of the perception of the recipient". The following provisions of the Code of Discipline are interpreted by reference to these freedom of speech principles.

The Code of Discipline

- 2.4 Students are required to comply with the University's Code of Discipline, which provides as follows (sections 5(1) and 5(2) of Statute XI):²
- (1) *Members of the University and student members shall:*
 - (a) *comply with all requirements, orders and duties imposed upon them by a statute or regulation of the University, or any rules, procedures or policies made thereunder;*
 - (b) *comply with any reasonable instruction given by an officer or an employee or agent of the University or of any college or any person authorised to act on their behalf;*

² This procedure applies to reports of breaches of the Code of Discipline made on or after 1 September 2025. The provisions of Statute XI which will apply in any case will be those in force when the behaviour occurred (which may be different for behaviour occurring before 1 September 2025).

- (c) *comply with the University's code of practice in relation to freedom of speech as issued by Council at any given time;*
- (d) *comply with the provisions of the University's code of practice in relation to academic integrity in research at any given time;*
- (e) *comply with the provisions of the University's regulations relating to the use of the libraries or the information and communications technology facilities of the University at any given time;*
- (f) *in relation to student members only, and in relation to Specified Criminal Offences only, promptly inform the Proctors in writing if they have been arrested by the police and released under investigation (with or without restrictions), been charged, face trial or a hearing or been sentenced and whether in the UK or abroad where the behaviour in question is also an offence under English law.*
- (2) *No member of the University shall (or attempt to):*
 - (a) *disrupt or obstruct any of the teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University, or of its members, or its officers, employees and agents, including by disrupting or obstructing the lawful exercise of freedom of speech by any of those persons or by visiting speakers. However, it shall not be a disciplinary breach to engage in protests permitted by the Proctors under the Code of Practice on Freedom of Speech;*
 - (b) *deface, damage or destroy any property of the University or any college or any other person, or knowingly misappropriate such property, including by its unauthorised occupation;*
 - (c) *engage in action which is likely to cause injury or to impair safety;*
 - (d) *engage in violent, indecent, disorderly, degrading, humiliating or threatening behaviour or language, or in any harassment, bullying, or sexual misconduct towards any other person, or mistreat any animal;*
 - (e) *engage in dishonest behaviour, including by forging or falsifying any document, (a) which causes any person loss or harm, or (b) in relation to the University, the holding of any University office, or any application for any university office, or any application for any University membership, office or position or any student place at the University (in which case such dishonesty shall be understood to be continuing through the period when they hold that membership, office, position or student place);*
 - (f) *create or provide directly or indirectly for a candidate or candidates in any examination of this University or elsewhere material that constitutes a model or draft intended to meet substantially or wholly the requirements of any exercise in that examination, and which, in part or in whole, could be submitted without attribution by an examination candidate in order to meet or to attempt to meet the requirements of the examination;*

- (g) possess, use, offer, sell, or give to any person items (including drugs and weapons), the possession, use, or provision of which is illegal;
 - (h) engage in any academic misconduct;
 - (i) fail to comply with the requirements in the Regulations of the Rules Committee relating to behaviour after examinations; or,
 - (j) be convicted of a Specified Criminal Offence anywhere in the world while a student member, except where the behaviour in question is not an offence under English law.
- 2.5 It is also a breach of the Code of Discipline to incite or conspire with any other individual to engage in any of the conduct identified above: see section 6 of Statute XI.³ Any reference in this document to a breach of the Code of Discipline refers to a breach of these provisions (sections 5 and 6 of Statute XI).
- 2.6 The following definitions apply to section 5 of the Code of Discipline of Statute XI and Part 3 of the Rules Committee Regulations 1 of 2017):

Statute XI:

5 (3) (a) **'Harassment'** has the meaning given in section 26 of the Equality Act 2010⁴ and section 1 of the Protection from Harassment Act 1997⁵ (in its entirety, and as interpreted by section 7 of the Act).

The Equality Act 2010 defines harassment in relation to behaviour towards others linked to their "protected characteristic(s)" (ie their age, disability, gender reassignment, race, religion or belief, sex or sexual orientation). In summary, "harassment" is:

- 1 unwanted conduct of sexual nature or relating to a protected characteristic which has the purpose or effect of violating someone's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- 2 less favourable treatment as a result of the person rejecting or submitting to harassing behaviour in relation to gender reassignment or sex or of a sexual nature.

The Equality Act states that in deciding whether conduct has the effect of violating someone's dignity or creating an intimidating hostile, degrading, humiliating or offensive environment, the decision-maker must take into account the perception of

³ Section 6 of Statute XI states: "No member of the University or student member shall incite or conspire with any other individual to engage in any of the conduct prohibited under this Part"

⁴ <https://www.legislation.gov.uk/ukpga/2010/15/section/26>

⁵ <https://www.legislation.gov.uk/ukpga/1997/40/section/1>

the person who is subject to the conduct, the other circumstances of the case and whether it is reasonable for the conduct to have that effect.

The Protection from Harassment Act 1997 includes the following provisions about the meaning of harassment and how it is to be interpreted:

- 1(1) *A person must not pursue a course of conduct—*
 - (a) *which amounts to harassment of another, and*
 - (b) *which he knows or ought to know amounts to harassment of the other.*
- (1A) *A person must not pursue a course of conduct —*
 - (a) *which involves harassment of two or more persons, and*
 - (b) *which he knows or ought to know involves harassment of those persons, and*
 - (c) *by which he intends to persuade any person (whether or not one of those mentioned above)—*
 - (i) *not to do something that he is entitled or required to do, or*
 - (ii) *to do something that he is not under any obligation to do.*

7 (2) *References to harassing a person include alarming the person or causing the person distress.*

- (3) *A “course of conduct” must involve—*
 - (a) *in the case of conduct in relation to a single person (see section 1(1)), conduct on at least two occasions in relation to that person,*
 - (b) *in the case of conduct in relation to two or more persons (see section 1(1A)), conduct on at least one occasion in relation to each of those persons.*⁵
- (3) (b) **‘Bullying’** *has the meaning set out in the University’s Harassment Policy at any given time.*

The Harassment Policy explains that: “*Bullying is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.*”⁶

5 (4) *A member of the University or student member commits ‘**sexual misconduct**’ if they engage in any unwanted conduct of a sexual nature. Conduct is “unwanted” if it is not consented to and if the relevant member does not have a reasonable belief that consent has been given.*

Further information about the meaning of “consent” is set out at **[5.49]** below.

- 5 (6) *A ‘**Specified Criminal Offence**’ is a criminal offence in respect of which a custodial sentence (whether immediate or suspended) could be imposed for committing the criminal offence in question, in accordance with the law of the place in which the criminal offence was committed.*

Rules Committee Regulations 1 of 2017⁷

⁶ <https://edu.admin.ox.ac.uk/university-policy-on-harassment#collapse1072106> – see paragraph 9

⁷ <https://governance.admin.ox.ac.uk/legislation/rules-committee-regulations-1-of-2017>

Part 3: Behaviour after examinations

3.1 Student members must familiarise themselves with the Proctors' guidance on Statute XI published on the Proctors' Office website.

3.2 (1) No student member, other than a candidate presenting himself or herself for examination, shall, at any time between the hours of 12.15 and 1pm or 5.15 and 6pm, or between 15 minutes before and 30 minutes after the scheduled time for the completion of a Public Examination of the University for ten or more candidates, in the company of one or more other persons either:

(a) gather without the prior permission of the Proctors in a public thoroughfare within 300 metres of any place where such an examination is being, or has just been, held; or

(b) having gathered in a public thoroughfare within one mile of any such place, fail to disperse after having been requested to do so by one or more of the Proctors, the Marshal, or their staff.

(2) For the purpose of this regulation, persons shall be regarded as having gathered if they assemble, or form part of an assembly, in such a way as to cause, or to be likely to cause, obstruction of a public thoroughfare.

3.3 (1) No student member shall, in any place or thoroughfare to which members of the general public have access within six miles of Carfax, throw, pour, spray, apply or use anything or substance in a way which is intended, or is likely, (a) to cause injury to any person, or (b) to cause damage to, or defacement or destruction of, any property, or (c) to cause litter.

(2) No student member shall be in possession of anything or substance with intention to commit an offence under regulation 3.3 (1) above.

The relevance of a person's state of mind

2.7 A person's state of mind when committing a breach of the Code of Discipline is an important factor which a Proctor and the SDP/SAP will take into account in deciding whether to take action under this policy, including in relation to whether to investigate a matter, issue a Referral, whether to find a breach of the Code of Discipline occurred at all, and when determining penalties.

2.8 That is because a person's state of mind at the time of the conduct in question influences the blameworthiness of that act. For example, conduct committed accidentally is less blameworthy than deliberate conduct. However, being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for misconduct.

2.9 Accordingly, at each stage of the disciplinary process, the decision-maker in question should form a view based on the evidence available to them as to what the person's state of mind was when the conduct in question was committed.

The Code of Discipline and this procedure

2.10 For the avoidance of doubt, a breach of the Code of Discipline may be found where:

- 1 there is non-compliance with a requirement of this procedure, and in particular, a failure to comply with the requirements relating to the confidentiality of this procedure (see [4.7] and [5.6]);
- 2 there is any non-compliance with any penalty or measure imposed under this procedure;
- 3 a student is being disruptive in any hearing before a PDH, the SDP or SAP or in relation to any investigation under this procedure.

3. General principles and practical considerations

- 3.1 In applying and making decisions under this procedure, the University (including the Proctors, SDP and SAP) will in each case have regard to the “**Core Principle**” of this procedure. The Core Principle of this procedure is to deal with disclosures, Reports, and Referrals fairly and justly. This includes so far as practicable: (a) dealing with matters expeditiously; (b) avoiding unnecessary formality; and (c) dealing with cases in ways which are proportionate to the complexity and seriousness of the matter.
- 3.2 Further, where appropriate, the University will apply its procedures flexibly and in accordance with the Core Principle, especially in circumstances in which there are or may be overlapping procedures which apply to the issue in question. In particular, in circumstances in which a person is alleged to have committed both academic misconduct and non-academic misconduct, the University will adopt a flexible approach, adopting the appropriate parts of this procedure and the Student Disciplinary Procedure (Academic Cases) as necessary.
- 3.3 The University’s aim is to conclude its consideration of any Report under these procedures within 90 calendar days of the receipt of the Report. If the procedure is paused under the ‘Criminal Conduct’ provisions at [5.36] below or to allow another procedure to be followed first (for example, fitness to study), that period of time will not count towards the 90 days. Generally, an investigation and PDH/SDP hearing should conclude within 70 calendar days, and any appeal to the SAP should be concluded within a further 20 calendar days. However, this timescale may not be met in certain cases, such as those which are complex or involve a large number of participants, due to unavailability of participants, or for other reasons.
- 3.4 Throughout any potential disciplinary incident the Subject and Reporter must be updated on progress relating to any disclosure or Referral on a regular basis by the relevant person dealing with the matter, including by setting out realistic estimates for the time that the next step in the procedure will take.

- 3.5 Time limits should be met by all parties. The University may only extend time limits where it is necessary to do so in order to ensure a fair outcome. It will usually be necessary to extend time limits for complex cases and/or where external specialists are required.
- 3.6 Any aspect of this procedure may be modified where this is necessary to comply with a legal obligation, including the University's duty to make reasonable adjustments for disabled persons. Reasonable adjustments may include extensions to time limits or changes to the procedure followed.
- 3.7 Meetings and hearings may take place via video link (wholly or partly) where this is reasonably necessary, including to avoid undue delay, because of the location of the individuals involved or to protect individuals involved. Documents provided or considered under this procedure may be provided electronically or in paper form as appropriate, taking into account the preferences of the people involved.
- 3.8 If a Subject completes their course or withdraws from the University during the procedure outlined in this document, a Proctor, the SDP and the SAP have discretion as to whether to continue the procedure, having regard to the extent to which the Subject will cooperate (and can be compelled to cooperate) with the procedure, the risk of harm to the University and others, and the available penalties. In such circumstances, the University may: (a) put a Subject's graduation ceremony on hold pending the outcome of this procedure; (b) refer to the fact that there is an open and unresolved complaint in any reference supplied in respect of the Subject; and/or (c) re-open the matter if the Subject subsequently applies to study at the University.
- 3.9 No member of University staff involved in this procedure should have any conflict of interest in the matter, and they should not act if there is any reasonable perception that they are biased. If all of the Proctors and/or the SDP and/or the SAP are unable to act as a result, the Pro-Vice-Chancellor (Education) (or, if they are unable to act, another Pro-Vice-Chancellor) will appoint (an) appropriate substitute(s).
- 3.10 Records will be kept at all stages of the process in accordance with University policy (see further the University's [Student Privacy Policy](#)⁸ and the [Student Record Retention Policy](#)⁹).
- 3.11 If a Reporter who is a student is dissatisfied with the way this procedure has been followed, they have the option of making a complaint under the [University's Student Complaints Procedure](#), in which case the complaint will be considered by members of staff who have not previously been involved in the Report. A complaint is not an appeal and cannot change the outcome of the disciplinary case. If upheld it can result in measures such as recommendations for changes to University procedures and/or redress being offered to the Reporter. Subjects who are dissatisfied should usually raise concerns about this procedure in the course of the procedure itself (for example, on appeal).

⁸ Available at: [Student privacy policy | Compliance \(ox.ac.uk\)](#)

⁹ Available at: [Retention schedules | Compliance \(ox.ac.uk\)](#)

4. Initial Consideration

- 4.1 The University takes any concern about student misconduct seriously and support is available for any student or member of staff raising such issues. The University draws a distinction between a ‘disclosure’ and a ‘formal report’:
- 1 A “**disclosure**” occurs when a student (or other person) describes an incident of potential student misconduct to a member of the University’s staff or to the University by means other than a Report, usually for the purpose of seeking advice or for information about available support or formal reporting options. A person making a disclosure is a “**Discloser**”.
 - 2 A formal report or “**Report**” is a written request to the Proctors’ Office to investigate a matter under these disciplinary procedures, and the person making the Report is a “**Reporter**”.
- 4.2 Disclosures are discussed in this part 4. The process for making a Report is discussed in part [5].
- 4.3 The purpose of the distinction between disclosures and Reports is to recognise that a person making a disclosure may or may not want the University to take formal action in respect of an issue, and that a Discloser is likely to need support in understanding their options. Disclosures may be made in a wide variety of circumstances, and the University’s role is to ensure that a disclosure is escalated appropriately and wherever possible in accordance with the wishes of the Discloser.
- 4.4 When a disclosure is made, the Discloser should be signposted to information, advice and support from appropriate services:
- 1 [Student Welfare and Support Services](#);
 - 2 The [Oxford SU advice service](#);
 - 3 The [Sexual Harassment and Violence Support Service](#) which provides free, impartial, confidential support and advice to any students who have been affected by sexual harassment or violence, domestic or relationship abuse, coercive control or stalking;
 - 4 A college welfare team, for students who are members of a college; and/or,
 - 5 The University’s Counselling Service.
- 4.5 The Discloser is also welcome to approach the Proctors’ Office for information and advice about the formal process relating to making a Report. The relevant email address to contact the Proctors is: casework@proctors.ox.ac.uk.
- 4.6 Where criminal conduct has or may be disclosed, a Discloser is advised to note the guidance under the paragraphs headed ‘Criminal Conduct’ below at paragraph [5.36]. That guidance determines the question of whether the University, or the police/courts, will investigate such a matter.

- 4.7 Disclosures will generally be kept confidential except where: (a) the University assesses that the welfare of any person requires that a disclosure cannot be kept in confidence (eg there are welfare concerns that indicate a 'Risk of Serious Harm' in accordance with the University's [Confidentiality Guidance](#)); and/or (b) the disclosure concerns a medical student or a PGCE student and there are Fitness to Practise / Fitness to Teach implications arising from the disclosure. In particular, except for the circumstances identified in (a) or other exceptional circumstances, the wishes of a Discloser, including as to whether a matter should be reported to the police, will be respected. See further the paragraphs on 'Criminal Conduct' at [5.36] below. The University may also need to share such information with certain third parties on a confidential basis including professional advisors, insurers and regulators.
- 4.8 For straightforward, minor disclosures it may be possible for the matter to be resolved at a local level, for example by departmental staff. This should be attempted where possible and appropriate records kept of the incident. When considering or attempting local resolution departmental staff can contact the Proctors' Office for advice.
- 4.9 The Proctors' Office can also liaise between Disclosers (or Reporters) and Subjects where there has been a relationship breakdown to agree a 'no contact agreement' on the basis of no admission of fault by anyone. A 'no contact agreement' is an informal arrangement which has no appeal rights under this procedure. A Proctor or the head or a deputy head of the Proctors' Office separately has the power to impose a 'no contact instruction' as a precautionary measure (including if agreement cannot be reached about a 'no contact agreement' or if a 'no contact agreement' is breached) (see paragraph [5.31]). A no contact arrangement or instruction will generally be appropriate where there are relevant on-going criminal proceedings against the Subject or the Discloser/Reporter.

5. First Stage: Report and Formal Consideration by a Proctor

- 5.1 The formal consideration of a matter by a Proctor normally commences upon a Report being made to the Proctors' Office. However, the Proctors also have a power to impose immediate fines relating to behaviour after examinations and to impose precautionary measures.
- 5.2 Special arrangements apply to the following types of conduct, each of which is addressed in more detail under the relevant heading below in this part: (a) Reports of sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence; (b) Reports of Criminal Conduct. A risk assessment may be carried out by the University in appropriate or serious cases, particularly any allegation involving more than one Reporter or any case falling under the Criminal Conduct provisions.
- 5.3 This part has the following sub-headings:
- 1 *Reports;*
 - 2 *Decision whether to investigate;*

- 3 *Whether conduct occurs in a 'University Context';*
- 4 *Time limits;*
- 5 *Precautionary measures;*
- 6 *Criminal conduct;*
- 7 *Additional arrangements regarding sexual misconduct, harassment, bullying and violence;*
- 8 *Investigation by the Proctors' Office;*
- 9 *Agreed Determinations;*
- 10 *Behaviour after examinations.*

(1) Reports

- 5.4 A 'Report' should be made by submitting a Report Form ([available here](#)) to the Proctors' Office, either in person (to the Proctors' Office in the University Offices) or by email to: casework@proctors.ox.ac.uk. Exceptionally, the Proctors' Office may consider a Report that is made in another format where it is fair to do so. When submitting in person it is possible to arrange an appointment with a Proctors' Officer who can provide advice and help with the completion of the Report Form. The Proctors' Office will confirm receipt of the Report Form within 2 working days.
- 5.5 The Reporter should submit the Report Form as soon as possible. The Proctors' Office may decline to investigate a matter if it occurred more than six months previously: see the heading 'Time limits' below. All Reports will then be dealt with promptly. The Report should set out any time-critical factors and these will be considered for the purposes of next steps, including any precautionary measures (see [5.30] below).
- 5.6 A Report should be dealt with confidentially by all parties involved. As a general principle, details should not be revealed to third parties by the University unless there is a good reason to do so, such as:
 - 1 where this is necessary to carry out a fair investigation,
 - 2 to effect a precautionary measure or the outcome of a Referral,
 - 3 to protect members of the University community,
 - 4 for the purpose of taking legal or other specialist advice or to notify insurers;
 - 5 to comply with the University's legal obligations (including in relation to any referral to the Office of the Independent Adjudicator),
 - 6 where the University assesses that the welfare of any person requires that a disclosure cannot be kept in confidence (eg there are welfare concerns that

indicate a 'Risk of Serious Harm' in accordance with the University's [Confidentiality Guidance](#)),

- 7 the disclosure concerns a medical student or a PGCE student and there are Fitness to Practise / Fitness to Teach implications arising from the disclosure, and/or
- 8 Where a decision-maker decides that certain information should not be confidential having heard submissions (see [8.6] below).

In particular, save for the circumstances identified at point 6 above, or in other exceptional circumstances the wishes of a Discloser as to whether a matter should be reported to the police will be respected. See further the paragraphs on 'Criminal Conduct' at [5.36] below.

5.7 During the course of an investigation and subsequently, information will need to be shared within the University as necessary including for the purposes of the investigation, to effect precautionary measures and/or outcomes and for welfare purposes. In particular, this will include the following:

- 1 At the outset, the Reporter's identity and the Report will usually be disclosed to the Subject (see paragraph [5.111] below).
- 2 The Subject's college (or department where the Subject does not have a college) will be informed that a Report has been made against them and a summary of the allegations will be provided. If appropriate, the same information may be provided to the Subject's department. The college and department (where appropriate) will continue to be updated during the course of this procedure at the points identified below. It will always be appropriate for the department to be updated, often in detail, for medical and PGCE students (due to Fitness to Practise and Fitness to Teach considerations) and this will also be the case for other students whose department needs to be made aware, although less detail may need to be shared in such cases (eg to support students or other members of the department and/or because there are other practical implications for the department (eg, because of measures within a no contact agreement or instruction)).

5.8 As a general guide, where issues or misconduct arise in a college, students should raise concerns through their college. Students should raise any issue which arises outside of their college, eg in their department or in the course of a University activity, through a Report. See below at [5.16] as to how colleges and the University address the division of such issues between them.

5.9 Regarding Reports by third parties, staff members and anonymous reports:

- 1 The Proctors' Office may accept Reports made by a third party on a Reporter's behalf where the Reporter consents, and there are good reasons to do so (for example reports made by specialist sexual violence support services). The Proctors' Office Caseworker will need to see evidence that the Reporter consents

to both the third party making the Report on their behalf and to the contents of that Report. The Proctors' Office Caseworker will also need to be satisfied that the Reporter understands their role as a Reporter under this procedure, including that all future correspondence will normally need to be with the Reporter directly;

- 2 Where the Proctors' Office receives a report from a staff member, they will discuss the matter with the University's HR Department (with the Reporter's consent) and may make any changes to this procedure that are appropriate in light of the Reporter's employment by the University; and,
- 3 Anonymous reports will only be considered under this procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action because of the need to allow the Subject to respond to the Report.

5.10 Reports about medical students and PGCE students may be subject to preliminary consideration by the relevant department under Fitness to Practise / Fitness to Teach procedures (whether or not a formal referral is made to the department, and before the outcome of this procedure being finalised). The department may impose precautionary measures pending the outcome of an investigation.

5.11 As soon as possible after a Report is made, the Proctors' Office will write to both the Reporter and the Subject:

- 1 in the case of the Subject, explaining that the Report has been made and providing a copy or summary of the Report;
- 2 explaining that the matter will be considered under this procedure and providing a link to it;
- 3 emphasising the need for confidentiality, and specifying who may be spoken to about the Report. This is likely to include:
 - a) any person providing professional support,
 - b) the person's immediate family and/or a close friend in confidence,
 - c) individuals who they intend to name as witnesses, but emphasising that such conversations should only be for the purpose of discussing the potential witnesses' involvement and should be careful not to appear to amount to collusion (or fabricating an untrue account). This means that Reporters and Subjects may discuss what the witness might say and provide them with any necessary background for the questions asked, but should not attempt to influence their account in any way. The investigator (see paragraph [5.50]) will gather evidence during the course of the investigation and the Reporter and Subject do not need to provide this except in the rare circumstances described at [6.23] where the

Subject wishes to present additional evidence after the Referral has been made,

all of whom must be reminded of the confidentiality of this procedure and shown a copy of it. A failure to comply with the requirements relating to confidentiality is likely to be treated seriously and as a breach of the Code of Discipline;

- 4 Explaining the support which the University and others will provide;
- 5 Making clear that adjustments may be made for academic work, including extensions, whilst the process is on-going. The letter will state that the Proctors' Office is able to assist a Reporter or Subject with securing such adjustments, which may also be arranged through the college or department.

(2) Decision whether to investigate

- 5.12 Upon receipt of a Report, a Proctors' Office Caseworker (a "**Caseworker**"), will decide whether or not to investigate. The Caseworker will normally inform the Reporter and the Subject of this decision within one week of receipt of the Report. In order to make this decision, the Caseworker may make some preliminary enquiries.
- 5.13 If the Caseworker decides to investigate, they will usually send the Subject a letter which:
(a) identifies the parts of the Code of Discipline the Subject is alleged to have breached; and
(b) explains what, factually, the Subject is alleged to have done (ie what alleged conduct will be investigated). It will normally be appropriate for the Subject to be informed of the identity of the Reporter in this letter, save for example where it is necessary to withhold this information to protect the integrity of the investigation. The Caseworker will also inform the Subject's college that an investigation is to take place and will inform the department where appropriate (see paragraph [5.7]).
- 5.14 A Reporter who is a student who is dissatisfied with a decision not to investigate has the option to make a complaint as described at paragraph [3.11].
- 5.15 The Proctors' Office will generally not investigate a Report about matters which did not occur in the University Context (see [5.23] below), or where a Report relates to conduct which occurred more than six months previously (see [5.27] below). There are exceptions which are identified under the relevant headings below. The Proctors' Office will also not investigate a Report which the Caseworker considers to be frivolous and/or vexatious.
- 5.16 The University is able to take disciplinary action in relation to any conduct taking place on college premises because this falls within the definition of 'University Context' (see below). However, normally only one of the University or a college will take action, to avoid wasting resources and reaching conflicting decisions. As set out at [5.8] above, students should raise issues which relate to their college with their college, and issues which more appropriately relate to the University through a Report. A matter will usually be more closely connected with a college, for example, if the students involved are all at that college. By contrast, where the Reporter and Subject are at different colleges, it will usually be more appropriate for the University to consider the matter. The colleges and

University are separate entities and have separate codes of discipline and separate contractual and non-contractual relationships with students. The body with whom the issues are raised will therefore decide whether or not to proceed to take action under its own procedures. If the other entity is better placed to carry out an investigation, then, where this is agreed between the Proctors' Office and the college, a matter may be referred by the University to a college or by a college to the University. In circumstances in which a Report is made to both the University and a college, the Proctors' Office and the college will decide how to proceed.

- 5.17 The Reporter and the Subject will normally be consulted by the Proctors' Office before a decision is made as to whether the University or college should take the matter forward.
- 5.18 The Proctors' Office will accordingly not usually investigate a Report in the following instances (but retains a discretion to do so in appropriate circumstances):
 - 1 where another body is better placed to investigate (ie a college);
 - 2 where there are ongoing and active criminal, regulatory or other proceedings in relation to the same matter (see in particular the heading 'Criminal Conduct' below); and/or,
 - 3 where the Subject has left the University (including if they have graduated, completed and/or withdrawn from their course at the University – see paragraph [\[3.8\]](#) above).
- 5.19 The Proctors' Office will also not usually investigate conduct which has previously been the subject of a disciplinary outcome (of any kind, whether at college level or one determined by the SDP/SAP). However, this may be appropriate if new evidence emerges which was unavailable at the relevant time. In deciding whether to 're-open' a previously decided matter, a Caseworker should consider: (a) whether the outcome of the first process has been called into question, and if so why; (b) the length of time that has elapsed, and the effect of this on the reliability of any evidence to be considered and the fairness of a second procedure; (c) the severity of the alleged breach of the Code of Discipline; (d) the impact on the students of undergoing a second disciplinary process; (e) whether the Subject has Fitness to Practise or Fitness to Teach obligations.
- 5.20 When deciding whether it is appropriate to investigate any Report, a Caseworker will consider all the relevant circumstances including:
 - 1 whether the Report has been or may be determined by an external body (such as a college or a court), or under a different University procedure, and the relevant standard of proof in that procedure;
 - 2 whether it is proportionate to investigate having regard to factors including the cost to the University, the nature and/or seriousness of the Report and/or the available remedies (this may be particularly relevant for reports against former students or those who have completed their course at the University); and,

- 3 whether the student is on a course resulting in a professional qualification where the alleged misconduct may be of particular relevance.

- 5.21 If a Caseworker decides to investigate, the Subject should be given an opportunity to accept the breach(es) and receive a clear explanation of the implications of acceptance. That opportunity and explanation should normally be given before the investigation begins, or if that is not appropriate, as soon as possible after the start of the investigation. The Caseworker may if appropriate indicate a proposed penalty, which must be approved by a Proctor, in respect of such alleged conduct. A Subject may accept both the breaches and the proposed penalty, or accept only the breaches. If the Subject accepts only the breaches, the Caseworker will consider the extent to which the matter requires investigation for the purpose of establishing the appropriate penalty, and once any investigation has taken place, may refer the matter to a PDH or the SDP for consideration of the appropriate penalty. If the Subject accepts both the alleged breaches and proposed penalty, an Agreed Determination may be made at this stage (see paragraph [5.75] below) without an investigation taking place. The penalties available under an Agreed Determination do not include the Subject being expelled, suspended from the University for more than a year, or deprived of their degree.
- 5.22 In some circumstances it may be possible to meet a Reporter's expectations as to an outcome of a Report without conducting a formal investigation. For example, a Proctor may impose a 'no contact instruction' (as a 'precautionary measure': see paragraph [5.30] below) or come to an alternative voluntary arrangement between the Reporter and Subject. If the Reporter and Subject agree, and a Proctor considers it appropriate, a Report may be resolved in this way.

(3) Whether conduct occurs in a 'University Context'

- 5.23 The University will only investigate an alleged breach of the Code of Discipline if the conduct complained of occurred in a 'University Context', as described in these paragraphs. Conduct occurs in a 'University Context' if it takes place on a University or college premises, or in the course of University activity within or outside Oxford (whether academic, sporting, social, cultural, or otherwise) (see section 1(1)(g) of Statute XI).
- 5.24 A university or college premises will normally mean a premises owned by or under the day-to-day control of the University and/or college, including accommodation for students.
- 5.25 An activity is a "University activity" if it has a sufficient connection to the University and its activities, having regard to the nature of the activity, who was present, where it took place, and any relevant circumstances. By way of further guidance:
 - 1 Any activity that has been formally organised by a department or required for a student's course will be within a University Context, whether it occurs in Oxford or elsewhere. Informal or unofficial activities during such formal trips will not normally be a University activity but may be in exceptional circumstances having regard to the sufficient connection test referred to above;

- 2 Activity which occurs purely in the context of the student as a private individual, even if within Oxford, does not normally take place in a University Context;
- 3 Conduct that occurs during the activities of a club registered with the Proctors will usually occur within a University Context; and,
- 4 The fact that activity occurs online or through electronic communications (for example, through email or social media) does not mean that conduct is not in a University Context, and any communications passing through the University or a college's network or using University or college resources (such as email addresses or university provided Wi-Fi) will occur in a University Context. However, this does not mean that it will be appropriate for the University to investigate any and all issues raised by students regarding communications passing through the University or a college's network or using University or college resources.

The main exception to the requirement that conduct occurs in a 'University Context' is that the University reserves the right to take disciplinary action against a student where they have been convicted of a Specified Criminal Offence. A Specified Criminal Offence is one in respect of which a sentence of imprisonment is available for the offence in question (whether immediate or suspended): see the Code of Discipline set out above. This requirement applies to Specified Criminal Offences anywhere in the world, in accordance with the applicable sentences available in the country in question, however such a conviction is not a breach of the Code of Discipline if the behaviour giving rise to the conviction is not an offence under English law.

- 5.26 Additionally, the University may take action for breaches of the Code of Discipline outside of the 'University Context' where the most exceptional of circumstances apply. Examples of such exceptional circumstances include the following: (a) a student is alleged to have joined a terrorist organisation; (b) a student is alleged to have engaged in conduct which is not a criminal offence in the place in which it is committed (for technical reasons or otherwise) but which would be an offence of the most serious kind if the conduct had occurred in the UK.

(4) Time limits

- 5.27 The University will generally only take action in respect of a breach of the Code of Discipline in circumstances where the conduct complained of occurred within a six-month period before the date of the Report to the Proctors' Office. Where the conduct complained of is a course of conduct, the question is whether the last relevant act occurred within that six-month period.
- 5.28 However, the University will take action in respect of a Report even if the Report is not made within that six-month period if the Caseworker decides that there are good reasons for the delay in the Report being made or there is a strong interest in the investigation proceeding regardless of the delay in the Report being made. The University's view is that in cases of Reports of sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence, it is more likely that there will be a good reason for the

delay in making a Report. Examples of a 'good reason' for a delay in making a Report include:

- 1 Where a student has suffered from a mental illness or another disability which has adversely affected their ability to make a Report;
- 2 Where the Reporter had a legitimate fear of the consequences of making a Report, including any fear of reprisal.

5.29 In cases where the nature and details of the alleged breach of the Code of Discipline suggest that there may be a risk to the wellbeing of members of the University community, there may be a strong interest in the investigation proceeding even if there is no good reason for the delay in the Report being made.

(5) Precautionary measures

5.30 The University's first priority when a Report is made is to seek to protect the welfare of all involved. Accordingly, the Proctors' Office will give early consideration to putting in place 'precautionary measures' in all cases, but particularly in any case involving sexual misconduct or violence.

5.31 A Proctor or the head or a deputy head of the Proctors' Office may at any time impose a "**precautionary measure**" where there are reasonable grounds for the imposition of such measures, regardless of whether a Report has been made or not. Precautionary measures are usually (but may not be) temporary and imposed (a) where a Reporter and Subject cannot agree on a no contact agreement or a no contact agreement has been breached (see paragraph [4.9]) or (b) pending the outcome of a Report or Referral; or (c) pending the outcome of any criminal proceedings against the Subject or the Reporter.¹⁰ Precautionary measures may include:

- 1 a no contact instruction between the Subject and the Reporter (or other persons);
- 2 a ban from, or time constraints for, accessing particular University buildings or services or from engaging in particular activities;
- 3 recommending a ban from, or time constraints for, accessing particular college buildings or services (subject to endorsement by the relevant college);
- 4 alternative teaching arrangements;
- 5 moving either the Reporter or Subject to alternative University accommodation;
- 6 a requirement that the Subject work remotely and not physically be present in Oxford; and/or,
- 7 where no other option is appropriate, a temporary suspension of studies.

5.32 Precautionary measures do not indicate any finding of misconduct. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned or other members of the University from an identified risk, or to

¹⁰ Section 25(1) of Statute XI states: "*The Proctors shall have the power to impose 'precautionary measures' on any student member or members where there are reasonable grounds for the imposition of such measures, in accordance with the Disciplinary Procedure. Any precautionary measure which relates to college premises or facilities shall be subject to endorsement by the relevant college.*"

protect an investigation under this procedure, and should take into account safeguarding considerations where relevant.

- 5.33 Precautionary measures are particularly likely to be appropriate in cases involving a possible 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 serious disruption to University activities.
- 5.34 Additionally, the senior responsible owner and/or head of department in charge of any land, building, facility or services provided by or on behalf of the University may ban a student from the same for up to 21 days if that person has reasonable grounds to believe that the student has caused or is likely or threatens to cause damage to property or harm to other users.¹¹ Such a decision is also a 'precautionary measure'.
- 5.35 Precautionary measures can be appealed to the SAP following the procedure at part [7]. The SAP's decision as to whether a precautionary measure should be maintained shall be made as a procedural order (see the 'General Provisions' part below at [8.3]).

(6) Criminal Conduct

- 5.36 Subject to the considerations outlined above, the University will usually investigate all Reports of misconduct, including alleged criminal conduct. There are, however, special considerations relating to criminal conduct because of the risk that an investigation by the University might prejudice a criminal investigation, as set out below.
- 5.37 The appropriate precautionary measures in cases involving alleged criminal conduct will take into account any bail conditions and may include a no contact instruction, bans or the suspension of the Subject.
- 5.38 If a matter has been reported to the police, and/or there is an ongoing and active criminal investigation, the University will usually not carry out an investigation into a Report unless there are strong reasons for doing so and the police give consent. Circumstances which may be relevant can include: (a) the seriousness of the conduct complained about, (b) the practicality of carrying out an investigation including the length of time since the matters complained about, (c) the risk of prejudicing any future criminal investigation, and (d) the potential impact on the Subject. The reason that an investigation by the University risks prejudicing any criminal investigation is that a University investigation will necessarily entail gathering evidence, but without the protections and standards which apply to criminal investigations by the police.

¹¹ Section 25(3) of Statute XI states: "*The senior responsible owner and/or head of department in charge of any land or building of the University, or of any facilities or services provided by or on behalf of the University, if they have reasonable grounds to believe that the student member who has the use of or access to the land, building, facilities, or services in question has caused or is likely or threatens to cause damage to property or harm to other users, may as a precautionary measure pending action under the Student Disciplinary Procedures ban that student member from the land, building, facilities, or services in question for up to twenty one days.*"

5.39 It is important to emphasise in this context what a University investigation under this procedure does, and what it cannot do. In particular, an investigation and proceedings under this procedure:

- 1 will determine whether the Code of Discipline has been breached through an impartial procedure which weighs the relevant evidence;
- 2 may entail precautionary measures being put in place (although protective measures can also be put in place without an investigation (see paragraph [4.9]);
- 3 will only consider matters which occur in a 'University Context' (see paragraph [5.23] onwards above);
- 4 may entail the imposition of the limited range of penalties which the University is able to impose, the most serious of which is expulsion from the University.

5.40 However, an investigation and proceedings under this procedure cannot:

- 1 decide whether a crime has been committed;
- 2 consider certain types of evidence which require specialist expertise, such as forensic evidence;
- 3 impose penalties available in the criminal justice system such as imprisonment, or take any other measures other than those available under this procedure which might have the effect of protecting the public;
- 4 consider behaviour which does not arise in the 'University Context' (except for the exemptions described at [5.25] and [5.26] above).

5.41 Accordingly, against that background, a Discloser may need to decide before making a Report whether they wish the matter to be considered by the police and the Courts, or whether the Discloser prefers that the University investigate the matter. The University will support a Discloser in any decision they take, and will provide practical and substantive support through the [Student Welfare and Support Services](#) and/or the [Oxford SU Student Advice Service](#), and appropriate specialist Caseworkers in the Proctors' Office. The University will only refer a matter to the police against the wishes of a Discloser where the University considers there is a 'Risk of Serious Harm' in accordance with the University's [Confidentiality Guidance](#) (for example, where there are safeguarding concerns around under 18s) or in other exceptional circumstances.

5.42 If a matter is reported to the police, that does not mean that no action will be taken by the University. First, precautionary measures may be taken. Second, even if a Caseworker is unable to investigate particular conduct as a result of this guidance, they may be able to investigate other conduct arising from the same events and they will always consider doing so where this possibility arises. Third, a Caseworker may, taking into account the risk to students and other members of the University, decide to seek permission from the police to investigate in parallel to the criminal proceedings. Fourth, the University may investigate the matter at the conclusion of any criminal proceedings, in particular if:

- 1 the police decide to take no further action; or
- 2 the Crown Prosecution Service (CPS) decides not to prosecute.

5.43 Section 5(1)(f) of Statute XI sets out the requirement for students to inform the Proctors if they have been arrested, charged, face trial or have been sentenced in relation to a Specified Criminal Offence, where the behaviour is also a criminal offence under English law. This provision allows the University to take the following measures:

- 1 to ensure that the student receives appropriate welfare support. to carry out a risk assessment to determine whether the student's conduct (or alleged conduct) gives rise to risks to other members of the University which should be appropriately managed. This is likely to be most appropriate in cases involving sexual offences.
- 2 in the most serious cases, to consider whether the conduct merits disciplinary action. If so, a referral may be made to the SDP. This is likely to be most appropriate in cases where a student is sentenced to six months imprisonment or more in circumstances where an English court could have imposed a similar or more severe sentence, or at an earlier stage in proceedings where such an outcome appears very likely to occur.

5.44 If a student has been convicted of a Specified Criminal Offence the Proctor will include in any Referral to the SDP a certificate of conviction or other official document confirming the conviction, and the Proctor will set out details of the date of the conviction, the offences of which the student was convicted, the court in which the conviction occurred, and the sentence imposed in respect of the conviction.

(7) Additional arrangements for sexual misconduct, harassment, bullying and violence cases

5.45 In cases involving alleged sexual misconduct, harassment, bullying or conduct involving violence or a threat of violence, the guidance under the heading 'criminal conduct' may be applicable, and the following additional considerations and arrangements may be necessary and will be considered. The meaning of the relevant terms is addressed in the Code of Discipline, discussed above at paragraphs [2.4].

5.46 The following principles will apply to such cases:

- 1 All those involved in these procedures must bear in mind that, while decision-making will always involve an objective element [see paragraph [2.3]], a Reporter's perception of the behaviour in question is also significant, and that behaviour does not have to be directed against a person or intended to have a particular effect for it to constitute a breach of the Code of Discipline;
- 2 When considering allegations of harassment, the University applies a "rebuttable presumption" against findings of harassment in relation to academic content. This means that the decision-maker will assume that the exposure of students to course materials, and statements made and views expressed by a person as part of teaching, research or discussions about any subject matter that is connected

with course content, are unlikely to constitute harassment, unless it is otherwise demonstrated that these matters do in fact amount to harassment;

- 3 Such cases may be dealt with by a Caseworker or an external investigator (who will interview the Reporter and Subject). In either case, the Caseworker in the Proctors' Office will keep the Reporter and Subject informed on the progress of the investigation;
 - 4 It should not be presumed that a delay in reporting a matter (or a reluctance to report the matter to the police) undermines the veracity of the Report. As set out at paragraph [5.28] above, it is more likely that the six-month time limit will be extended in these types of cases;
 - 5 While the investigator (see paragraph [5.50]) will provide the subject with the usual warning (set out at paragraph [5.56] below) it would not usually be appropriate to draw negative inferences from a Subject choosing not to answer questions in cases where the conduct complained of could constitute a criminal offence;
 - 6 Reporters and Subjects can access support from the [Sexual Harassment and Violence Support Service](#), [Student Welfare and Support Services](#), and/or the [Oxford SU Student Advice Service](#).
- 5.47 In circumstances where the allegations involve assertions that the Reporter or Reported student was isolated and/or socially ostracised within a community, decision-makers will consider whether such behaviour amounts to harassment under the University's definition, or to another breach of the Code of Discipline.
- 5.48 In circumstances where the alleged behaviour appears likely to amount to domestic abuse¹², including controlling or coercive behaviour, the Proctors' Office and any university staff providing support to the reporter shall refer the reporter to specialist internal support services.
- 5.49 The following guidance is applicable to cases of sexual misconduct (which is defined a "unwanted conduct of a sexual nature", where "unwanted" means that the conduct is not consented to and the Subject does not have a reasonable belief that consent has been given) (section 5(4) of Statute XI and paragraph [2.6]):
- 1 A person consents if they agree by choice, and have the freedom and capacity to make that choice. In deciding whether a person has consented for this purpose three questions must be addressed, and where the answer to any of those questions is 'no', that means the person has not consented;
 - 2 The first question is whether a Reporter had the capacity to make a choice about whether or not to take part in the sexual activity. "**Capacity**" means the ability to make a decision and communicate that decision, and it includes the ability to use and understand information in making decisions. A person may lack that capacity due (for example) to the influence of drink, drugs, age or disability. A person

¹² "Domestic abuse" is defined in the Domestic Abuse Act 2021

does not need to be unconscious through drink to lose their capacity to consent, as that capacity may be lost before that point. However, the fact that drink or drugs may cause a person to be disinhibited and to behave differently does not entail a lack of capacity, even if a person consents to something they would not otherwise have consented to and which they later regret. A person may consent whilst under the influence of drink or drugs so long as they still have capacity. The focus is on the Reporter's state of mind at the relevant time;

- 3 The second question is whether the Reporter was in a position to make a choice freely and without constraint in all the circumstances. Consent covers a range of behaviour, but a person does not consent if in reality they could not refuse;
- 4 The third question is whether the Reporter did, in fact, consent to the sexual activity. A Reporter will not have consented to the act if the Reporter was intentionally deceived by the Subject as to the nature or the purpose of the sexual act in question, or if the Subject intentionally induced the Reporter to consent by the impersonation of a person known personally to the Reporter. It will be presumed that there was no consent (unless the Subject shows otherwise) if the following circumstances apply and the Subject knows those circumstances existed:
 - a) any person was, at the time of the relevant act or immediately before it began, using violence against the Reporter or causing the Reporter to fear that immediate violence would be used against them;
 - b) any person was, at the time of the relevant act or immediately before it began, causing the Reporter to fear that violence was being used, or that immediate violence would be used, against another person;
 - c) the Reporter was, and the Subject was not, unlawfully detained at the time of the relevant act;
 - d) the Reporter was asleep or otherwise unconscious at the time of the relevant act;
 - e) because of the Reporter's physical disability, the Reporter would not have been able at the time of the relevant act to communicate to the Subject whether the Reporter consented;
 - f) any person had administered to or caused to be taken by the Reporter, without the Reporter's consent, a substance which, having regard to when it was administered or taken, was capable of causing or enabling the Reporter to be stupefied or overpowered at the time of the relevant act.
- 5 In considering the three questions identified in this guidance, the following principles apply: (a) a lack of recollection of events is not of itself determinative of the question of capacity or consent; and (b) it is not determinative that a Reporter did not explicitly communicate consent or a lack of consent.

- 6 The question of whether a belief in consent is reasonable is to be determined having regard to all the circumstances, including any steps the Subject has taken to ascertain whether the Reporter consents.

(8) Investigation by the Proctors' Office

- 5.50 The investigation of the Report will be carried out by a Caseworker or an appointed external investigator. That person will be referred to as the “**Investigator**”. The Investigator will, where appropriate, have relevant qualifications, experience and training for the type of investigation allocated.
- 5.51 The investigation will be carried out as quickly as reasonably possible. The Investigator should conduct the investigation in accordance with the general principles set out in part [3] including the ‘Core Principle’, which includes dealing with Reports fairly and justly (which includes so far as practicable: (a) dealing with matters expeditiously; (b) avoiding unnecessary formality; (c) dealing with cases in ways which are proportionate to the complexity and seriousness of the matter). The cases to be investigated will be very diverse and will include minor matters which can appropriately be dealt with quickly and more informally and much more serious, complex cases which require a much more detailed investigation.
- 5.52 The Investigator may take any step to investigate and to assemble relevant evidence. This may include interviewing the Reporter and interviewing the Subject at an early stage, as well as interviewing any witnesses. A Proctor and any person designated by a Proctor (which includes all Investigators) has the power to summon any member of the University to assist an Investigator in their investigation (section 14 of Statute XI).
- 5.53 Where there is more than one Reporter and/or more than one Subject the University will seek to deal with the case consistently and fairly. Such Reports against Subject(s) may be investigated together or separately.
- 5.54 A Subject will (except in urgent cases) be given at least two working days’ notice of an interview, and details of the meeting including the time and date of the meeting.
- 5.55 Written notes will be taken during interviews with any witnesses. The person interviewed will be sent a copy of the notes and will be invited to agree them or to provide comments if they are not agreed.
- 5.56 Before interviewing a Subject the Investigator will explain:
 - 1 That the Subject does not have to answer any questions, but that any responses or documents provided may be used by the Proctor in evidence against the Subject;
 - 2 That, if the reported conduct could constitute a criminal offence, the police might be able to obtain any records from the disciplinary process in a future investigation; and

- 3 That if the Subject refuses to answer questions this may be taken into account at a subsequent disciplinary hearing into disciplinary allegations. The Investigator should not normally at this stage explain the exception relating to sexual misconduct, harassment and violence identified at paragraph [5.45] as this is a matter for the decision-maker to consider.
- 5.57 The explanation set out in the previous paragraph should also be provided to any person who, in the Investigator's opinion, appears likely to have committed a breach of the Code of Discipline, whether as a result of matters disclosed during the interview or otherwise.
 - 5.58 Anyone being interviewed under this procedure may be accompanied for support by another person who is a student, a member of the University or a college, or who is Oxford University Student Union staff, but one working day's notice should be given to the Proctors' Office in advance of such a person attending an interview.
 - 5.59 Once the Reporter and Subject have been interviewed and have reviewed the notes of their own interviews, the Reporter's account of the facts will usually be shared with the Subject, and the Subject's account shared with the Reporter, so that they each have an opportunity to comment on the other's account. This may be done by sharing the notes of their interview, or by an Investigator sharing a summary of parts of that interview. Confidential information which is not about the disputed facts may be redacted or withheld. Where appropriate, a Reporter or Subject may be warned in advance if the notes contain sensitive or potentially upsetting or traumatic evidence.
 - 5.60 If the Reporter withdraws the Report at any time the Caseworker may decide to continue the investigation if it is appropriate and fair to do so.
 - 5.61 Upon the completion of the investigation, the Investigator will present a Proctor with a written account of the investigation which, depending on the nature of the case, may be in the form of short case summary (one or two pages long) or a more detailed investigation report (that written account is referred to in this procedure as the "**Investigation Report**"). The Investigation Report will:
 - 1 Set out the details of the Report and matters investigated;
 - 2 Summarise the evidence gathered, append all copies of the relevant evidence (including notes of interviews and any documents), and set out the steps taken by the Investigator in the investigation;
 - 3 Provide an analysis of whether there is a case to answer in respect of a breach of the Code of Discipline in the light of the available evidence;
 - 4 Provide an analysis of the potentially appropriate range of penalties which might be issued if a PDH or the SDP upheld the allegations in respect of which there is a case to answer; and,
 - 5 Be in a form that is self-contained and may serve as the explanation of the case which the Subject has to address at any PDH or SDP hearing.

(9) Proctor's decision

5.62 The Proctor will review the Investigation Report and decide whether there are reasonable grounds for believing that the Code of Discipline has been breached, and whether it is fair, just and reasonable to proceed with disciplinary action by referring the matter for a disciplinary hearing. This includes considering whether:

- 1 It is appropriate to take disciplinary action if the disciplinary concern is related to a Subject's disability (and accordingly whether any reasonable adjustment is required as to whether the matter is referred at all or in relation to any applicable penalty); and/or
- 2 Whether a referral to a Fitness to Study process is more appropriate if they have reasonable grounds for believing that a Subject is suffering from a serious problem arising from ill health which impedes or is likely to impede their ability to have their conduct fairly considered under this procedure (noting that that Fitness to Study process can also lead to a student being suspended or expelled if they are found not to be fit to study).

5.63 The Proctor's decision will be one of the following two options:

- 1 The Report is to be referred to a hearing; or,
- 2 No further action will be taken (either pending the outcome of another process (eg Fitness to Study) or permanently).

5.64 The Proctor will communicate the decision in a "**Referral Decision Letter**", separate versions of which will be sent to the Subject and the Reporter. A Referral Decision Letter will set out the decision, include brief reasons and sources of support and advice and will emphasise that the decision is confidential. The Proctor will also communicate the decision to the Subject's college and where appropriate the Subject's department (see paragraph [5.7]). Further details of the contents of the Referral Decision Letter are described below.

5.65 If the decision is to take no further action, and the Reporter is a student, the Referral Decision Letter to the Reporter will explain if the University is going to take any other steps as a result of the Report (for example, reviewing its procedures). A Reporter who is dissatisfied with the way this procedure has been followed has the option of making a complaint as described at paragraph [3.11].

5.66 If the Report is to be referred for a hearing, the Referral Decision Letter to the Subject will explain what, in the Proctor's view, is the appropriate penalty for the conduct identified by the investigation to date. The Referral Decision Letter will also identify which group of indicative penalties set out in Appendix A the Proctor believes the conduct identified by the Referral Decision Letter should attract. This information will not be shared with the SDP.

5.67 The category of penalty identified in the Referral Decision Letter will determine whether the Subject is offered the choice of having the matter dealt with by way of a PDH (where

the same Proctor considers the matter). In general terms, cases in which a more severe penalty may be imposed will only be heard by the SDP, but where a less severe penalty may be imposed the Subject will be offered the choice of instead having the matter heard by a PDH. Specifically:

- 1 A PDH will be offered in a Referral Decision Letter where the Referral Decision Letter identifies the appropriate penalty as being one falling into Category 1 or Category 2 of the penalties described in Appendix A to this procedure;
- 2 A PDH will not be offered in a Referral Decision Letter, and the Referral will be heard by the SDP, in cases where the Referral Decision Letter identifies the appropriate penalty as being one falling into Category 3 or Category 4 of the penalties described in Appendix A.

5.68 If the Subject is offered a PDH, the student must reply within one week to confirm whether they agree to the Referral being dealt with by way of a PDH. The Subject must agree in writing if the matter is to be heard by a PDH. If the Subject does not provide that written agreement by the deadline the matter will be referred to the SDP.

5.69 The Referral Decision Letter to the Reporter as referred to in [5.64] will set out:

- 1 The acts or omissions which are alleged to constitute a breach of the Code of Discipline, including details of the dates on which the breaches occurred, and where relevant the time and/or place of such breach(es) and/or the name of any person and/or details of any property alleged to have been affected; and,
- 2 The provisions of the Code of Discipline which are alleged to have been breached as a result.
- 3 a link to this procedure and relevant sources of support.

5.70 The Referral Decision Letter to the Subject will also:

- 1 Explain the powers of a Proctor at a PDH (if relevant) including the penalties available and the right of appeal;
- 2 Explain the alternative procedures of referral to the SDP, the penalties available, including information about the possibility of withdrawal of funding (see [6.37]), and the right of appeal;
- 3 What, in the Proctor's view, is the appropriate penalty for the conduct identified by the investigation to date and the relevant group of indicative penalties (see Appendix A);
- 4 Offer an 'Agreed Determination' (if available taking into account the relevant penalty that might be imposed; see below), and explain to the Subject what the Agreed Determination process entails and what its consequences are, including any impact on funding (which the Proctors' Office will confirm with Student Fees and Funding);
- 5 Enclose a copy of this procedure and a copy of the Investigation Report; and

- 6 Enclose a copy of any evidence which the Proctor considers to be relevant to penalty only which may be submitted to the SDP or PDH on the question of penalty in due course (see paragraph [5.73]).
- 5.71 The Referral Decision Letter to the Reporter will normally include a copy of the Investigation Report with appropriate redactions (eg information which is not relevant to the disputed facts and/or which is confidential to the Subject, such as mitigating factors).
- 5.72 Unless there is good reason to delay, the Proctor will make the formal Referral of the case to the SDP or a PDH within two working days of either:
- 1 The date of the Referral Decision Letter where the decision was to refer to the SDP; or
 - 2 Where a Subject has been offered a choice of having the matter heard by the SDP or by a PDH, within two working days of the student providing consent in writing for a PDH; or
 - 3 Where a Subject has been offered a choice of having the matter heard by a PDH but has not consented to a PDH within the one-week timeframe for doing so.
- 5.73 The Referral to the SDP will enclose the Investigation Report and any other relevant documents (eg subsequent correspondence), save where the Proctor and the Subject agree that a document or part of the Investigation Report is irrelevant and should not be provided. The Proctor's proposed penalty should not be included in the Referral. Any information relating to previous college or University disciplinary findings relating to the Subject or a Subject's criminal record should usually be redacted from or not included in the Referral documents on the basis that it may be prejudicial in relation to the question of whether the breaches alleged in the Referral are well-founded, but should be shared with the Subject in the Referral Decision letter (see paragraph [5.70]). This information may be shared with a PDH or SDP when considering the question of penalty (see paragraph [6.33]). However, where such information demonstrates a propensity to particular conduct it may be included in the Referral on that basis.
- 5.74 A Reporter who is a student and is dissatisfied with the way this procedure has been followed has the option of making a complaint (see paragraph [3.11]).

(10) Agreed Determinations

- 5.75 The Subject may choose in response to the Referral Decision Letter to admit the facts and breaches identified in the Report and accept the proposed penalty, in which case, any Referral to a PDH or the SDP will cease, and the penalty will take effect. This is an **"Agreed Determination"**. In such a case, the Proctors' Office will inform the Subject's college about the Agreed Determination and the associated penalty, and where appropriate the Subject's department (see paragraph [5.7]). The penalties available under an Agreed Determination do not include the Subject being expelled, suspended from the University for more than a year, or deprived of their degree: a hearing before the SDP is always required to impose those penalties.

5.76 Following any Agreed Determination, the Proctor will send an “**Agreed Determination Letter**” to the Reporter and the Subject. The Proctor will emphasise that the decision is confidential.

5.77 The Agreed Determination Letter to the Subject will state:

- 1 the Subject’s admitted breaches of the Code of Discipline;
- 2 the penalty, including any impact on funding;
- 3 sources of support and advice, including in relation to any welfare matter or academic adjustments or mitigations that may be relevant.

5.78 The Agreed Determination Letter to the Reporter will set out:

- 1 the Subject’s admitted breaches of the Code of Discipline;
- 2 details of any penalty imposed, but will not include information which is not about the disputed facts and which is confidential to the Subject;
- 3 any further information relevant to the Reporter where this is considered appropriate, including explaining if the University is going to take any other steps as a result of the Report (for example, reviewing its procedures); and
- 4 sources of support and advice, as appropriate.

(11) Behaviour after examinations

5.79 A Proctor (or a member of University staff authorised by a Proctor, a ‘Proctors’ Officer’) has the power under section 21 of Statute XI to issue an immediate fine of up to £300 to a student for breach of the requirements relating to behaviour after examinations in the Regulations of the Rules Committee¹³ (see paragraph [2.6]). A Proctor or Proctors’ Officer must have reasonable grounds for believing that a student has breached those requirements in order to impose an immediate fine.

5.80 A Proctor or a Proctors’ Officer issuing such a fine must provide written notice of the fine to the student. That written notice must: (a) state the reason for the imposition of the fine; (b) state the amount of the fine; and (c) provide information about how that fine may be appealed.

5.81 The Proctor or Proctors’ Officer can issue an immediate fine for behaviour after examinations without the need for an investigation or hearing. An immediate fine is payable to the Proctors’ Office within two working days of being issued. The consequences of non-payment are set out at paragraph [8.23].

5.82 An immediate fine may be appealed to the SAP following the procedure set out in part [7], but only if the appeal to the SAP is made within seven days of the date of the written

¹³ [Rules Committee Regulations 1 of 2017](#)

notice. The SAP may suspend the payment of an immediate fine pending the outcome of the appeal if the student requests this.

6. Second Stage: The Hearing

Overview

- 6.1 The hearing of a disciplinary case will either be by a Proctors' Disciplinary Hearing ("PDH"), where the Proctor who receives the investigation report and decides whether or not it should be referred for disciplinary action also hears the matter, or by the Student Disciplinary Panel ("SDP"), as explained at paragraph [5.67] above. A Subject has to agree to the matter being heard by a PDH, otherwise the matter is referred to the SDP. The process for a PDH is explained first before the process relating to the SDP.

Proctors' Disciplinary Hearing

- 6.2 If a Referral is made to a PDH, the Proctors' Office will notify the Subject (and any witnesses including the Reporter) of the time and date of the hearing, with at least two working days' notice. The hearing should be held within two weeks of the Referral to a PDH. The Subject should contact the Proctors' Office with reasons as soon as possible if the hearing time is unsuitable and should provide any additional evidence they wish the PDH to consider at least two working days before the hearing. A PDH may proceed in the absence of the Subject unless the absence is due to circumstances which were not reasonably within the Subject's control.
- 6.3 A PDH may alternatively take place through written correspondence, over a time period of not more than one week. The PDH will start with a member of staff from the Proctors' Office asking the student whether they accept the alleged breach(es) of the Code of Discipline set out in the Referral Decision Letter or not. A PDH will have an 'inquisitorial' format, which means that the Proctor will lead the hearing, consider evidence and the Subject's representations on the Referral before making a decision, rather than a 'case' being presented by an Investigator/Caseworker at the PDH. A student may attend a PDH with a 'Supporter' (see paragraph [6.21] below) but no legal representation will be permitted at a PDH.
- 6.4 If the Subject accepts the breach(es), the hearing will focus on the appropriate penalty, rather than addressing whether or not the breaches have occurred.
- 6.5 If the Subject does not accept they have committed the breach(es), the hearing will first focus on addressing whether or not the breaches have occurred before moving to consider, if appropriate, any penalties. As part of this process the Subject will have an opportunity to provide evidence, make a statement, provide witness evidence and comment on any other evidence. Any questions to witnesses (including the Reporter where relevant) will usually be asked by the Proctor but the Subject may request that the Proctor address specific issues or questions and the Proctor will normally require that

request to be in writing so the Subject should bring a written note of such questions with them to the hearing.

- 6.6 If the PDH takes place in-person, a Proctor will ask the Subject to leave the room while the decision is considered. The Proctor will inform the Subject whether they have been found to have breached the Code of Discipline and the Subject will be given the opportunity to present evidence and representations in mitigation. The Proctor may take into account any mitigating and/or aggravating factors when determining the appropriate penalty. A Proctor may only impose a penalty which falls within Category 1 and/or Category 2 of Appendix A.
- 6.7 Within one week of the hearing, the Proctor will communicate the decision in writing to the Subject and to the Reporter. The Proctor will emphasise that the decision is confidential. The Proctors' Office will inform the Subject's college and where appropriate the Subject's department (see paragraph [5.7]) of the decision and associated penalty.
- 6.8 The Proctor's decision will be set out in the "**Outcome Letter**"). The Outcome Letter to the Subject will include brief reasons and will state:
 - 1 whether the Subject has been found to be in breach of the Code of Discipline, and, if so, which conduct has been found to have breached which provisions of the Code;
 - 2 where a breach has been found:
 - a) any penalty imposed, and the reasons why the lesser penalties available were not considered appropriate;
 - b) that the Subject has the right to seek to appeal the Proctor's decision and/or the penalty to the Student Appeal Panel and that this can be done by appealing within two weeks of the Proctor's written decision, and explaining the appropriate procedure for appealing;
 - c) the grounds on which an appeal may be made; and,
 - d) sources of support and advice, as appropriate.
- 6.9 The "**Outcome Letter**" to the Reporter will state:
 - 1 whether the Subject has been found to be in breach of the Code of Discipline;
 - 2 brief reasons and, if the Reporter is a member of the University, details of any penalty imposed, but will not include information which is not about the disputed facts and which is confidential to the Subject;
 - 3 any further information relevant to the Reporter including explaining if the University is going to take any other steps as a result of the Report (for example, reviewing its procedures); and
 - 4 sources of support and advice, as appropriate.

- 6.10 A Reporter who is a student and is dissatisfied with the way this procedure has been followed has the option of making a complaint (see paragraph [3.11]).

SDP: overview

- 6.11 The Student Disciplinary Panel (“**SDP**”) hearing is an ‘inquisitorial’ process. This means that the panel appointed to hear the Referral will lead the SDP hearing and decide the case on the basis of the Referral and any additional evidence presented at the hearing. The Investigator (or a substitute) will be present at the SDP hearing to answer questions put to them by the SDP, but their role will not be to present a ‘case’ on behalf of the University. The Proctor’s position on the case will have been set out in the Referral Decision Letter and accompanying Investigation Report (on both the questions of whether the breach of the Code of Conduct was committed and on the relevant group of indicative penalties). The SDP’s role is to consider the Referral and reach a determination on the appropriate outcome, having heard the evidence and the Subject’s comments on the Referral.
- 6.12 When the Referral to the SDP is made (see paragraphs [5.72] and [5.73]), the day-to-day handling of the matter will be transferred to the Secretary to the SDP (the “**SDP Secretary**”), who may be contacted at sdp@admin.ox.ac.uk.
- 6.13 The SDP comprising of three members, will choose a chair for the case in question in consultation with the SDP Secretary. One of the members of the SDP appointed to hear a Referral may be an external barrister or solicitor. The SDP may also separately take legal advice at any time before, during, or after a hearing, and it may hear cases with a qualified solicitor or barrister in attendance to advise the SDP.

SDP Hearing Preparation

- 6.14 Upon receipt of the Referral, the SDP Secretary will as soon as reasonably practicable identify the individuals on the SDP Pool who will be appointed. The SDP appointed will not include individuals from the Reporter or Subject’s college or department and will have a gender mix, except where this is impracticable (for example, in cases involving a large number of Reporters and/or Subjects). The SDP Secretary will then write to the Subject identifying proposed members of the SDP who will hear the Referral, and provide an opportunity for the Subject to object to those individuals. The SDP Secretary will also request information from the Student Fees and Funding team about any funding received by the Subject.
- 6.15 Any objection will only result in the SDP member being replaced if there is a reasonable perception of bias (or potential bias) on their part, for example due to a pre-existing relationship between the Subject and the SDP member. The Subject will be given one week to object. The Pro-Vice-Chancellor (Education) or their delegate will determine the objection. If it is upheld, the SDP Secretary will identify suitable alternative SDP Pool members to hear the Referral, subject to the process identified in this and the previous paragraph. Once this process is completed, the SDP Secretary will confirm to the Subject and the Proctor which individuals on the SDP will hear the Referral. If the challenge

occurs during the course of the hearing, the hearing may continue with two SDP members.

6.16 Within three working days of confirming the identity of the Panel members, the SDP Secretary will send the Subject notice of the SDP proceedings. This notice will:

- 1 State that the matter has been referred to the SDP as a result of the Proctor's decision to make a Referral (see paragraph [5.62]) or because the Subject did not consent to a PDH;
- 2 Give an explanation of the SDP process, including the right to bring a Supporter and the limited circumstances in which legal representation may be permitted (as set out below), and enclose a copy of this procedure;
- 3 Note that the Subject should have already received the Referral Decision Letter attaching the Investigation Report and enclosures and setting out the provisions of the Code of Discipline alleged to have been breached and the factual basis for the same, but offering to resend this if necessary;
- 4 Explain that the Subject must provide the information listed at paragraph [6.23] within two weeks of the date of the notice or seek permission for an extension from the Chair to the SDP; and
- 5 Provide information on what will happen if the Subject chooses to admit the alleged breaches.

6.17 The SDP Secretary shall provide, or ensure that the relevant hearing paperwork has been provided to, the SDP members, the Subject, the Investigator who will be attending the hearing and to the extent permitted the Reporter (see paragraph [6.18]) and others attending the hearing. Where new documents are added to the case the SDP Secretary will circulate these as soon as possible. The hearing paperwork will include:

- 1 The Referral;
- 2 The Investigation Report and enclosures; and,
- 3 Any relevant correspondence, evidence or other material to be placed before the SDP.

6.18 Where the Reporter is a member of the University, the Chair of the SDP will consider what documents should be provided to the Reporter in advance of the hearing. The Reporter will normally have already been provided with a copy of the Investigation Report, (see paragraph [5.71]). It will be a matter for the Chair of the SDP to decide whether any witness is provided with a copy of any other documents. That may be appropriate where, for example, a witness should be given prior notice of documents which they will be asked about by the SDP. This may include a copy of or parts of the Investigation Report, and may exclude information which is not relevant to the disputed facts and/or which is confidential to the Subject, such as mitigating factors.

- 6.19 The SDP Secretary will notify the Subject (and where applicable, the Reporter), any witnesses and the Investigator of the time, date and venue of the hearing, with at least one week's notice. The hearing should be held as soon as practicable after the notice of the SDP proceedings is sent to the Subject (allowing for the other procedural steps that need to take place including the Subject providing the information described in paragraph [6.23] within two weeks after receiving notice of the hearing). The Subject should contact the SDP Secretary with reasons as soon as possible if they are unavailable. The date and time of the venue will only be changed if the Subject is unable to attend due to circumstances which are not reasonably within their control.
- 6.20 Legal representation for a Subject at an SDP is generally not permitted except as a reasonable adjustment for a disabled person, where the penalty indicated by the Proctor in the Referral Decision Letter is a category 4 breach (see Appendix A), or where there is another very serious issue at stake for the Subject in question. Reporters and witnesses are not permitted legal representation at an SDP. A Subject wishing to have legal representation at an SDP hearing must ask the SDP for permission, and must do so well in advance of the hearing (and in any event at least two weeks prior to the hearing). The Chair of the SDP will decide whether this request should be allowed.
- 6.21 A Subject and a Reporter are permitted to appoint a supporter (the “**Supporter**”) to attend an SDP hearing with them for moral support. With the Chair's permission and where there are good reasons to allow this, the Supporter can be involved in correspondence with the SDP Secretary prior to a hearing to assist a Subject or Reporter. A Supporter cannot be a qualified barrister or solicitor or otherwise be acting as a legal representative. The Subject and Reporter should inform any Supporter of the confidentiality of this procedure and show them a copy of it.
- 6.22 At the hearing, the Supporter will not be permitted to speak on behalf of the Subject or Reporter, unless this is necessary as a reasonable adjustment on account of a person's disability or for some other compelling reason.
- 6.23 Within two weeks after receipt of the notice of SDP proceedings (see paragraph 6.19) the Subject should:
- 1 send the SDP Secretary:
 - a) Copies of all the evidence the Subject intends to rely on at the SDP hearing. Witnesses will normally have provided evidence during the course of the investigation, which is included in the Investigation Report. Where this was not the case the Subject should provide a written witness statement or statements at this stage setting out their witnesses' evidence or a description of the evidence and an explanation of why a witness statement is not available, so that the SDP has notice of what each witness will say. It is unlikely to be appropriate for any witness evidence to be anonymous, but this is a matter for the SDP to consider in each individual case and permission may be sought from the Chair to the SDP;

- b) Any written questions which the Subject would like the SDP to ask a witness. This is because only the SDP may question witnesses, but a Subject may ask the SDP to put particular questions to a witness, and should normally do so in writing. If the Subject would like to make this request in a different format they should seek permission from the Chair to the SDP.

- 2 inform the SDP Secretary whether anyone will be attending the hearing with the Subject and if so in what capacity (ie as a Supporter or as a witness). Permission in advance is required to bring a lawyer to the hearing (see paragraph [6.20]).

- 6.24 The Secretary to the SDP will share the information provided by the Subject in the previous paragraph with the Panel and the Investigator.
- 6.25 Before the hearing the SDP Secretary should ask the Investigator to send them any information relating to the Subject's previous disciplinary record (including criminal offences) which was not included in the Referral on the basis that the Proctor considered it to be potentially prejudicial (see paragraph [5.73]). The SDP Secretary shall hold this information for provision to the SDP when it considers any appropriate penalty (see paragraph [6.33] onwards).

SDP Hearing

- 6.26 Everyone involved in the SDP process is expected to prioritise hearings under this procedure over other commitments, save where there is a very good reason not to. This requirement applies to the Subject, the Reporter, the Investigator, the witnesses, and the members of the SDP. The SDP may proceed with a hearing in the absence of the Subject unless the absence is due to circumstances not reasonably within the Subject's control. It should be exceptional for an SDP hearing to be rescheduled, or to decide to hear the case on separate occasions as a two-part hearing. The SDP will use its discretion to decide whether, in accordance with the Core Principle, it is appropriate to permit a person to attend the hearing remotely, or for the Referral to proceed without the presence of a particular witness.
- 6.27 The SDP will normally begin a hearing with an explanation, by the Chair, of the process that will apply and by introducing each of the persons present. The Subject will then be invited to indicate whether they admit the alleged breaches (or any part of them). If the Subject admits the breaches in full, the SDP will focus on the question of penalty.
- 6.28 The SDP will consider the question of whether the Code of Discipline has been breached separately to any question of penalty.
- 6.29 The SDP hearing will be in an inquisitorial format, as set out above. It is likely that the order of events for the hearing will be:
- 1 To deal with any preliminary matters, including whether the breaches are admitted by the Subject and any matters that should be addressed prior to

questions being asked of witnesses (eg a change in the Subject's position as compared to that set out in an interview);

- 2 For the SDP to ask the witnesses (including the Reporter where relevant) to join the proceedings in order to respond to questions, one at a time;
 - 3 For the SDP to ask questions of the Subject and, if appropriate, the Investigator;
 - 4 For the SDP to invite the Subject to put their case at the end of the hearing; and,
 - 5 For the SDP to make a decision (which may involve considering breach and penalty separately, as explained below).
- 6.30 It is unlikely to be appropriate for any witness evidence to be anonymous, but it is a matter for the SDP to consider in each individual case. Only the SDP may question witnesses, but the SDP may ask questions on behalf of a Subject (paragraph [6.23] explains how a Subject may request this).
- 6.31 The SDP will ask everyone else to leave the room while they consider their decision. The SDP will then inform the parties whether or not they have found that there has been a breach of the Code of Discipline.

SDP: The Penalty stage

- 6.32 If the SDP finds that there has been a breach of the Code of Discipline they will then invite the Subject back into the hearing to consider the question of penalty.
- 6.33 At this penalty stage, the SDP will ask the SDP Secretary to share with the SDP details of any previous disciplinary record (including any criminal offences) relating to the Subject, which has been withheld during consideration of breach (see paragraphs [5.73] and [6.25] above).
- 6.34 The Subject may ask the SDP to hear from witnesses in relation to the penalty and make a statement in mitigation and the SDP may call further witnesses or ask the Investigator back into the hearing to respond to questions. Mitigating factors could include whether:
- 1 the Subject admitted the breach, at an early stage of the process; and/or
 - 2 the Subject has compelling personal circumstances that should be taken into account, such as a disability, bereavement or particular financial circumstances.
- 6.35 The Investigator will not be permitted to make submissions on penalty, and their role will be confined to answering any relevant questions. It would not normally be appropriate for a Reporter to make a statement to the SDP on the question of penalty (the Proctor's views on the relevant group of indicative penalties will be included in the Referral Decision Letter, and the Reporter's in the Report, but these will not be part of the Referral to the SDP).
- 6.36 The SDP will then ask everyone else to leave the room again while they consider the appropriate penalty. The penalty or penalties imposed will be proportionate to the breach.

The SDP will also take into account any mitigating and aggravating factors. The SDP will then inform the parties of the penalty or penalties. The following are examples of (but not an exhaustive list of) the penalties which the SDP can impose, separately or in any combination, for non-academic misconduct:

- 1 a written warning;
- 2 requiring the Subject to attend an education programme;
- 3 a 'no contact instruction', which requires a Subject on a temporary or permanent basis not to have any or only prescribed contact with a named individual or individuals;
- 4 payment of a fine to the University of such amount as the SDP thinks fit;
- 5 payment of compensation of such amount as the SDP thinks fit to any individual or body suffering damage to property or financial loss as a result of the Subject's conduct;
- 6 suspension of access to, or exclusion from, University accommodation, or requiring the Subject to move to other University accommodation;
- 7 issuing directions relating to the provision of references for the Subject;
- 8 banning the Subject from University premises or facilities (including a total ban with the result that the student has to study remotely or a ban subject to certain conditions);
- 9 a ban from access to alumni benefits;
- 10 recommending to a Subject's college that the college should not grant approval should the Subject supplicate for the Degree of Master of Arts in accordance with the [Regulations for the Degree of Master of Arts](#);
- 11 subject to endorsement by the relevant college, requiring that the Subject be banned from college buildings or services (including a total ban or a ban subject to certain conditions);
- 12 suspension from the University (which usually also entails suspension from a Subject's college);
- 13 expulsion from the University (which usually also entails expulsion from a Subject's college);
- 14 Asking Council to consider recommending expulsion from Ordinary or Convocation University membership (as defined in Statute II).

6.37 The SDP will normally consider the range of penalties available to it in order to decide which is most appropriate. A penalty of suspension or expulsion will result in a student's funding being withdrawn and the SDP will take this into account when determining the appropriate penalty or penalties.

- 6.38 Even if the SDP finds that the Subject is not in breach of the Code of Discipline, if it believes that the Subject would benefit from support or training (for example, in relation to good academic practice), it may require the Subject to attend such training.
- 6.39 The hearing will normally be audio-recorded and the SDP Secretary will keep a sufficient note of the hearing and of the SDP's decisions.

SDP Written Decision

- 6.40 The SDP Secretary will send the Reporter, the Subject, and the Proctor the SDP's reasoned decision including their finding as to whether the Subject breached the Code of Discipline and details of any penalty in an "**Outcome Letter**", as described in the following paragraphs. This will normally be sent within two weeks of the hearing. The SDP Secretary will emphasise that the outcome is confidential. The SDP Secretary will also inform the Subject's college about the decision and any penalty, and where appropriate, the Subject's Department (see paragraph [5.7]).
- 6.41 The Outcome Letter to the Subject and the Proctor will include reasons and will state:
- 1 whether the Subject has been found to be in breach of the Code of Discipline, and, if so, which conduct has been found to have breached which provisions of the Code;
 - 2 where a breach has been found:
 - a) any penalty or penalties imposed, and the reasons why the lesser penalties available were not considered appropriate;
 - b) any impact on the Subject's funding in light of the penalties imposed;
 - c) that the Subject has the right to seek to appeal the SDP's decision and/or the penalty or penalties to the SAP and that this can be done by appealing within two weeks of the SDP's written decision, and the appropriate procedure for appealing (see paragraph [7.1]);
 - d) the grounds on which an appeal may be made; and,
 - 3 sources of support and advice, as appropriate.
- 6.42 The Outcome Letter to the Reporter will set out:
- 1 whether the Subject has been found to be in breach of the Code of Discipline;
 - 2 brief reasons and, if the Reporter is a member of the University, details of any penalty or penalties imposed, but will not include information which is not about the disputed facts and which is confidential to the Subject;
 - 3 any further information relevant to the Reporter including explaining if the University is going to take any other steps as a result of the Report (for example, reviewing its procedures); and

4 sources of support and advice, as appropriate.

- 6.43 The relevant decision-maker will also consider whether any referral is appropriate under University Fitness to Practise or Fitness to Teach procedures. If the Subject is a medical or PGCE student or a student on any other course which makes them subject to the rules of a professional body and the penalty is expulsion, the SDP Secretary will inform the University's Designated Safeguarding Lead as this may need to be reported to the government's Disclosure and Barring Service or any other appropriate statutory body.
- 6.44 A Reporter who is a student and is dissatisfied with the way in which this procedure has been followed has the option of making a complaint (see paragraph [3.11]).
- 6.45 If the Subject does not appeal within the relevant time limit, the SDP Secretary will notify the Subject that the matter has been closed. If a Subject at this stage requests a Completion of Procedures Letter, any such letter will explain that the Subject has not completed the University's internal processes.

7. Third Stage: Appeals

Overview

- 7.1 An appeal against a decision of a PDH or the SDP (an "**Appeal**") must be made within two weeks of the date of the PDH or SDP's written decision, unless the SAP decides to extend this period of time.
- 7.2 An Appeal must be made in writing to the Secretary to the SAP (the "**SAP Secretary**"), who is responsible for the day to day handling of the appeal and who may be contacted using the email address sap@admin.ox.ac.uk. An Appeal must set out the grounds for the appeal (see [7.6]). If an Appeal is made after the two-week time limit, the Subject should explain why the Appeal has been made late and the SAP will consider whether it is fair and reasonable to allow an extension. If an extension is not allowed a Completion of Procedures letter will be issued.
- 7.3 Upon receipt of an Appeal, the SAP Secretary will identify the individual in the SAP Pool who will be appointed to consider the Appeal. The SAP Secretary will then write to the Subject identifying the proposed member of the SAP who will consider the Appeal, and provide an opportunity for the Subject to object to that individual considering the Appeal.
- 7.4 Any such objection will only result in the SAP member being replaced if there is a reasonable perception of bias (or potential bias) on their part, for example due to a pre-existing relationship between the Subject and the SAP member. The Subject shall be given one week to object. The Pro-Vice-Chancellor (Education) or their delegate will determine the objection and if upheld, will direct the SAP Secretary to identify a suitable alternative SAP Pool member to hear the Appeal, subject to the process identified in this paragraph and the previous paragraph. Upon this process being completed, the SAP Secretary will confirm to the Subject which individual in the SAP Pool will consider the Appeal.

7.5 The Reporter and other witnesses will not normally participate in the Appeal process.

Appeals

7.6 An appeal against a decision of a PDH or SDP may only be made on the following grounds:

- 1 there was a procedural irregularity in the procedure which undermines the fairness of the decision;
- 2 the Subject was not provided with clear reasons for the decision;
- 3 the decision was unreasonable (ie the Subject must explain why they consider the decision to be objectively outside the range of decisions which the PDH or SDP was entitled to make, for example because it was based on a material factual error, or because the penalty was disproportionate to the breach);
- 4 the Subject has material evidence with which the PDH or SDP was not provided, which the Subject had valid reasons for not having provided earlier.

7.7 When submitting an appeal the Subject may also apply to the SAP to suspend part or all of the penalty imposed by the PDH / SDP pending the outcome of the Appeal, and the SAP can do so either on such an application or on its own initiative.

7.8 On receipt of the appeal the SAP will review the papers. The SAP may ask written questions of the Subject, the Investigator or any witness during their review. Any new information should be shared with the Subject who should be given an opportunity to comment on it.

SAP Decision

7.9 The SAP will determine Appeals as quickly as possible and will do so having regards to the circumstances of each case and the requirements of justice and fairness.

7.10 The SAP's decision may confirm or reject the PDH / SDP's decision (including on any breach and/or penalty) or decide any other outcome which it would have been within the PDH / SDP's power (as applicable) to decide.

7.11 The SAP's decision will usually be one of the following:

- 1 That the grounds of appeal are not upheld;
- 2 That one or more of the grounds of appeal is upheld or partly upheld but that that ground or grounds do not have a material impact on the PDH or SDP's decision or can be easily remedied (for example by asking the SDP to provide further reasons); or
- 3 That one or more grounds of appeal is upheld or partly upheld and the SAP's view is that the PDH / SDP may have reached a different conclusion on whether the Code of Discipline was breached or as to the appropriate penalty but for the circumstances set out in the grounds of appeal. In this case the SAP will determine either:

- a) that they are able to substitute their view for that of the PDH/SDP on the papers (for example by imposing a different penalty), in which case the SAP will proceed to issue a decision; or
- b) that the matter or parts of the matter can only fairly be considered by way of a re-hearing that is, starting the hearing again from the beginning. In this case the SAP will then consider where there is good reason to believe that a re-hearing can successfully take place, having regard (for example) to the availability of witnesses and noting that a case cannot be re-heard more than once (see paragraph [7.14]). If a re-hearing can fairly take place, the SAP will refer the matter back to the PDH or SDP which will be made up of members who have not previously considered the matter. If a re-hearing cannot fairly take place the SAP must issue a written decision which takes into account the principle that any matters which need to be re-heard and cannot be must be determined in the Subject's favour.

7.12 The SAP, having regard to the Core Principle, can also:

- 1 require a PDH or the SDP to re-take its decision in the light of the SAP's findings (which may be appropriate, for example, where the SAP decides that an alleged aggravating factor on penalty was in fact not an aggravating factor); and/or,
- 2 require that a further hearing occurs to deal with any outstanding matter, whether before a PDH, the SDP or the SAP.

7.13 The SAP will produce a reasoned decision in writing which will be set out in the “**Appeal Outcome Letter**” within two weeks of receipt of the appeal if the SAP considers the case on the papers or within one week of the hearing. The SAP Secretary will send the Appeal Outcome Letter to the Subject, the Proctor and the SDP Secretary. The Appeal Outcome Letter will state:

- 1 whether each of the grounds of appeal have been upheld, partly upheld or not upheld; and
- 2 where the grounds of appeal have been upheld or not upheld the impact of this, if any, on the original decision, for example:
 - a) if the original decision is confirmed or rejected (wholly or in part);
 - b) whether the SAP has arrived at a different decision (whether in relation to breach or penalty or both); and/or
 - c) whether the SAP is going to require a re-hearing in relation to the whole or part of the case).

7.14 Where the SAP determines that part or all of the matter must be referred for a re-hearing by a PDH or an SDP the procedure for that hearing will be as set out in part [6]. At the outcome of that re-hearing the Subject will have the option of appealing under this part [7], however a case cannot be re-heard more than once.

7.15 The SAP Secretary will, at the same time as sending the SAP's reasoned decision, write to the Subject as follows:

- 1 To the extent that the Appeal was rejected in any respect, the letter will explain that it is a Completion of Procedures letter which marks the end of the University's procedures. It will explain that the Subject has the right to seek review by the Office for the Independent Adjudicator and set out the time limit for doing so;
- 2 To the extent that the Appeal was upheld in any respect, the letter may also offer a remedy where this is considered appropriate, including explaining if the University is going to take any other steps as a result of the appeal (for example, reviewing its procedures); and,
- 3 The letter will refer to sources of support and advice, as appropriate.

7.16 The SAP Secretary will also write to the Reporter providing an update as to the outcome of the Appeal. This letter will set out:

- 1 whether the appeal has resulted in the decision of the PDH or SDP being changed or whether there is to be a re-hearing;
- 2 if so, brief reasons and, if the Reporter is a member of the University, details of any alteration to the penalty, but will not include information which is not about the disputed facts and which is confidential to the Subject;
- 3 any further information relevant to the Reporter, including explaining the Reporter's right to complain under the [University's Student Complaints Procedure](#) (see paragraph [3.11] and if the University is going to take any other steps as a result of the Report (for example, reviewing its procedures); and
- 4 sources of support and advice, as appropriate.

7.17 The SAP Secretary will inform the Subject's college and where appropriate the Subject's department (see paragraph [5.7]) about the outcome of the Appeal and any penalty.

8. General provisions

The Proctors, SDP and SAP

- 8.1 A PDH, the SDP and the SAP each have the power to determine any question concerning the interpretation and application of the University's statutes, regulations, or any other requirement, order, duty or procedure, and may hear evidence.
- 8.2 The standard of proof under this procedure is "the balance of probabilities" *ie* whether it is more likely than not that an action or event occurred. The burden of proof to show that an action or event occurred will usually be on the University. However, in certain

circumstances there may be a burden on the Subject to provide evidence to support a contention, or for example in support of mitigating factors they rely upon.

- 8.3 A PDH, the SDP, and the SAP each have the power to make procedural orders concerning a Referral / Appeal at any stage, whether on their own initiative or at the request of a Subject, Proctor/Investigator or other person. For example, they have the power to adjourn or postpone a hearing; to set time limits or deadlines; to request an Investigator to provide further information; to permit a Proctor to revise the terms of a Referral; or to order that a Subject provide further information about an Appeal. The SDP, SAP and a PDH may consider whether to make a procedural order at a hearing if the circumstances require it, or it may deal with the matter by correspondence.
- 8.4 The Proctors, the SDP, and the SAP will seek to ensure that there is consistency between all decisions of the Proctors, the SDP, and the SAP, recognising that each case is likely to be unique.
- 8.5 The Subject and the Proctors' Office when writing to the SDP or SAP should do so through the SDP Secretary or SAP Secretary as appropriate. The Proctors' Office should ensure that the Subject is copied into its substantive communications with the relevant Secretary.
- 8.6 Investigations by the Proctors and hearings of PDHs, the SDP and SAP shall be conducted confidentially and held in private. All evidence or material submitted as part of such an investigation or hearing and any outcome shall be regarded as strictly confidential unless, following consideration of submissions by the relevant decision-maker, it is decided otherwise.
- 8.7 A PDH, the SDP and the SAP may decide that Referrals against more than one Subject should be heard together if that furthers the Core Principle, and a Subject must be given the opportunity to make representations about whether this should occur. When cases are heard together, it will normally be appropriate for all the Subjects to hear the other Subjects' evidence, and to be given an opportunity to address the relevant decision-maker in private (for example, on mitigation). If cases arise from the same facts are heard separately, it is preferable for the same members of the SDP / same Proctor at a PDH to hear all such cases, if practicable.
- 8.8 A PDH, the SDP or the SAP may exclude a person from a hearing if in the opinion of the Proctor/SDP/SAP such exclusion is necessary.
- 8.9 If a Proctor has reasonable grounds to believe that a breach of the Code of Discipline has been committed by a Subject who is also a member of University staff, they shall, before deciding to proceed under this procedure consult with appropriate stakeholders including the University's human resources function in order to decide whether the matter should instead be referred under the appropriate staff process, which will normally be a referral to the relevant Head of Department.

- 8.10 If a Proctor has reasonable grounds for believing that a breach of the Code of Discipline has been committed by a member of the University who is not a student they shall, if they consider it appropriate to proceed, refer the matter to the Registrar.
- 8.11 A PDH, the SDP and the SAP have the power to correct any accidental errors in their decisions and to re-issue such decisions with the error corrected.

The SDP and SAP Pools

- 8.12 There are two 'Pools' of individuals who are approved by the University to serve on the SDP and the SAP, namely the 'SDP Pool' and the 'SAP Pool'. There is no 'pool' for PDHs; these are heard by the Proctors, which includes Pro-Proctors or appointed substitutes, who are appointed by separate processes.
- 8.13 The qualification required to be appointed to serve on a SDP is that they are a member of the SDP Pool, or that they are an external solicitor or barrister who has been appointed to hear a particular case by the Pro-Vice-Chancellor (Education) or their delegate.
- 8.14 The SDP Pool will be composed of at least 14 or more members, who shall each serve for three years and may be reappointed. The members of the SDP Pool will be appointed by Education Committee from among the members of Congregation. Certain members of the SDP Pool shall be required to undertake specialist training to hear particular types of cases.
- 8.15 Members of the SAP Pool shall be members of the University's Congregation and shall have experience which makes them suitable for appointment. Certain members of the SAP Pool shall be required to undertake specialist training to hear particular types of cases. A person may not be appointed to the SAP Pool if they are also a member of the SDP Pool. Where a SAP sits with three members, one member may be a qualified solicitor or barrister appointed by the Pro-Vice-Chancellor (Education) or their delegate to hear a particular Appeal without being appointed to the SAP Pool.
- 8.16 The SAP Pool will be composed of three or more individuals, who shall each serve for three years and may be reappointed. The members of the SAP Pool will be appointed by Education Committee from among the members of Congregation.
- 8.17 Education Committee may decide to remove a person from the SDP Pool or SAP Pool for any reason. If any member of the SDP Pool or SAP Pool retires or is otherwise no longer able to sit, Education Committee will replace that member in accordance with the qualification requirements set out above.

The SDP Secretary and the SAP Secretary

- 8.18 The Head of the Proctors' Office shall appoint: (a) the SDP Secretary; and (b) the SAP Secretary.
- 8.19 The SDP Secretary shall be responsible for making such arrangements as are necessary for the SDP to deal with Referrals to it and any other related matters. The SAP Secretary

shall be responsible for making such arrangements as are necessary for the SAP to deal with Referrals to it and any other related matters.

The effect of college proceedings

- 8.20 Expulsion of a student by a college results in automatic expulsion from the University. Similarly, suspension of a student by a college as a penalty or as a precautionary measure results in automatic suspension from the University for the same period. If a college wishes to impose other measures limiting one or more students' access to University premises or facilities, either as an outcome to a disciplinary process or as a precautionary measure in advance of an outcome, the college may ask the Proctors to impose this as a precautionary measure (see paragraphs [5.31] to [5.35]).

Guidance on penalties

- 8.21 Any fine or order requiring compensation to be paid shall be paid within one week of the order requiring it to be paid, save for 'immediate fines' (which must be paid within two working days) or where a PDH, the SDP or the SAP has decided that a fine is to be paid in instalments. The only exception to this is if an appeal to the SAP has been made and the SAP orders that payment be suspended or deferred. Any fine or compensation imposed by any Panel or by a Proctor shall be paid in accordance with instructions provided by the Head of the Proctors' Office.
- 8.22 A non-financial penalty comes into effect either: (a) on the date on which a written decision containing the order is issued to the Subject; or (b) on the date specified in such a written decision. A PDH, the SDP and the SAP may suspend or postpone the effect of any such order.
- 8.23 A failure to pay an immediate fine in accordance with the terms on which it was imposed shall have the result that the person shall be liable to pay the original fine or compensation ordered together with:
- 1 an additional fine of £50 for the first seven calendar days or part of that period during which the payment is outstanding;
 - 2 a further additional fine of £50 for the subsequent seven calendar days or part of that period during which the payment is outstanding; and
 - 3 after two-week days, a further additional fine of £100 for the subsequent seven calendar days or part of that period during which the payment is outstanding.
- 8.24 Any failure to comply with an order of or penalty imposed by a PDH, the SDP or the SAP may be investigated under this procedure and further disciplinary proceedings brought against the student in respect of that failure (see paragraph [2.10]).

APPENDIX A

INDICATIVE PENALTIES

The table below gives examples of behaviours that are prohibited under the Code of Discipline and the possible penalty associated with such conduct. Penalties may be imposed on their own or in combination. The penalty set out below will serve as a benchmark, or starting point, for a PDH, the SDP, and the SAP but they are not bound to the penalties set out below. Each case will turn on its own facts and where there is reason to do so the penalties indicated below may be departed from. In particular, mitigating or aggravating factors (such as previous breaches) may result in a breach being considered as a lower or higher category breach as appropriate.

For the avoidance of doubt, the list of examples set out below is not exhaustive of the conduct which may breach the Code of Discipline. Where the conduct in question does not fall into any of the categories below, the possible penalties identified may nevertheless serve as points of comparison.

As set out above, the relevant penalties are grouped into the following categories:

Category 1 Breach: conduct which is considered sufficiently serious to require disciplinary proceedings, but at the lowest end of the spectrum, including matters where an appropriate penalty or penalties is/are likely to be a written warning and/or a fine of up to £300.

Category 2 Breach: conduct where an appropriate penalty or penalties is/are likely to be: a formal warning (but only alongside other measures), a ban from particular premises (including a total ban from University premises for up to six months), an education programme, removal of alumni benefits, a limited period of suspension of up to one month and/or a fine of £300-£1000.

Category 3 Breach: a matter where an appropriate penalty or penalties is/are likely to be: a long-term ban including a total ban from University premises of over six months, a period of suspension for between one month and one year, removal of alumni benefits, a recommendation that a College do not approve supplication for the MA, or a fine exceeding £1000.

Category 4 Breach: the most serious matters, including conduct where the likely penalty is suspension for a year or more, expulsion, a recommendation that a College do not approve supplication for the MA, or asking Council to recommend expulsion from Ordinary or Convocation membership.

St XI	Summary of Code of Discipline provision	Examples	Possible Penalty	Category
5(1)(a)	Non-compliance with requirements or orders imposed by or under University Statutes, Regulations and rules, procedures or policies	Breaching the confidentiality of the University's Harassment Procedure	Formal Warning Fine	1
		Failure to comply with a precautionary measure	Suspension	3
		Failure to pay a fine or compensation	Suspension Expulsion	3-4
		Breach of the IT Regulations:		
		-Bulk emailing (ie spam)	Formal warning Fine	1-2
		-Accessing offensive or extremist content via the University's network where this is not for academic research	Suspension Expulsion	2-4
		-Using the University's network to undertake harassment	Suspension Ban	2-3
5(1)(b)	Disobeying a reasonable instruction by an officer of the University	Breach of Library Rules of Conduct	Fine Ban	1-2
5(1)(b)	Disobeying a reasonable instruction by an officer of the University	Failing to attend a Proctors' Office interview	Fine	1
		Failing to identify yourself on request to security staff	Formal warning	1
5(1)(c)	Failing to comply with the University's Code of Practice in relation to freedom of speech	Failing to notify the Proctors of an event where there are concerns that the event may give rise to an environment in which people will experience discrimination on the grounds of religion (under	Formal warning	1

		the Code or Practice on Meetings and Events)		
5(1)(d)	Failing to comply with the provisions of the University's code of practice in relation to academic integrity	Fabrication or misrepresentation of data, including the invention of data and the omission from analysis and publication of inconvenient data in a research paper or publication	Fine Suspension	2-3
		Failure to follow accepted procedures or ethical requirements in carrying out research	Fine Suspension Expulsion	3-4
5(1)(e)	Failing to comply with the provisions of the University's regulations relating to the use of the libraries or the information and communications technology facilities	Card passing	Formal warning Fine	1
		Damage of a library book	Formal warning Fine	1
		Using University IT facilities or networks to send spam or print excessive non-study related materials	Formal warning Fine	1-2
		Using University IT facilities or network to download, stream, or distribute illegal materials	Formal warning Large Fine Suspension	2-3
		Gaining or attempting to gain unauthorised access to University IT systems or data	Ban Suspension Expulsion	2-4
5(1)(f)	Failing to inform the Proctors if you have been arrested, sentenced or are under investigation for a criminal offence	Failing to notify the Proctors that you have been arrested for breach of the peace	Formal warning	1
		Failing to notify the Proctors that you have been sentenced for sexual assault	Fine Large Fine	1-2
5(2)(a)	Disrupting or obstructing University activities or	Stopping a lecture through disruptive behaviour	Fine	1

	those of its officers or employees including disrupting the exercise of freedom of speech	<p>Setting off a fire alarm in Exam Schools</p> <p>Heckling at an event</p> <p>Being a member of a group action which prevents an event proceeding</p> <p>Ignoring the instructions of an officer marshalling at a University ceremony</p>	<p>Large fine</p> <p>Formal warning Fine</p> <p>Suspension Large fine</p> <p>Formal warning Fine Suspension</p>	<p>2</p> <p>1</p> <p>3</p> <p>1</p> <p>2</p>
5(2)(b)	Damaging or destroying or misappropriating University or college property (including by its unauthorised occupation) or the property of University or college employees, students or members of the public	<p>Damaging property with graffiti</p> <p>Deliberately flooding property</p> <p>Misuse / inappropriate sharing of educational recordings</p> <p>Short term occupation (up to one day), with limited disruption to University activity</p> <p>Long term occupation</p>	<p>Large Fine</p> <p>Suspension Expulsion</p> <p>Formal warning Fine</p> <p>Formal warning Fine Ban</p> <p>Suspension Expulsion</p>	<p>2</p> <p>3-4</p> <p>1</p> <p>2</p> <p>3-4</p>
5(2)(c)	Engaging in action likely to cause injury or, impair safety	<p>Act/omission that did cause or could have caused a health and safety concern on University premises (for example, smoking cigarettes in non-designated areas, violating lab health and safety rules)</p> <p>Act/omission that did cause or could have caused serious harm on University premises or during University activities (eg disabling fire extinguishers, blocking fire exits)</p>	<p>Education outcome Fine Ban</p> <p>Large Fine Suspension</p>	<p>2</p> <p>2-3</p>

5(2)(d)	Engaging in violent, indecent, disorderly, degrading, humiliating or threatening behaviour or language, harassment, bullying or sexual misconduct towards any person or mistreating any animal	Violent and aggressive conduct eg: -Pulling hair, pushing, shoving -Punching, kicking, slapping, biting Shouting, verbal abuse 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 or contacting another person against their wishes Making unwanted remarks of a sexual nature, a first instance or repeatedly Kissing without consent Inappropriately showing sexual organs to another person Sharing private sexual materials of another person without consent Attempting to engage in sexual intercourse or	Formal warning Large fine Suspension Formal warning Fine Formal warning Suspension No contact instruction Suspension Formal warning No contact instruction Formal warning No contact instruction No contact instruction Suspension Suspension Suspension Expulsion	1 2-3 2 2-3 2-3 2 2-3 3 3 4
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		engaging in a sexual act without consent		
		Touching inappropriately through clothes without consent	Suspension	3
		Sexual intercourse or engaging in a sexual act without consent	Expulsion	4
5(2)(e)	Engaging in dishonest behaviour including forging or falsifying any document	Lying during a Proctorial investigation	Fine Suspension	2
		Lying during the admissions process	Expulsion	4
		Lying about examination results	Formal warning	1
		Forging part of a University form	Fine Suspension	2-3
		Forging a University certificate	Expulsion	4
5(2)(f)	Create a model or draft answer for a candidate for an examination which is intended to meet the requirements of that examination without attribution.	Creating content for an essay mills website online	Fine Formal warning	2
5(2)(g)	Possessing, using, offering, selling or giving illegal drugs or weapons	Possession Class C	Fine	1
		Possession Class B	Fine Suspension	2
		Possession Class A	Suspension	3
		Supplying or offering to supply	Suspension Expulsion	4
		Possession of an illegal firearm	Expulsion	4

5(2)(i)	Behaviour after exams	Engaging in trashing	Formal warning Fine	1
5(2)(j)	Being convicted of a Specified Criminal Offence	Being convicted of theft	Formal warning Suspension	1-2
		Being convicted of rape	Expulsion	4
6	Inciting or conspiring with another to breach the Code of Discipline or agreeing with them to do so	Planning with others to disrupt an event	Formal warning Fine	1-2
		Planning with others to undertake an occupation	Fine Suspension	2-3

APPENDIX B

GLOSSARY OF TERMS

Term	Meaning	Paragraph References
Agreed Determination	An agreement between the Proctor and Subject as to the outcome of disciplinary proceedings either before a Proctor's investigation or following a Referral Decision Letter being sent.	5.21 5.75
Agreed Determination Letter	A letter setting out the outcome of an Agreed Determination	5.76
Appeal	An appeal against a precautionary measure, an immediate fine or a decision of a PDH or the SDP which is made to the SAP.	7.1
Balance of probabilities	The standard of proof applied under this procedure, which is whether it is more likely than not that an action or event occurred.	8.2
Ban	A precautionary measure or penalty which is defined in Statute XI. It involves withdrawing a student's right of access to specified University land, buildings or facilities for a fixed period or until certain conditions have been fulfilled.	5.31 6.36 Statute XI 1(1)(b)
Burden of proof	Who has to show that an action or event occurred: see 8.2.	8.2
Bullying	Conduct which is in breach of the Code of Discipline, and which is defined in paragraph 2.6 of this procedure as "Bullying is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient".	2.6 Statute XI 5(3)(b) Harassment Policy paragraph 9
Caseworker	A person responsible for reviewing Reports and conducting or having control of investigations by the Proctors' Office.	5.12
Capacity	Capacity means the ability to make a decision and communicate that decision, and it includes the ability to use and understand information in making decisions	5.47
Code of Discipline	The University's requirements as to student conduct.	2.4

College	As defined in Statute XI, this includes any college, Permanent Private Hall or Society (ie Reuben, St Cross or Kellogg)	Statute XI 1(1)(c)
Core Principle	The Core Principle is to deal with disclosures, Reports, and Referrals fairly and justly. This includes so far as practicable: (a) dealing with matters expeditiously; (b) avoiding unnecessary formality; (c) dealing with cases in ways which are proportionate to the complexity and seriousness of the matter.	3.1
Disclosure	This occurs when a student (or other person) describes an incident of potential student misconduct to a member of the University's staff or to the University by means other than a Report, usually for the purpose of seeking advice, direction to support, or for information about formal reporting options.	4.1
Discloser	A person making a disclosure.	4.1 1.4
Expel	A penalty which is defined in Statute XI. It involves a student being permanently withdrawn from their course and, where relevant, permanently losing their membership of the University.	6.36 Statute XI 1(1)(d)
Harassment	Conduct which is in breach of the Code of Discipline, and which is defined in paragraph 2.6 of this procedure as Harassment has the meaning given in section 26 of the Equality Act 2010 and section 1 of the Protection from Harassment Act 1997 (in its entirety, and as interpreted by section 7 of the Act).	0 Statute XI 5(3)(a)
Immediate fine	A fine issued by a Proctor for up to £300 for breach of the requirements relating to behaviour after examinations.	5.79-5.82 1.11
Investigation Report	The written account of the investigation which, depending on the nature of the case, may be in the form of short case summary (one or two pages long) or a more detailed investigation report	5.61
No Contact Arrangement	An arrangement organised by the Proctors' Office (which creates no appeal rights) under which individuals agree to limit or have no contact with one-another.	4.9
No Contact Instruction	A Precautionary Measure or penalty which requires a Subject on a temporary or permanent basis not to have any or only prescribed contact with a named individual or individuals.	4.9 5.31 6.36
Outcome letter	A letter communicating the decision of a PDH or SDP, sent to a Subject or a Reporter	6.8 6.9 6.40-6.42

PDH	A Proctors' Disciplinary Hearing	1.10
Precautionary measure	A (normally) temporary measure imposed (which does not indicate any finding of misconduct) pending the outcome of: (a) a Report or (b) any criminal proceedings against the Subject or the Reporter.	5.31
Procedural order	Orders made by the SDP or SAP as to the management of Referrals and Appeals.	8.3
Proctors	Senior officers of the University whose role includes upholding the University's statutes and rules. The Proctors have overall responsibility for assessing and investigating Reports of potential misconduct by students, and for formulating Referrals where appropriate. A 'Proctor' includes a 'Pro-Proctor' or an appointed substitute. Decisions under this procedure are made in all cases by a single Proctor.	1.5
Proctors' Disciplinary Hearing	A hearing of a Referral by a Proctor instead of a SDP. This is offered to a Subject as an option in less serious cases.	1.8
Referral	A referral to the SDP (following a Report) for a disciplinary hearing which alleges a breach of the Code of Discipline.	1.4 5.63-5.73
Referral Decision Letter	A letter in which a Proctor informs a Subject or Report of their decision as to whether a Report should be referred to the SDP.	5.69-5.71
Requirements relating to behaviour after examinations	See paragraph 2.6(7) as to these requirements and 'immediate fines' as to penalty.	2.6 5.79-5.82 Rules Committee Regulations 1 of 2017, Part 3
Reporter	A person making a report.	4.1 1.4
Report	A written request to the Proctors to investigate a matter under these disciplinary procedures, usually set out in the appropriate form	4.1 5.4-5.11
SAP	The Student Appeal Panel.	1.10
SAP Pool	The group of individuals who serve on the Student Appeal Panel.	8.15-8.16
SAP Secretary	The person responsible for making arrangements for sittings of the SAP.	7.2
SDP	The Student Disciplinary Panel.	1.10
SDP Pool	The group of individuals who serve on the Student Disciplinary Panel.	8.12-8.14
SDP Secretary	The person responsible for making arrangements for sittings of the Student Disciplinary Panel.	6.12
Sexual misconduct	Conduct which is in breach of the Code of Discipline, and which is defined in paragraph 2.6 of this procedure as "any unwanted conduct of a sexual	5(4) Statute XI 5(4)

	nature. Conduct is “unwanted” if it is not consented to and if the relevant member does not have a reasonable belief that consent has been given ”	
Specified Criminal Offence	A ‘Specified Criminal Offence’ is one in respect of which a custodial sentence (whether immediate or suspended) could be imposed for committing the offence in question, in accordance with the law of the place in which the offence was committed.	0 Statute XI 5(6)
Student / Student member	“Student member” is defined in Statute XI and includes any student at the University who has a contract with the University requiring them to comply with Statute XI (which will be most students at the University) In this procedure “student” means a “student member” as defined in Statute XI	1.2 Statute XI 1(1)(a)
Statute XI	The Statute of the University which contains the Code of Discipline and other provisions relating to this procedure.	1.15 2.1
Student Appeal Panel	The body which determines the outcome of Appeals.	1.10
Student Disciplinary Panel	The body which determines the outcome of Referrals which are not determined by a PDH.	1.8-1.9
Subject	The person who is alleged to have breached the University’s Code of Discipline	1.4
Supporter	Any person who accompanies a Subject or Report to a hearing of the SDP or SAP to support them.	6.21
Suspend	A precautionary measure or penalty which is defined in Statute XI. It involves a student’s access to all University facilities, premises and services being withdrawn for a fixed or indeterminate period or until certain conditions have been fulfilled.	5.31 6.36 Statute XI 1(1)(e)
Time limits	There are a number of the time limits within the procedure and an explanation of how these can be extended in certain circumstances. Key time limits include that Reports should be made within six months of the matters complained of and that Appeals should be made within two weeks of the decision being appealed.	3.5-3.6 5.27-5.29 5.46 7.1
University context	The University will only investigate an alleged breach of the Code of Discipline if the conduct complained of occurred in a ‘University Context’, as described in paragraphs 5.23-5.26. Conduct occurs in a ‘University Context’ if it takes place on a University or college premises, or in the course of University activity within or outside Oxford (whether academic, sporting, social, cultural, or otherwise).	5.23-5.26 Statute XI 1(1)(g)

