

Disciplinary Procedure for Junior Members

1. GLOSSARY OF KEY TERMS

In this procedure, the following terms shall have the meanings set out below:

Council: The College Council, which consists of five officers of the College (the Master, Vice Master, Senior Tutor, Senior Bursar, Junior Bursar) and nine elected Fellows, and is chaired by the Master.

Dean: Dean of College.

Disciplinary Committee: A committee appointed by the Council under Statute XXXVII.3 to hear a charge brought against a Junior Member, or to hear an appeal from a disciplinary decision of an officer of the College under Statute XXXVII.2.

2. SCOPE AND PRINCIPLES

- 2.1. This procedure enables the College to consider whether a Junior Member has breached the standards of behaviour set out in the Code of Discipline and, if so, to impose proportionate sanctions. It does not exist to resolve personal disputes. Complaints about any matter under the control of the College which affects the progress, wellbeing or circumstances of an individual student can be brought under the Code of Practice on Student Complaints. Junior Members who witness misconduct may report it to a Tutor or the Dean.
- 2.2. All individuals involved in this procedure are required to communicate and act respectfully and reasonably at all times. Abusive or unreasonable behaviour will not be tolerated and may result in disciplinary action or limits being imposed on involvement in this process.

Flexibility of the procedure

- 2.3. This procedure is an internal process and does not have the same degree of formality as proceedings in court. It is not intended that a Junior Member or the College will be legally represented at any meetings that form part of the procedure.

- 2.4. The procedure is intended to ensure that potential misconduct by a Junior Member is investigated and addressed in a fair and proportionate way. The procedure may be adjusted where it is fair and proportionate to do so. For example, if matters have already been thoroughly investigated under the Code of Practice on Student Complaints, little further investigation may be necessary under this procedure and a Disciplinary Committee may be convened immediately.

Standard of proof

- 2.5. The standard of proof used when making determinations of misconduct under this procedure is the balance of probabilities, i.e. that it is more likely than not that the Junior Member breached the standards of behaviour required under the Code of Discipline. The burden of proof is on the College.

Timeliness

- 2.6. The College shall investigate and consider potential misconduct by Junior Members in a timely manner. For matters where a Disciplinary Committee is likely to be appointed under Statute XXXVII, the College normally aims to complete the process within 60 days of first informing the Junior Member of the allegation of misconduct against them. However, delays may occur for reasons outside the College's control, such as where the case is complex, the Junior Member or witnesses are not available to attend meetings, or where the procedure has been put on hold for good reason. The Junior Member and others involved will be provided with updates where there is a delay.

Deputies

- 2.7. Any reference in this procedure to a named role includes a deputy appointed to exercise some or all of the functions assigned to that role-holder under this procedure. In particular, a deputy may be appointed from outside the College. A deputy will be appointed to replace any person who may have a conflict of interest or may reasonably be perceived to have a conflict or be biased.

Criminal and other proceedings

- 2.8. Some breaches of the Code of Discipline could also constitute criminal offences. The College will treat outcomes reached as a result of criminal investigations, such as fines, cautions, or criminal convictions received by a Junior Member, as evidence that the behaviour on which the offence was based took place. A 'not guilty' or 'no further action' outcome from

the police or criminal proceedings will not prevent the College from undertaking its own investigation as to whether a breach of the Code of Discipline has occurred.

- 2.9. Where there is no current police investigation or ongoing criminal procedure, the fact that conduct might amount to a criminal offence is not a reason to halt or delay any step under this procedure. Given its limited powers, the College is not expected to conduct investigation as the police would or conduct proceedings as if it was holding a criminal trial. The College's duty is only to carry out such investigation as is fair, reasonable and proportionate in the circumstances, and to make a decision based on the balance of probabilities.
- 2.10. Potential misconduct by a Junior Member may be subject to multiple procedures (for example, a complaint by a student under the Code of Practice on Student Complaints may result in action against a Junior Member under this procedure), or be investigated by a different body, such as the University or its OSCCA (Office of Student Conduct, Complaints and Appeals). Sensitive matters such as sexual misconduct are particularly likely to be referred to the OSCCA for investigation. A matter may be referred to a different procedure or body at any time. Following the outcome of the University's Student Disciplinary Procedure, where it deems it necessary the College reserves the right to take action in accordance with this policy based on the investigation and findings of the University's Student Disciplinary Procedure, taking into account all of the circumstances. For the avoidance of doubt, action may be deemed necessary by the College even where there has been no breach of the University's Rules of Behaviour.

Suspension and other precautionary action

- 2.11. In cases where the Dean of College assesses that there is a need to put in place precautionary action whilst proceedings are ongoing, the Dean will liaise with the University to initiate the process outlined in the University's Statutes and Ordinances under Special Ordinance D (v): Precautionary Action (Special Ordinance under Statute D I) and/or where appropriate implement equivalent precautionary actions in College, such as moving one student's accommodation to another part of the College, requiring a student to live out of College, or instructing all parties to refrain from contacting each other.

Inappropriately influencing the outcome of these proceedings

- 2.12. Whilst subject to these disciplinary proceedings, the Junior Member must not take any inappropriate steps to influence the outcome, such as causing any person who has complained about their conduct, or witnesses, to feel intimidated. The Junior Member should not contact or attempt to contact any such person, either directly or indirectly, and should inform the Dean immediately if contact will be inevitable unless arrangements are put in place to avoid it.

Confidentiality

- 2.13. Information about any person's involvement in this procedure shall be kept confidential as far as possible. However disclosure of information by College officers will be necessary for various reasons, such as to ensure that the procedure is fair, to implement sanctions, or to protect others.
- 2.14. Individuals must not disclose to anyone (other than those involved in this procedure, and where relevant) personal information about other individuals that they acquire from their participation in this procedure, either during the process or subsequently.
- 2.15. It is necessary that all parties feel able to engage fully with the procedure without concern for the wider sharing of information disclosed within the investigation process. Following the conclusion of the procedure, whilst those involved may discuss their personal experience of the procedure with professional advisors such as Tutors, Mental Health Advisors or GPs, they should not identify or provide details that might identify any individual involved.

3. ESTABLISHING THE FACTS

Informal investigation

- 3.1. Where a matter is relatively minor and requires little further investigation, the Junior Bursar, a Tutor or other officer of the College with authority under Statute XXXVII.3 will meet with the Junior Member to discuss the allegation of misconduct and give the Junior Member an opportunity to respond. If it appears that the matter may merit a letter of warning or censure, the officer may refer it to the Dean for further consideration.

Preliminary investigation by the Dean

- 3.2. In all other cases the Dean will meet with the person who initially reported the potential misconduct to receive an oral account, and then hold a preliminary investigatory meeting with the Junior Member and their Tutor, or their representative, to discuss the allegation and give the Junior Member an initial opportunity to respond. The Junior Member will be asked to indicate the witness and documentary evidence they would like gathered during any subsequent investigation.

If the preliminary meeting with the Junior Member does not conclude the matter, the Dean will then decide on next steps, in consultation with others such as College Officers and members of the Dean's Committee if the Dean so chooses, including considering:

- whether the matter should be considered under another procedure, such as the Fitness to Study Procedure;
- whether the matter should be referred to another body, such as the University's OSCCA, for investigation;
- whether and how to investigate the matter further, including whether to appoint a deputy to carry out the investigation.

- 3.3. The Dean will notify the Junior Member and the Member's Tutor of next steps, or that no further action will be taken. Where next steps include further investigation, the Dean shall describe the investigation process, the possible outcomes, including referral to other procedures, for example Fitness to Study or Fitness to Practise, and who may need to be informed. The Dean will inform the Junior Member of the avenues of support available to them and the potential consequences if the potential misconduct may constitute a criminal offence.

Further investigation

- 3.4. The nature and extent of any further investigation will depend on the seriousness of the matter, and the more serious it is, then the more thorough the investigation will be. The Dean will keep an open mind and look for evidence supporting the Junior Member's defence as well as that supporting the allegation of misconduct.
- 3.5. The Dean may meet with any witnesses or instead collect information through written statements. When a Junior Member is interviewed as a witness, the Dean will ask the Junior Member's Tutor or a Tutorial Administrator to attend. The Dean may also meet again with the Junior Member and Tutor. Written notes may be taken at these meetings;

individuals shall have the opportunity to comment on the written notes of any interview with them. The Dean shall also give anyone personally affected by the alleged behaviour being investigated the opportunity to describe that effect in an 'Impact Statement', and will direct them to appropriate sources of support.

- 3.6. At the conclusion of an investigation, the Dean shall produce an investigation report, outlining the process followed, the information gathered and his or her findings and conclusions. The Dean will decide either that there is a disciplinary case to answer, or to refer the matter to another body or procedure, or to take no further action.
- 3.7. If the Dean decides to take no further action, at this or any later stage, the Dean will notify the Junior Member.
- 3.8. Where the Dean decides that there is a disciplinary case to answer, the Dean will either:
 - (a) refer it to Council who may decide to appoint a Disciplinary Committee where the case, if upheld, could merit a sanction which can be imposed only by a Disciplinary Committee under Statute XXXVII (see section 5 below); or
 - (b) invite the Junior Member to an interview to discuss it.
- 3.9. In considering whether to refer the case to the Disciplinary Committee, the Dean of College shall give consideration to the Code of Discipline in relation to sanctions and measures, as well as the following factors:
 - (a) The seriousness of the breach;
 - (b) The harm or damage caused;
 - (c) The advantage gained or the advantage that could have been gained by the Junior Member as a result of the breach;
 - (d) The intent and planning involved in the breach;
 - (e) The impact on the Collegiate University community, including the content of any Impact Statement;
 - (f) Whether the Junior Member has admitted the breach and when such an admission took place;
 - (g) Whether the Junior Member has expressed remorse and/or shown insight into the impact of the breach;
 - (h) The evidenced personal circumstances of the Junior Member; and
 - (i) The impact on the reputation of the College and/or the Collegiate University as a whole.

Decanal interview

- 3.10. The Dean's invitation to the Junior Member to attend an interview will be in writing and contain sufficient information about the alleged misconduct and its possible consequences to enable the Junior Member to prepare to answer the case at the interview. Such information will normally include a description of the alleged misconduct, the name of the person who reported it (unless, exceptionally, anonymity has been granted) and the Code of Discipline regulations or standards of behaviour that have allegedly been breached. It would normally be appropriate to provide copies of any written evidence, which may include any witness statements, and any investigation report, with the invitation. The invitation should also give details of the time and venue for the disciplinary interview and advise the Junior Member of their right to be accompanied at the meeting by their Tutor.
- 3.11. The interview will be held without unreasonable delay whilst allowing the Junior Member reasonable time to prepare their case. The Dean, Junior Member and Tutor should make every effort to attend the interview. At the interview the Dean will explain the complaint against the Junior Member and go through the evidence that has been gathered. The Junior Member will be allowed to set out their case and answer any allegations that have been made. The Junior Member will also be given a reasonable opportunity to ask questions, present evidence and raise points about any information provided by witnesses.

4. DECISIONS BY THE DEAN AND OTHER COLLEGE OFFICERS

After meeting the Junior Member, the relevant College officer under section 3.1 above, or the Dean, will decide whether or not disciplinary or any other action is justified and inform the Junior Member accordingly in writing. Where misconduct is confirmed, the Dean or other College officer will issue a letter setting out the nature of the misconduct, their findings of fact, their decisions and reasons for those decisions, the change in behaviour required and any punishments or measures imposed. The Dean's letter may be an informal letter, a letter of warning or a letter of censure under the Code of Discipline. The letter from any other College officer will be an informal letter under the Code of Discipline.

5. DECISIONS BY THE DISCIPLINARY COMMITTEE

Appointment of the Disciplinary Committee

- 5.1. Where the Dean has referred a disciplinary case to Council under section 3.8 above, the Council shall appoint such a Disciplinary Committee under Statute XXXVII, constituted in accordance with the provisions of Statute LXVII.25, whose function shall be to hear the charge(s) of misconduct against the Junior Member. Council shall designate one of the persons so appointed to chair the Committee. The Chair shall appoint a suitable person to act as Secretary to the Committee. If the Junior Member believes 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, with written reasons.
- 5.2. Those present at the hearing shall be the Committee members, the Secretary, the Dean and the Junior Member. The Junior Member may also be accompanied by his/her Tutor or another Fellow or member of the College of his/her choice. It is for the Junior Member to approach their chosen companion, make timely arrangements for the companion to attend the hearing, ensure the companion understands their duty to keep information confidential, pass relevant documents to the companion and let the Secretary know, ideally before the date for the hearing is fixed, the name of the companion. At the hearing the Junior Member's companion may put and sum up the Junior Member's case, respond on behalf of the Junior Member to any views expressed, and confer with the Junior Member. The companion may not, however, answer questions on the Junior Member's behalf, speak if the Junior Member does not wish it, or prevent anyone else present from explaining their case.

Hearing arrangements

- 5.3. The Chair may give such directions for the fair hearing of the charges as he or she sees fit, whether at the request of any participant or of his or her own accord, such as:
 - (a) setting or revising time limits for each stage of the hearing and the preparation for it;
 - (b) making arrangements for dealing fairly with cases where more than one Junior Member is involved;
 - (c) taking steps to ensure that participants, including witnesses, understand the requirement to keep confidential any sensitive information acquired as a result of their participation;

- (d) permitting a participant to attend the hearing by alternative means (eg video call);
- (e) deciding whether or not the hearing will proceed in the absence of any participant;
- (f) dividing the hearing into two: one to consider the charge(s) and one to consider sanction if any charge is upheld;
- (g) adjourning, postponing or re-convening 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.

5.4. As soon as possible after the Committee has been appointed:

- (a) The Secretary shall inform the Junior Member and Dean of the membership of the Committee and send a copy of Statute XXXVII, the Code of Discipline and this Disciplinary Procedure to the Committee members and Junior Member;
- (b) The Dean shall send to the Secretary a copy of the charge(s) against the Junior Member, any Statute, regulation or other standard of behaviour said to have been breached, any relevant investigation report, any witness statements and any other documents or evidence which the Dean wishes the Committee to consider at the hearing, whether in relation to the charges or the sanction the Committee could apply, but not including any information described in section 5.5 below.
- (c) The Secretary shall:
 - (i) send to the Chair and Junior Member the documents and any other evidence provided by the Dean under 5.4 (b) above; and
 - (ii) after consultation with the Committee, Junior Member and Dean, notify all involved of the date, time and place for the hearing.

5.5. No information concerning previous disciplinary warnings or sanctions to which the Junior Member has been subject will normally be provided to the Committee until it has decided whether the current charge is proved. Such information may normally be taken into account only if and when the Committee upholds any charge, unless for example the previous warnings or sanctions are relevant to or form part of the charge.

5.6. The Junior Member or his/her companion may submit a written response to the papers received, and may provide relevant signed and dated

statements from witnesses (including him/herself), to be received by the Secretary at least fourteen days before the hearing. If the Junior Member wishes to admit any part of the charge(s) he or she should do so as part of his/her written response.

- 5.7. 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 allow this. Any request by the Junior Member or Dean to call witnesses to attend for questioning must be received by the Chair at least seven days before the hearing.
- 5.8. The Secretary shall prepare a set of all witness statements and a paginated set of all other documents received from the Dean and Junior Member and no later than three days before the hearing, send copies to the members of the Committee, the Dean, the Junior Member and his/her companion.
- 5.9. These deadlines may be varied with the agreement of the Dean and the Junior Member involved.

The hearing

- 5.10. At the discretion of the Chair, the normal order of proceedings at the hearing shall be as follows:
 - (a) The Dean shall present the charges. The Junior Member shall then present his/her case. His/her companion shall be permitted to speak on his/her behalf. The Junior Member and Dean shall answer questions put to them by the Committee. They may also put questions to each other via the Chair. The Dean, the Junior Member and his/her companion may make closing statements in that order.
 - (b) The Junior Member, the companion, and the Dean shall withdraw while the Committee deliberates.
 - (c) The Dean, the Junior Member and the companion shall re-join the Committee to hear its decision on the case.
 - (d) If the charge(s) are found proved, the Dean and then the Junior Member or companion shall address the Committee on the question of appropriate penalty, including providing copies of any relevant document such as previous letters of warning or censure, or evidence in mitigation.
 - (e) The Dean, the Junior Member and the companion shall then withdraw again while the Committee reaches its final decision.

Decisions

- 5.11. The Committee shall find a charge proved only if it has been proved by the Dean on the balance of probabilities. The cogency of the evidence relied upon should be commensurate with the seriousness of the misconduct charged.
- 5.12. The Committee shall have regard to Statute XXXVII and the Code of Discipline when considering whether to impose any sanction or issue any letter of censure or warning. It shall ensure that any letter of censure issued and sanctions imposed are proportionate and consistent with previous cases.
- 5.13. The Chair shall communicate the Committee's decision to the Junior Member, via the Member's Tutor or companion, and the Dean as promptly as possible after the meeting and send a report to the Secretary of the College Council including the Committee's findings of fact, its decisions, the reasons for those decisions and any other recommendations. A copy of the report shall be sent to the Dean, the Junior Member and the Junior Member's companion, and Tutor. The Chair shall, if appropriate, notify the Junior Member of the right of appeal to the Council.

6. APPEALS – GENERAL

Appeals against sanctions imposed by the Dean or another College officer

- 6.1. Where a College officer or the Dean decides to impose a punishment under section 4 above, the Junior Member may appeal to a Disciplinary Committee within seven days of receiving the written decision confirming such punishment. Otherwise the matter will be considered closed. The appeal should comply with section 6.4 below and be addressed to the Dean, who will refer it to the Council to appoint a Disciplinary Committee under Statute XXXVII.

Appeals against sanctions imposed by the Disciplinary Committee

- 6.2. Where the Disciplinary Committee decides to impose a punishment under section 5.11 above, the Junior Member may appeal to the Council within seven days of receiving the written decision confirming such punishment. Otherwise the matter will be considered closed. The appeal should comply with section 6.4 below and be addressed to the Secretary to the College Council.

Grounds of appeal

- 6.3. A Junior Member may submit an appeal on the following grounds:
- (a) This Disciplinary Procedure was not followed properly;
 - (b) The College officer, Dean or Disciplinary Committee reached a decision outside the range of decisions that could reasonably have been reached on the evidence;
 - (c) The Junior Member has new material evidence that the Junior Member was unable, for valid reasons, to provide before the decision was made;
 - (d) There was bias against the Junior Member during the procedure or such bias could reasonably be perceived;
 - (e) The punishment imposed was disproportionately harsh, or not permitted under this Disciplinary Procedure.

Appeal requirements

- 6.4. Appeals should be in writing, state the ground(s) from section 6.3 above upon which the appeal is based, and include a copy of the decision appealed against and all evidence which the Junior Member wishes the appeal body to consider.

Implementation of sanctions

- 6.5. Where the College officer, Dean or Disciplinary Committee has imposed a particular sanction or measure against which the Junior Member has appealed, the sanction or measure will not normally be implemented while the appeal is being considered. Following the appeal decision, any sanctions or measures upheld or imposed by the appeal body shall be implemented, even if the Junior Member intends to raise a complaint with an external body.

7. APPEALS BEFORE A DISCIPLINARY COMMITTEE

Appointment of the Disciplinary Committee

- 7.1. Where the Junior Member has appealed under section 6.1 above, the Council shall appoint a Disciplinary Committee under Statute XXXVII, constituted in accordance with the provisions of Statute LXVII.25, whose function shall be to hear the appeal. Council 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. If the Junior Member believes 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, with written reasons.

- 7.2. Those present at the hearing shall be the members of the Committee, the Secretary, the College officer or Dean, and the Junior Member. The Junior Member may also choose to be accompanied by his/her Tutor or another member of the College of his/her choice. It is for the Junior Member to approach their chosen companion, make timely arrangements for the companion to attend the hearing, ensure the companion understands their duty to keep information confidential, pass relevant documents to the companion and let the Secretary know, ideally before the date for the hearing is fixed, the name of the companion. At the hearing the Junior Member's companion may put and sum up the Junior Member's appeal, respond on behalf of the Junior Member to any views expressed, and confer with the Junior Member. The companion may not, however, answer questions on the Junior Member's behalf, speak if the Junior Member does not wish it, or prevent anyone else present from explaining their case.

Hearing arrangements

- 7.3. The Chair may give such directions for the fair hearing of the appeal as he or she sees fit, whether at the request of any participant or of his or her own accord. It is the duty of the Committee and of the Chair to ensure that an appeal is heard and disposed of as expeditiously as possible. Where appropriate, the Chair of the Committee may allow the case to be considered without a hearing, particularly if requested or agreed by the Junior Member. In such cases, the documentation as prepared under 7.5 below will form the basis of the Committee's decision.
- 7.4. As soon as possible after the Committee has been appointed:
- (a) The Secretary shall inform the Junior Member and Dean or College officer of the membership of the Committee and send to the Dean or College officer the appeal documents received from the Junior Member;
 - (b) The Dean or College officer shall send to the Secretary a copy of any documents on which he or she relied in reaching his or her decision and which he or she wishes the Committee to consider at the hearing.
 - (c) The Secretary shall:
 - (i) send to the Chair and Junior Member the documents provided by the Dean under 7.4 (b) above; and

- (ii) after consultation with the Committee, Junior Member and Dean or College officer, notify all involved of the date, time and place for the hearing.
- 7.5. The Secretary shall prepare a paginated set of all documents received from the Dean or College officer and Junior Member and, no later than seven days before the hearing, send a copy to the members of the Committee, the Dean or College officer, the Junior Member and his/her companion.

The hearing

- 7.6. At the discretion of the Chair, the normal order of proceedings at the hearing shall be as follows: the Junior Member shall present his/her appeal. His/her companion shall be permitted to speak on his/her behalf. The Dean or College officer shall present his/her case. The Junior Member and Dean or College officer shall answer questions put to them by the Committee or each other. The Dean or College officer, the Junior Member and his/her companion may make closing statements in that order.

The decision

- 7.7. The decision of the Committee, which may involve a penalty greater or lesser than that imposed by the Dean or College officer, will be communicated to the Junior Member by the Secretary in accordance with section 9. The decision of the Disciplinary Committee is final.

8. APPEALS BEFORE THE COUNCIL

- 8.1. Where the Junior Member has appealed under section 6.2 above, the Junior Member, Chair of the Disciplinary Committee (the “DC Chair”) and the Dean will be invited to appear before Council. The Junior Member may also choose to be accompanied by a member of the College. It is for the Junior Member to approach their chosen companion, make timely arrangements for the companion to attend the hearing, ensure the companion understands their duty to keep information confidential, and pass relevant documents to the companion. At the hearing the Junior Member’s companion may put and sum up the Junior Member’s appeal, respond on behalf of the Junior Member to any views expressed, and confer with the Junior Member. The companion may not, however, answer questions on the Junior Member’s behalf, speak if the Junior Member does not wish it, or prevent anyone else present from explaining their case.

Hearing arrangements

- 8.2. The Secretary of Council may give such directions for the fair hearing of the appeal as he or she sees fit, whether at the request of any participant or of his or her own accord. It is the duty of the Council to ensure that an appeal is heard and disposed of as expeditiously as possible. Where appropriate, the Secretary of Council may allow the case to be considered without a hearing, particularly if requested or agreed by the Junior Member. In such cases, the documentation as prepared under 8.4 below will form the basis of the Committee's decision.
- 8.3. As soon as possible after receipt of the appeal:
- (a) The Secretary shall send to the DC Chair and Dean the appeal documents received from the Junior Member;
 - (b) The DC Chair shall send to the Secretary a copy of any documents on which the Committee relied in reaching their decision and which the Committee wish the Council to consider at the hearing.
 - (c) The Council Secretary shall:
 - (i) send to the Junior Member and members of Council who have not been involved in any earlier procedure involving the Junior Member the documents provided by the DC Chair under 8.3 (b) above; and
 - (ii) after consultation with the Junior Member, DC Chair and Dean, notify all involved of the date, time and place for the hearing.
- 8.4. The Secretary shall prepare a paginated set of all documents received from the DC Chair and Junior Member and, no later than seven days before the hearing, send a copy set to the members of the Council, the DC Chair, the Dean, the Junior Member and his/her companion.

The hearing

- 8.5. At the discretion of the Chair, the normal order of proceedings at the hearing shall be as follows: the Junior Member shall present his/her appeal. His/her companion shall be permitted to speak on his/her behalf. The DC Chair shall present his/her case. The Junior Member, DC Chair and Dean shall answer questions put to them by the Council. They may also put questions to each other via the Chair, or each other. The DC Chair, the Junior Member and his/her companion may make closing statements in that order.

The decision

- 8.6. No person who investigated, made any decision or carried out any other function under this Code in relation to the disciplinary matter at an earlier

stage shall be present when Council's decision in relation to the appeal is made.

- 8.7. The decision of the Council, which may involve a penalty greater or lesser than that imposed by the Disciplinary Committee, will be communicated to the Junior Member by the Council Secretary in accordance with section 9 below. The decision of the Council is final.

9. OFFICE OF THE INDEPENDENT ADJUDICATOR

The Office of the Independent Adjudicator for Higher Education (OIA) provides an independent scheme for the review of Junior Member complaints which have already been considered in full under the College's internal procedures. When communicating the final decision under 7.7 or 8.7 above, the relevant Secretary will issue a formal Completion of Procedures letter to the Junior Member, together with details of the OIA Junior Member 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.

10. REVIEW OF PROCEDURES

The Senior Tutor's Office will maintain records on the nature and number of cases dealt with under these procedures, preserving the confidentiality of the parties concerned. The Council will review the procedures from time to time, in consultation with the Liaison Committee. The purpose of this review shall be to ensure that decisions are made consistently and at the appropriate level; that appropriate action is taken on issues identified and that information gathered is used to improve guidance and support for Junior Members and staff involved in the procedure.