

## **Mansfield College**

### **DISCIPLINARY PROCEDURE & CODE**

Adopted by Governing Body on 11 October 2023.

#### **1. Introduction**

1.1 The overriding aim of Mansfield College is to promote education and learning by providing a respectful and trusting environment for students, scholars and staff. The College expects its students to respect, and to manifest in their actions, an ethos of mutual respect and consideration.

1.2 A person accepting admission to the College accepts an obligation to abide by the College's Disciplinary Rules (as summarised in Appendix A below and communicated from time to time) and those of the University and to pay such fees, dues and charges as the College or University may lawfully determine. All students sign an undertaking to abide by the College Disciplinary Rules on entering Mansfield.

1.1. This Disciplinary Procedure deals with conduct by students which breaches their non-academic obligations as a member of the College. These obligations, which are summarised in Appendix A, are referred to as "the College Code of Discipline". In this Procedure a "Breach of Discipline" refers to a breach of one or more of the provisions of the College Code of Discipline.

1.2. The purpose of this Procedure is to address breaches of discipline by students, and not to resolve disputes between individuals. Students may only be disciplined where their conduct occurs in a College Context, as defined in Annex A.

1.3. In this Procedure the person making a report is referred to as the "reporter" and the person who is alleged to have breached the College Code of Discipline is referred to as the "subject".

1.4. For informal advice about procedural aspects of the disciplinary process, please contact the Dean, currently Andrew Higgins, at [Andrew.higgins@law.ox.ac.uk](mailto:Andrew.higgins@law.ox.ac.uk).

1.5. Where disciplinary proceedings are contemplated the Dean will remind reporters and subjects of the sources of support available to them. Advice and support for students are available from:

- The College student welfare team ([welfare@mansfield.ox.ac.uk](mailto:welfare@mansfield.ox.ac.uk))
- The University Sexual Harassment and Violence Support Service
- The [University Student Welfare and Support Services](#), [Oxford SU Advice Service](#).

1.6. Separately, the Dean impose any safeguarding measures which are reasonably necessary to ensure the peace of the College and the safety of its members. Such measures may include requiring a student to have no contact with another Member of the College or excluding any person from College premises. These safeguarding measures are neutral in effect and do not imply that any student on whom measures are imposed has been found to be in breach of any of their obligations.

#### **2. General**

2.1. Reports will usually be dealt with confidentially by all parties involved and details will not normally be disclosed except where it is necessary to do so to carry out a fair investigation, to effect a

safeguarding or precautionary measure (under paragraph 1.6 above or 4.5 below) or to communicate the outcome of disciplinary proceedings, to protect members of the College and/or University community and/or the public, and/or to comply with legal or regulatory obligations.

- 2.2. Parties should strive to act promptly, and to meet the time limits set out in this Procedure. Time limits may be extended by the relevant decision-maker where it is necessary in the interests of fairness. It will often be necessary to extend time-limits for complex cases. Where time limits are extended, the subject (and reporter where appropriate) will be kept updated about the progress of the case.
- 2.3. If any member of the College has concerns that a student involved in this Procedure is suffering health, welfare or academic study issues as defined in the [College's Fitness to Study Procedure](#) or other difficulties that may be relevant to whether or how the disciplinary procedure should be used, the student should be directed to the welfare team and to the University Student Welfare and Support Services. The member of College should at the same time inform the person responsible for fitness to study procedures in College.
- 2.4. Reasonable adjustments may be made to this Procedure in individual cases in order to enable the subject and any other person affected by application of the Procedure to participate fairly.
- 2.5. Anonymous reports will only be considered under this Procedure in exceptional circumstances where there are compelling reasons to do so. While some investigation may be possible in certain cases, it will usually be very difficult to proceed with disciplinary action following an anonymous report, because of the need to allow the subject to respond to the report.
- 2.6. Subjects and reporters may be accompanied to meetings, interviews or hearings by a supporter, who should normally be a member or employee of the College or a member of the Oxford Student Union, so long as the name and position of the supporter is provided in advance and any further procedural requirements set out in the procedure below are met. Requests to be accompanied by a supporter should be made to the Dean, Investigator and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of the date of any meeting or hearing. Legal representation will not normally be permitted, though reasoned requests for such representation may be made, and will be considered.
- 2.7. Meetings and hearings may take place online where this is necessary to avoid undue delay or to protect the welfare of any person.
- 2.8. Where there is more than one reporter and/or more than one subject it may be appropriate for all the subjects to hear or be provided with the other subjects' evidence.
- 2.9. The standard of proof used when making determinations under this Procedure is the balance of probabilities. This means that the Dean and/or the Disciplinary Panel will conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to be a breach of the Code of Discipline occurred.
- 2.10. Non-compliance with a disciplinary penalty imposed under this Procedure may result in further disciplinary penalties, including additional fines, suspension or expulsion.
- 2.11. Any member of College involved in administering this Procedure shall comply with the [College's conflict of interest policy](#) and should not act if there is any reasonable perception of bias. If the Dean is unable (for any reason) to act the Principal will appoint an appropriate substitute. Any decision to be made or action to be performed by the Principal may be made or performed by the Senior Fellow in the event that the Principal is absent, has a conflict of interest, or is otherwise

unable to undertake the action within a reasonable time.

- 2.12. Records will be kept at all stages of the process and will be processed in accordance with the College's General Data Protection Regulations (GDPR) obligations.
- 2.13. This Procedure makes provision for the subject to appeal from adverse decisions taken under Parts 5 and 6. The reporter is not a party to disciplinary proceedings and does not have a right of appeal from the outcome of a disciplinary decision. If the reporter is a student and is dissatisfied with the action taken under this Procedure they may make a complaint under the [College Complaints procedure](#). Any complaint will be addressed by individuals who have not previously been involved in the report.

### **3. Initial Considerations**

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

### **4. Reports and Precautionary Measures**

- 4.1. Reports should normally be made in writing, by email to the Dean, currently [Andrew.Higgins@law.ox.ac.uk](mailto:Andrew.Higgins@law.ox.ac.uk). If a reporter does not wish to make a written report in the first instance they should contact any senior member or employee of the College who will make a written account of the report which they will invite the reporter to confirm. That report will then be submitted to the Dean.
- 4.2. If the report is not successfully resolved informally, or if informal resolution is not appropriate, the Dean will decide whether to investigate an alleged breach of discipline.
- 4.3. If the Dean considers that a report raises a case of a breach of discipline requiring an answer, they may (i) investigate the report under the Procedure for Minor Breaches of Discipline set out at Part 5 below, or (ii) refer the case to the Principal in accordance with the Procedure for Major Breaches of Discipline set out at Part 6 below.
- 4.4. The Dean will not normally investigate, or refer to the Principal, an alleged breach of discipline which is reported to have occurred more than 6 months previously but may do so in exceptional circumstances. In determining whether exceptional circumstances warrant investigation and/or referral the primary consideration will be whether there is a risk of harm to any current member(s) of the College and will take account of safeguarding considerations where relevant. Factors which the Dean may consider include (but are not limited to): the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event, was repeated or was part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting and any barriers to reporting. Exceptional circumstances are more likely to be found to exist in cases of sexual misconduct and/or violence. The Dean will notify the reporter of any decision not to investigate or refer a report under this provision.
- 4.5. The Dean may at any time impose temporary precautionary measures on the reporter and/or the

subject for the remainder of this Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature.

- 4.6. Possible precautionary measures may include (without limitation): a no contact arrangement; a ban from, or time constraints for, accessing particular College buildings or services; recommending a ban from, or time constraints for, accessing particular University buildings or services or services of another college (subject to endorsement by the University or relevant college as appropriate); moving either the reporter or subject to alternative College or University accommodation; and/or, where no other option is appropriate, a temporary suspension of studies.
- 4.7. Precautionary measures should aim to cause the minimum restriction necessary to protect the individuals concerned, or members of the College from an identified risk, or to protect an investigation under this Procedure, and should take into account safeguarding considerations where relevant.
- 4.8. Precautionary measures are particularly likely to be appropriate in cases involving a risk to any individual's mental or physical health, issues of a highly sensitive or confidential nature and/or where there is a threat of significant disruption to academic study or other College activities.
- 4.9. The Dean will promptly provide the student and, where appropriate, the reporter, with written reasons for any precautionary measures imposed. Any student upon whom precautionary measures are imposed may ask the Dean to review them, and, if the request is refused, may apply to the Principal at any time [principal@mansfield.ox.ac.uk](mailto:principal@mansfield.ox.ac.uk) for the precautionary measures to be reviewed.
- 4.10. The Dean may refer a matter to the police or seek guidance from the police or other public safety agencies where the report concerns criminal conduct and/or where there is a significant imminent risk of harm to students or staff. In deciding whether to do so, the Dean should take into account the wishes of the reporter.

## **5. Procedure for Minor Breaches of Discipline**

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

### **Determination by the Dean**

- 5.3. The Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached and informing them that the report is being considered under this Part of the Procedure. The Dean will invite the subject to provide a response to the allegation, which may be in writing or at a meeting with the Dean. In all but exceptional circumstances the Dean will provide the subject with at least 24 hours' notice of the date and time of any meeting.
- 5.4. If the subject admits the breach of discipline the Dean will proceed to consider what, if any penalty should be imposed.
- 5.5. If the subject does not admit the alleged breach of discipline the Dean may take any step reasonably and proportionately required to investigate and to assemble relevant evidence. This may include interviewing the reporter and interviewing the subject, as well as interviewing any

witnesses, requesting written response to questions and requesting relevant documents.

- 5.6. A member of the College administrative staff will attend any meeting under this Part of the Procedure and take notes of the meeting and/or the meeting will be recorded.
- 5.7. Before reaching any determination under this Part the Dean will disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Dean judges that in all the circumstances the need to protect such rights overrides the subject's need for the information in question.
- 5.8. The subject will be provided with the opportunity to respond to that evidence and to provide a justification or explanation for the conduct in question. The subject may elect to respond in writing or at a meeting with the Dean.
- 5.9. Where there are substantial questions of fact to be decided the Dean may refer the report to the Principal to be considered by a Disciplinary Panel under Part 6 below. It will not normally be necessary in such cases for the Principal or the Disciplinary Panel to appoint an investigator. All materials gathered by the Dean in the course of their investigation will be provided to the Disciplinary Panel.
- 5.10. After having satisfied themselves that reasonable and proportionate investigatory steps have been taken the Dean will consider and assess all relevant evidence and any response provided by the subject and will determine whether they are satisfied on the balance of probabilities that a breach of discipline occurred.
- 5.11. Where the Dean concludes that a breach of discipline has been established, they will inform the subject in writing what, if any, penalty or penalties they are considering imposing. The Dean may impose any penalty, or a combination of the penalties, set out in Appendix A(II) or may make a conditional determination under Appendix A(II). The subject will have the opportunity to make representations bearing on the penalty, including any mitigation, in writing or at a meeting with the Dean.
- 5.12. The Dean will inform the subject and, where appropriate, the reporter of their decision in writing, providing reasons for any conclusion as to breach of discipline and any penalty or conditional determination imposed. The Dean will remind the subject of their right of appeal and of the matters set out in paragraph 5.13 to 5.17 below. The reporter will be notified of the Dean's decision.

### **Appeal to the Principal**

- 5.13. The subject may appeal to the Principal against a decision made by the Dean under paragraph 5.12 above.
- 5.14. The appeal is a review of the Dean's decision and is limited to the grounds set out in paragraph 5.15 below.
- 5.15. The grounds upon which the subject may appeal are that:
  - (a) There was bias, or a reasonable perception of bias, on the part of the Dean;
  - (b) The Dean acted unfairly or failed to follow this Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide

- earlier in the process, which would be likely materially to have affected the outcome;
- (d) There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;
  - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made;
  - (f) The penalty imposed was disproportionate.
- 5.16. Any appeal must be made by sending a notice of appeal to **principal@mansfield.ox.ac.uk** within 7 days of notification of the Dean' decision. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Dean' decision under paragraph 5.12 above and any other documentary evidence which is relevant to their grounds of appeal.
- 5.17. The subject should state in their notice of appeal whether they are requesting an oral appeal meeting with the Principal.
- 5.18. The Principal may invite the subject to an appeal meeting, and will normally do so when the subject has requested it.
- 5.19. The Principal may: confirm the Dean' determination; confirm the Dean' determination as to breach of discipline but vary the penalty imposed in such a way that the variation is regarded by the subject as a reduction; require the Dean to reconsider their determination as to breach of discipline; reverse the determination of the Dean as to breach of discipline; or refer the report to a Disciplinary Panel under Part 6 below.
- 5.20. The Principal will determine the appeal as soon as reasonably practicable and will normally inform the subject of their decision, and the reasons for it, in writing within 7 days of the determination. The reporter will be informed of the decision.
- 5.21. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.

## **6. Formal Procedure for Major Breaches of Discipline**

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

### **Notice of Referral**

- 6.3. The Dean may make a referral under this section where they consider that if the alleged breach of discipline is established, and the penalties set out in Appendix A(II) "Penalties for Minor Breaches of Discipline" may not be sufficient to address it.
- 6.4. A referral may be made at any stage after receipt of a report, including at any stage of an

investigation under Part 5 above, prior to a determination being made.

- 6.5. On referring the report to the Principal the Dean will write to the subject informing them of the report, setting out the provision(s) of the College Code of Discipline alleged to have been breached, stating that the matter has been referred to the Principal under this part and that a Disciplinary Panel will be convened to consider the report.
- 6.6. In any case in which the Dean has determined that there are exceptional circumstances which warrant referral under paragraph 4.4 above the Dean shall provide reasons for that conclusion. The subject may appeal to the Principal against that determination by writing to the Principal within 3 working days, setting out the reasons for which they contend that the Dean's determination that there were exceptional circumstances was wrong. The Principal will consider the appeal on the papers and will allow the appeal if they consider that the Dean's conclusion was one which no reasonable decision-maker could have reached.

#### **Appointment of Investigator and Disciplinary Panel**

- 6.7. The Principal will normally appoint an Investigator to investigate the report. The appointment will normally be made within three working days of the referral. The Investigator may be a senior member of the College or an external Investigator, at the Principal's discretion.
- 6.8. The Principal will write to the subject and the reporter informing them of the identity of the Investigator and that if they have any objection to the appointment, they must set out the reasons for their objections in an email to **principal@mansfield.ox.ac.uk** within 2 working days. If the Principal considers that the grounds for objecting are reasonable, they will aim to appoint an alternative Investigator within 3 working days of the objection being made. The subject and the reporter will be notified of the identity of any replacement Investigator by email.
- 6.9. A Disciplinary Panel will consist of three people appointed by the Principal for the purposes of considering the report. Panel members must either be members of the College Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Principal will appoint one of the members as Chair of the Disciplinary Panel.
- 6.10. A Disciplinary Panel may be appointed to consider a single case or a group of cases. Where the Principal has referred more than one case involving the same subject the Disciplinary Panel may decide to consolidate the cases.
- 6.11. The Principal will write to the subject and the reporter informing them of the identities of proposed Disciplinary Panel members and stating that if they have any objection to the appointment of any of the members, they must set out the reasons for their objections in an email to **principal@mansfield.ox.ac.uk** within 2 working days. If the Principal considers that the grounds for objecting are valid, they will aim to appoint an alternative panel member within 3 working days of the objection being made.

#### **Investigation**

- 6.12. The Investigator will gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case.
- 6.13. Any evidence obtained by the Dean for the purposes of their investigation of the report shall be provided to the Investigator.
- 6.14. The Investigator shall inform the subject of the case against them, and disclose all relevant evidence (including exculpatory evidence) to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the

Investigator considers that in the circumstances the need to protect such rights overrides the subject's need for the information in question.

- 6.15. The Investigator will give the subject the opportunity to respond to the case against them, including an opportunity to put forward oral and/or written or documentary evidence, and to make representations. Representations may include, but are not limited to, representations regarding any response to the allegation, justification, or excuse for the breach of discipline under investigation, and mitigating factors that may bear on disposal of the case. Such representations should normally be heard at a meeting in person between the subject and the Investigator, at which notes should be taken of the subject's representations. However, where the subject is out of residence at the time, or it is not reasonably practicable for representations to be made in person within a reasonable time, the opportunity to make representations online or in writing may be substituted at the discretion of the Investigator.
- 6.16. The Investigator will usually provide the reporter with the subject's evidence, or if appropriate a summary of the evidence, in response to the report. The Investigator will invite the reporter to comment on the evidence and to provide any further relevant evidence, whether oral or documentary.
- 6.17. A member of the administrative staff of the College will attend any meeting between the subject and other witnesses (including the reporter) and the Investigator. The member of staff will take notes of the meeting and/or the meeting may be recorded.
- 6.18. On completion of their investigation, the Investigator will make a written report to the Disciplinary Panel including any written or documentary evidence, notes of meetings, and a conclusion as to whether on the evidence a finding that the subject committed the breach(es) of discipline could be justified.

### **Disciplinary Meeting**

- 6.19. The report will be considered by the Disciplinary Panel at a meeting which will normally be attended by the subject and the Investigator.
- 6.20. It is expected that all relevant witness evidence will have been obtained by the Investigator and will be contained in the Investigation report. In many cases it will not be necessary for the Disciplinary Panel to hear directly from witnesses in order to reach a decision. On receipt of the Investigation Report the Panel Chair will consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting.
- 6.21. The Chair will write to the subject informing them of the proposed date of the Disciplinary Meeting which will be no less than 14 days after the date of the email. The Chair will: set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline; provide a copy of the Investigator's Report and any other evidence which will be considered by the Disciplinary Panel; set out the names of the members of the Disciplinary Panel and anyone else who will be present for some or all of the meeting, identifying the capacity in which they will be attending; inform the subject of the right to be accompanied in accordance with paragraph 2.5 above; and inform the subject that they can expect the members of the Disciplinary Panel to ask them questions. The Chair will ask the subject to confirm their attendance at the meeting and whether they wish to call any witnesses. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date or chooses not attend they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date for the Disciplinary Meeting or may confirm that the Disciplinary Meeting will proceed on the proposed date and



may proceed in the absence of the subject.

- 6.22. If the subject wishes to call witnesses to the Disciplinary Meeting, they must write to the Chair within 7 days identifying the witnesses and explaining the reasons why they consider attendance to be necessary. The Chair will consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.
- 6.23. If the Chair decides that it would be appropriate to invite witnesses to the Disciplinary Meeting, they will consider whether any particular arrangements are required to safeguard the interests of the witnesses. Such arrangements may be put in place at the discretion of the Chair but may include: separate waiting areas for the reporter and the subject; the reporter bringing a supporter to sit with them while addressing the Panel and answering questions; the reporter addressing the Panel from behind a screen; the reporter responding to questions via online-link from a different location. Such measures are likely to be required in sexual misconduct cases.
- 6.24. The Chair will determine the procedure for the hearing, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the Investigator and any witnesses.
- 6.25. The subject will not be permitted to ask questions directly, but will be provided with the opportunity to put questions to witnesses through the Chair. Where the reporter attends the hearing, the Chair will ensure that the reporter and the subject have an appropriate opportunity to comment on any evidence the other has provided.
- 6.26. A member of the administrative staff of the College will attend and take notes of the meeting, and/or the meeting may be recorded.
- 6.27. After the Disciplinary Meeting the Disciplinary Panel will deliberate in the absence of any other person, apart from the note-taker. Before determining whether a breach of discipline has been established it will satisfy itself that reasonable and proportionate efforts have been made by the Investigator to obtain the relevant evidence which is necessary to determine the issues in the case from the subject and from others, whether orally or in writing; assess the relevance, reliability and credibility of the evidence; satisfy itself that the subject has had a fair opportunity to answer the case against them; satisfy itself from the evidence obtained that, on the balance of probabilities, it has been shown that the breach of discipline was committed by the subject; and identify the form of disposal which it is minded to adopt, subject to further representations by the subject.
- 6.28. Decisions of the Disciplinary Panel shall be made by a simple majority vote.
- 6.29. If the Disciplinary Panel determines that a breach of discipline has been established, it will notify the subject promptly, and in any event within 7 days of that determination, the reasons for it, and the disposal it is minded to adopt. It will invite the subject to make representations to the Disciplinary Panel within 3 working days of notification of the determination, regarding the appropriate disposal. Such representations may be made orally or in writing, at the choice of the subject. The Disciplinary Panel may also request the provision of a written statement of the impact of the subject's conduct from the reporter or any other person.
- 6.30. The Disciplinary Panel may impose any penalty or combination of penalties set out in Appendix A(II). It may also make a conditional determination. It will consider the range of available penalties and impose a penalty, or conditional determination, that is appropriate and proportionate in all the circumstances.
- 6.31. The Panel shall report its determination and disposal to the Principal as soon as possible, supported by written reasons. Notice of the Panel's determination and disposal will be given in writing to the

subject by the Principal within 3 working days of receipt of the Panel's report, supported by a copy of the Panel's report. The decision letter will inform the subject of their right of appeal and of the matters set out in paragraphs 7.2 to 7.5 below. The reporter will be informed of the outcome of the proceedings.

## **7. Appeals following Disciplinary Panel proceedings**

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

### **Notice of Appeal**

- 7.4. The grounds upon which a subject may appeal are that:
  - (a) There was bias, or a reasonable perception of bias, during the procedure;
  - (b) There was unfairness or a failure to follow this Procedure;
  - (c) The subject has new material that it was not reasonably practicable for them to provide to provide earlier in the process, that would have been likely to make a material difference to the outcome;
  - (d) There was an error of interpretation of any of the provisions referred to in Appendix A or of this Procedure;
  - (e) The decision that a breach of discipline was established was one which no reasonable decision-maker could have made; and/or
  - (f) The penalty imposed was disproportionate.
- 7.5. Any appeal must be made by sending a notice of appeal to **principal@mansfield.ox.ac.uk** within 7 days of notification of the Disciplinary Panel's determination. The notice of appeal must set out the ground(s) upon which the subject is appealing and explain why the subject considers that the particular ground of appeal is established. At the same time the subject should provide a copy of the Disciplinary Panel's reasoned determination and any other documentary evidence which is relevant to their grounds of appeal.

### **The Appeal Committee**

- 7.6. An appeal under this Part is to be heard by a Non-Academic Disciplinary Appeal Committee.
- 7.7. An Appeal Committee will consist of three people appointed by the Principal for the purposes of considering the appeal constituted in accordance with paragraph 7.8 below. The Principal will appoint one of the members as Chair of the Appeal Committee.
- 7.8. The Appeal Committee may comprise:
  - a) one Fellow of the College of suitable seniority and experience who is a Member of the

Tutorial Board holding an academic post; and

- b) any two, or any three if the Principal does not appoint a Fellow under paragraph (a) above, of the following in any combination:
  - i. Fellows of the College who hold academic posts (but who need not be members of the Governing Body);
  - ii. Fellows of the College who are members of the Governing Body (but who need not hold academic posts);
  - iii. Members of another College or other Colleges of the University of Oxford who (apart from the fact that they are members of another College) fall under the descriptions in (i) – (ii) above;
  - iv. Any other person who has been approved for this purpose by Governing Body.
- 7.9. The Appeal Committee will be assisted by a member of College staff who will act as Secretary to the Appeal Committee ('the Secretary').
- 7.10. The Principal will write to the subject and the reporter informing them of the identities of proposed Appeal Committee members and stating that if they have any objection to the appointment of any of the members they must set out the reasons for their objections in an email to **[office/email address]** within 2 working days. If the Principal considers that the grounds for objecting are reasonable they will aim to appoint an alternative panel member within 3 working days of the objection being made.

### **Consideration of the Appeal**

- 7.11. The Principal will nominate a person ('the College Representative') to make a case before the Appeal Committee in support of the implementation of the disciplinary measure. Within 3 working days of their appointment, the College Representative will provide to the subject and the Secretary a written response to the grounds of appeal. The response must state whether the College Representative is requesting an oral hearing. Any request must be supported by reasons. The reporter will be notified that an appeal has been commenced.
- 7.12. Within 2 working days of the College response the subject must confirm in writing whether they are requesting an oral hearing. Any request must be supported by reasons.
- 7.13. The Appeal Committee Chair will determine whether an oral hearing is appropriate and, if it is, the Secretary will fix a date for a hearing. The hearing will normally take place no later than 14 days after the appointment of the Appeal Committee. The date should be fixed in consultation with the subject, the College Representative, and the members of the Appeal Committee.
- 7.14. At least 7 days before the hearing the Secretary will
  - a) write to the Appeal Committee members, the subject, and the College Representative to confirm the date, time, and location of the hearing;
  - b) provide the Appeal Committee members, the subject, and the College Representative with a bundle containing all documents relevant to the appeal.
- 7.15. If the subject or the College Representative wishes the Appeal Committee to take account of any additional material or written submissions, copies must be provided to the Secretary at least 5 days before the hearing. The Secretary will ensure that it is circulated to the Appeal Committee and the

other party as soon as possible. Any documentation submitted after this time will not be considered by the Appeal Committee unless the Chair decides that exceptional circumstances warrant its inclusion.

- 7.16. The Appeal Committee Chair will determine the procedure for the hearing of the appeal, so as to ensure a hearing that is fair, and, so far as possible in view of the seriousness of the case, informal and flexible. If (exceptionally) any witnesses are heard, questions will be asked of them by the members of the Appeal Committee.
- 7.17. The Appeal Committee members will deliberate on their decision following any hearing. Where the appeal is considered without a hearing the Appeal Committee members will meet to deliberate and will be provided by the Secretary with the documents set out in paragraph 7.14 above. The Secretary will provide the subject and the College Representative with at least 7 days notice of the date on which the Appeal Committee will meet and any additional material must be submitted in accordance with paragraph 7.15 above.
- 7.18. The appeal will be determined by a simple majority vote.
- 7.19. The decision of the Appeal Committee shall be provided in writing to the Principal, the subject, and the College Representative within 7 days of the conclusion of any hearing. The Appeal Committee will produce a written report setting out its conclusions and the reasons for them. In case of a majority decision, the decision and the reasons will be those of the majority. The reporter will be notified of the outcome.
- 7.20. The Appeal Committee may uphold the implementation of the disciplinary penalty, vary the conditions of its implementation, require those conditions to be satisfied afresh, set aside the penalty and remit the matter to the Disciplinary Panel, or substitute any alternative disposal which was open to the Disciplinary Panel. An Appeal Committee may impose a more severe disciplinary measure than that which was imposed by the Disciplinary Panel.
- 7.21. The decision of the Appeal Committee is final and not open to further appeal within the College.
- 7.22. If the appeal is not allowed the letter to the subject will explain that it is a Completion of Procedures letter which marks the end of the College process and that the subject has the right to seek review by the Office of the Independent Adjudicator and the time limit for doing so. The letter will also explain where and how the subject can access advice and support.
- 7.23. If the appeal is not allowed the subject may make a further appeal to the Conference of Colleges Appeal Tribunal (CCAT). The CCAT is a Tribunal established by the Collegiate University with jurisdiction to hear appeals from final disciplinary decisions of Colleges imposing a substantial penalty. The process for making an appeal to the CCAT is set out here: <http://www.confcoll.ox.ac.uk/html/main/ccat.html>

## **8. Appeal in relation to breach of conditions**

- 8.1. If conditions are attached to any disposal under Appendix A(II) and the Dean considers that the subject has failed to meet those conditions, notice of that failure and of the consequences as determined by the terms of the disposal will be given in writing to the subject by the Dean within 3 working days of the failure having come to the attention of the Dean. In the case of a dispute about whether the conditions specified in a disciplinary penalty or conditional determination have been met by the subject, the appeal procedure under this Part applies.
- 8.2. The subject may appeal against the coming into effect of the consequences of any failure to meet a condition specified in a penalty or conditional determination, on one or both of the following

grounds:

- a) that the Dean was wrong to conclude that the subject failed to meet the condition; or
  - b) that the subject's failure to meet the condition was excusable.
- 8.3. The subject exercises the right of appeal under this provision by giving notice of appeal in writing to the Principal within 7 days of receipt by the subject of notice under paragraph 8.1 above of their failure to meet the condition.
- 8.4. The appeal, which will be a rehearing, will be referred by the Principal to a Disciplinary Panel constituted in accordance with Part 6 above and the procedure under Part 6 will be followed.

## **Appendix A – Mansfield College Code of Discipline**

### **1. SCOPE**

1.1 This Disciplinary Code applies to all students of the College. For the purpose of this Code, the term 'students' includes any person matriculated by the University on presentation by the College and still studying for their degree, and any visiting student admitted to and currently studying at the College. For the avoidance of doubt, the Code applies to students who are not currently resident in Oxford, which could include students on a year abroad, and those who are suspended or excluded.

1.2 The Code also applies to anyone who participates in activities of any Mansfield College sports, arts or other society or who is on College premises as a guest of a member of College or otherwise. In relation to students of other colleges of the University of Oxford, apparent breaches of the Disciplinary Code may be referred to their own College Dean. In relation to any person who is not a Mansfield student but whose actions breach this Code, and irrespective of the actions of any other College Dean, they may be banned from College premises and participating in any Mansfield College related activities. Such a ban may also be made on a protective basis pending any investigation and/or disciplinary finding.

1.3. The Code does not apply to alumni visiting College, but they are bound by the University of Oxford Code of Conduct, which prohibits harassment at University or College sponsored events. A copy of the Alumni Code of Conduct may be found at [REFERENCE].

1.4 The Code applies to all conduct taking place within a College context.

1.5 'College Context' is defined as conduct that takes place:

- (a) on College premises, including in accommodation provided or arranged by College; or
- (b) in the course of a College event or function, including a College sporting activity; or
- (c) anywhere, if it involves the use of College facilities (such as computer networks) or privileges (such as room bookings);

(d) it was committed against any other member, visitor, officer or employee of the College or in relation to the holding of a College office; or

(e) it threatens to bring the College into disrepute.

1.6 For the avoidance of doubt, conduct which occurs using electronic communications and online activity are within a College Context if they pass through the College's network or use a College email address, or identify the person concerned as a Mansfield student.

1.7 The Dean may decide whether other communications or activity are within a College context having regard to all of the circumstances of the matter, as explained above.

## **2. COLLEGE DISCIPLINARY RULES**

2.1 No Student shall intentionally or recklessly:

(a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social or other activities of the College, or disrupt or attempt to disrupt the lawful exercise of the freedom of speech by members, students, and employees of the College or by visiting speakers, or obstruct or attempt to obstruct any employee or agent of the College in the performance of their duties;

(b) damage or deface or attempt to damage or deface any property of the College or of any member, visitor, officer or employee of the College or knowingly misappropriate such property;

(c) forge or falsify expressly or impliedly any University or College certificate or document or knowingly make false statements concerning standing or results obtained in any examination;

(d) engage in any activity likely to cause injury to others or to impair their safety or health;

(e) engage in violent, indecent, disorderly or threatening or offensive behaviour or language; offensive behaviour here is to be assessed on the basis of normal standards of sensitivity. (Taking advantage of any person's more than normal sensitivity is liable to constitute harassment);

(f) engage in harassment, including sexual harassment, as defined in the College's Policy and Procedure on Harassment, or sexual misconduct, which is defined as "any behaviour of a sexual nature which takes place without consent where the person alleged to have carried out the misconduct has no reasonable belief in consent";

(g) engage in any fraudulent or dishonest behaviour;

(h) refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the College, University or of any college in circumstances where it is reasonable to require that that information be given;

(i) use, offer or sell or give to any person drugs or other substances, the possession or use of which is illegal;

(j) engage in any other conduct which threatens to bring the College into disrepute;

(k) decline or refuse to obey any College regulation concerning noise, safety, health or treatment of premises, or any lawful instruction of an officer or employee of the College.

(l) fail to respond to the Dean, when expressly requested to do so in writing, regarding a possible breach of this code.

For the avoidance of doubt, being under the influence of alcohol or otherwise intoxicated will not be admitted as an excuse for breaches of the College Rules and may be regarded as an aggravating feature.

## **Appendix A(II) – Penalties for Breaches of Discipline**

### **1. Penalties for Minor Breaches of Discipline**

- (a) A formal warning to remain on the student's College record for a defined period;
- (b) A fine of up to £500;
- (c) Community service or mandatory training related to the nature of the offence (e.g. cleaning cigarette ends if the offence was related to smoking);
- (d) Suspension from some College privileges, to include social and recreational facilities and premises (e.g. bar, sports facilities, common rooms, guest nights), but nothing which will affect the student's academic work (e.g. library, tutorials, although in some circumstances it may be necessary to exclude students from use of computing facilities) or access to welfare provision;
- (e) Being denied the privilege of living in College in subsequent years. In the case of Finalists, this sanction may take the form of being denied the privilege of staying up beyond the last day of their written examinations
- (f) An order that the student apologise in writing to any member of College adversely affected by the breach of the Disciplinary Code.

### **2. Penalties for Major Breaches of Discipline**

- (a) Any of the penalties set out in paragraph (1) above;
- (b) fines exceeding £500;
- (c) suspension of the student;
- (d) expulsion of the student.