

Disciplinary Procedure for Junior Members

1. Most disciplinary matters will be resolved by the Senior Tutor, who may impose a fine or punishment proportionate to the offence.
2. If a disciplinary case arises which in the view of the Senior Tutor is serious, or if a Junior Member wishes to appeal against a disciplinary decision of the Senior Tutor, the Senior Tutor shall ask the Governing Body to appoint a Disciplinary Committee to hear the case.

Disciplinary Committee and other Parties to a Hearing

3. The Governing Body shall appoint a Disciplinary Committee of three of its members and shall designate one of the persons so appointed to be Chair of the Committee. The Chair shall appoint a suitable person to act as Secretary to the Committee. The Junior Member may invite another member of the Governing Body to act as his/her Supporter during the hearing of the Disciplinary Committee. Under exceptional circumstances, and at his/her sole discretion, the Chair may permit a person who is not a member of the Governing Body to act as the Junior Member's Supporter.
4. The parties to a hearing shall normally be the Committee, the Secretary, the Senior Tutor, who acts as Presenting Officer, the Junior Member charged, and the Junior Member's Supporter. If any party feels that the membership of the Committee could give rise to a conflict of interest or possible bias, this must be reported to the Secretary and Chair of the Committee immediately.
5. The Junior Member shall not normally have legal representation at the hearing and witnesses shall not normally be called in person. However, in cases of extreme seriousness, where there are material differences in factual accounts, the Chair shall have discretion to permit legal representation and/or allow witnesses to be called in person and to be questioned appropriately.

Timing of a Hearing

6. The Chair may set time limits for each stage of the hearing and adjourn, postpone or reconvene a hearing as necessary. It is the duty of the Committee and of the Chair to ensure that a charge is heard and disposed of as expeditiously as possible.
7. In the case of disciplinary issues which are or may be subject to prosecution, the College's disciplinary proceedings will be adjourned until the matter ceases to be sub judice, and any subsequent conviction would be admissible as evidence in the resumed disciplinary hearing.

Procedures

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

9. No documents concerning previous incidents may be circulated in advance or produced at the hearing until the Committee has made a decision on whether the current charge is proved. Such information may be taken into account only when the sanction to be imposed is under consideration.
10. The Chair shall:
 - (i) after consultation with all parties, fix a date, time and place for the hearing;
 - (ii) send to each party a notice of the hearing, including information on membership of the Committee, guidance on the procedures, a copy of the charge or charges, and a copy of the documents provided by the Presenting Officer under 8 above.
11. The Junior Member may submit, through his/her Supporter, a written statement in light of the papers received, and, if appropriate, may provide up to four witness statements, to be received by the Secretary of the Committee at least two days before the hearing. The Secretary shall, no later than two days before the hearing, send a copy of the papers to the Presenting Officer, the Members of the Committee, the Junior Member and his or her Supporter.
12. At the discretion of the Chair, if more than one Junior Member is charged, they shall normally appear separately at all stages of the hearing. Their cases and the sanctions (if any) to be imposed shall be considered separately by the Committee.
13. At the discretion of the Chair, the normal order of proceedings shall be as follows:
 - (i) The Presenting Officer shall present the charges. The Junior Member shall then present his/her case. His/her Supporter shall be permitted to speak on his/her behalf. The Junior Member shall be prepared to answer questions put to him/her by the Committee or the Presenting Officer. The Presenting Officer, and the Junior Member and his/her Supporter may make closing statements in that order.
 - (ii) The Junior Member, his/her Supporter and the Presenting Officer shall withdraw while the Committee deliberates.
 - (iii) The Presenting Officer, the Supporter and the Junior Member shall re-join the Committee to hear its verdict on the case. If more than one Junior Member has been charged, the Junior Members and their Supporters shall normally re-join the Committee separately. If the charge(s) are found proved, the Presenting Officer shall address the Committee on the question of appropriate penalty. The Supporter shall be given an opportunity to comment. The Presenting Officer, the Junior Member and his/her Supporter shall then withdraw again while the Committee reaches its final decision.
14. The Committee shall find a charge proved only if this has been proved on the balance of probabilities. The Committee shall ensure that any sanctions imposed are proportionate, consistent with previous cases and comply with current legislation. The Chairman shall communicate the Committee's decision to the Presenting Officer as promptly as possible after the meeting and send a report to the Master including the Committee's findings of fact, its decisions, the reasons for those decisions and any other recommendations. A copy of the report shall be made available to the Presenting Officer, the Junior Member and his/her Supporter.

Appeals

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

16. The Master will bring the matter to the attention of the Governing Body for consideration. The Governing Body will appoint a new Panel to deal with the appeal. The new Panel shall comprise the Master and two other Fellows. The Governing Body will exclude from such consideration any person who has been involved with the complaint at an earlier stage. The Appeal Panel will investigate the case ab initio. The Junior Member will be invited to appear before Panel. He/she may be represented by his/her Supporter or other person at the discretion of the Master. The Presenting Officer and the Chair of the Disciplinary Committee will be invited to attend. The Appeal Panel will reach a conclusion which will be communicated to the Junior Member by the Master. The decision of the Appeal Panel may involve a penalty greater or lesser than that agreed by the Disciplinary Committee.
18. A Junior Member remaining dissatisfied with the processes and/or outcome of such consideration of his or her complaint may apply to the Office of the Independent Adjudicator.

Office of the Independent Adjudicator

19. The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of student complaints which have already been considered in full under the College's internal procedures. When communicating the final decision under 16 above, the Master will issue a formal Completion of Procedures letter to the Junior Member, together with details of the OIA Student Complaints Scheme. If the Junior Member is dissatisfied with the conduct of the disciplinary procedures within the College he/she may bring the complaint to the OIA within three months of the date of issue of the Completion of Procedures letter, provided that the complaint is eligible under the rules of the OIA scheme. Further information may be viewed at www.oiahe.org.uk.

Review of Procedures

20. The Senior Tutor will maintain records on the nature and number of cases dealt with under these procedures, preserving the confidentiality of the parties concerned. The Governing Body will review the procedures from time to time, after discussion within the Coordinating Committee.
21. Copies of the Disciplinary Procedures may be obtained from the College website and Tutorial Office.

January 2015