

## **PART C – DECANAL MATTERS**

### **Coronavirus Updates**

The information in the rest of this section relates to normal working and living arrangements, and may not reflect adjustments made in response to the coronavirus pandemic.

Please check the College Covid-19 page: <https://www.bnc.ox.ac.uk/covid-19> for the latest information, which will change according to circumstance.

### **C.1 Introduction**

Considerate, courteous and reasonable behaviour is expected from Junior Members at all times, both in and out of College. Members of the College are also responsible for the behaviour of their guests in the bar, at parties, and elsewhere. Impolite or inconsiderate behaviour towards College or University staff will not be tolerated. Members of the College are warned that drunkenness is no excuse for bad behaviour, and offensive behaviour due to drunkenness will be penalised.

The College explicitly prohibits the intentional or reckless engagement by students in any activity likely to cause injury or to impair safety, violent, disorderly or threatening/offensive behaviour or language, or any other conduct which is detrimental to the interests of the College.

Smoking is not allowed on the Main Site. Smoking is allowed in the designated smoking areas at Frewin and St Cross.

You can drink in the bar during opening hours, providing the drinks have been purchased in the bar, or in the Hall during meal-times. You're not allowed to drink in other areas of college; nor to walk around College drinking alcohol from cans, bottles, etc.

Quiet Hours in College sites begin at 11pm. After this time, particular attention must be paid that others are not disturbed.

Gatherings of more than 10 people in any room are liable to constitute a disturbance to others; that's why they're not allowed without decanal permission.

### **C.2 The Dean and Junior Deans**

The Dean is the College Officer responsible for enforcing College rules relating to discipline.

As representatives of the Dean, the Junior Deans will report to the Dean matters for possible further action. Typical tasks undertaken by the Junior Deans are ensuring that functions end on time and enforcing reasonable behaviour regarding noise within the College, Frewin and the other College sites. Junior Members are expected to cooperate fully with the Junior Deans regarding Decanal matters.

The Building Supervisors at the St Cross and Hollybush Graduate Buildings have similar responsibilities, particularly with regard to the upkeep of College accommodation.

### C.3 Decanal Penalties

The Dean has authority to punish Junior Members for misconduct. Possible penalties include:

- i) a fine
- ii) exclusion from the College premises (including occupation of College accommodation) except for the purpose of attending tutorials
- iii) a temporary sending out of residence – see section G.1
- iv) sending down (i.e. sending out of residence permanently)/expulsion – see section G.1
- v) other appropriate action

The following table gives an indication of the likely action to be taken by the Dean if you breach the College rules:

<u>Offence</u>	<u>Indicative Penalty</u>
Misuse of fire equipment, fire doors or fire alarms	£200 – exclusion from College accommodation
Accidental activation of fire alarms in private rooms	£20
Vandalism	£200
Climbing on College buildings	£100
Unacceptable behaviour	£50-£100
Violent, threatening or offensive behaviour	Suspension
Kindling of naked flames	£100
Contravention of IT Regulations (Appendix 1)	£100 + suspension from network
Criminal offences including drug dealing	Suspension
Using Class A drugs (which may include new psychoactive substances, formerly so-called “legal highs”)	Suspension
Using Class C drugs	£100 + exclusion from College accommodation
Serious breach of tenancy agreement e.g. repeated wilful damage to College rooms	Exclusion from College accommodation and/or suspension

Any member of College taking illegal drugs who comes forward and seeks help will be treated as far as possible as a medical and welfare case (see section G.7).

If you damage College property or cause unreasonable mess, you may (in addition to any Decanal penalties) be required to pay for repairs or cleaning. Details of this are set out in D.1.4, below.

Decanal fines are payable to the College (see section F.4 which includes information regarding late payment). Late payment may result in an increase in penalty.

## **C.4 Disciplinary Proceedings before the Dean**

### *C.4.1 General*

Any instruction to see the Dean is mandatory and it is a requirement that you respond to requests from the Dean immediately. If you have been summoned to the Dean for a disciplinary offence you must wear your gown. At the meeting the Dean will:

- a) ask you to state your position on the facts of the case and on any mitigating circumstances
- b) confer with others at his discretion (including Tutors and College Officers)
- c) inform you of his decision as soon as possible.

### *C.4.2 Burden of Proof*

Before deciding that a penalty of being sent out of residence is appropriate, the Dean will need to be satisfied beyond reasonable doubt that the case is proved. For other penalties, establishing guilt on the balance of probabilities will be sufficient.

### *C.4.3 Asking the Dean to Reconsider*

If you think that the penalty imposed by the Dean is unduly harsh, you may ask him to reconsider. You may write a letter to the Dean outlining any mitigating factors you think are applicable in your case. Where these mitigating factors include medical evidence, you must submit a report from a qualified medical practitioner. (You are strongly encouraged to introduce all relevant evidence at this stage. Save in exceptional circumstances, you will not be allowed to introduce new evidence if you decide to appeal against the Dean's decision.) The Dean will write back to you as soon as possible with his decision.

## **C.5 Appeals Against Decanal Decisions**

Section C.5.1 outlines the procedure for appealing against the Dean's decision to send you out of residence or to exclude you from College accommodation. Section C.5.2 outlines the procedure for appealing against all other decisions of the Dean. **In both cases, you may appeal against the level of penalty imposed by the Dean. You may only appeal against the Dean's findings of fact if you can show that the investigative procedure adopted by the Dean was flawed.**

### *C.5.1 Appeals Against Sending Out of Residence/Exclusion from College Accommodation*

If the Dean decides to send you out of residence whether temporarily or permanently, or to exclude you from College accommodation, you have the right of appeal to the Governing Body in accordance with the procedure described in this section.

You must indicate your intention to appeal by writing to the Principal within **five working days** of receipt of the Dean's written decision. In your letter you should set out your grounds for appeal: in other words, you should say why you think the Dean's decision is wrong and should not stand, for example, because the Dean did not investigate the case properly, or because the Dean imposed an unreasonably harsh penalty. You may not introduce new evidence at this stage unless you can show that you could not reasonably have obtained the evidence in time to put it before the Dean. Your letter will form the basis for discussions at the meeting

of the Governing Body.

The Principal (or his deputy) will convene a meeting of the members of Governing Body and will notify you of the date. At least five members of the Governing Body, including the Principal (or his deputy), must be in attendance. Neither the Dean nor your subject tutors will sit as members of the Governing Body for the purpose of hearing your appeal, although all other members of Governing Body will be invited to attend

You may choose to be represented at the hearing by any current member of the College, Senior or Junior (except the Dean), or you may ask the Principal to appoint a Fellow to represent you, or you may represent yourself. Your representative may help you to prepare for the hearing and may speak on your behalf at the hearing.

The purpose of the hearing is to enable the Governing Body to obtain a full understanding of the circumstances of your case. At the hearing, the Dean (or his deputy) will present a report on the circumstances of your case. Your subject tutors may also attend the hearing and may be asked for their comments. You will then have the opportunity (either yourself or through your representative or both) to present your own view of the situation and any supporting evidence, and to respond to the Dean's report and to your tutors' comments. After this, members of the Governing Body will be given an opportunity to ask you questions on any aspect of the case.

At the end of the hearing, you, your representative, your subject tutors and the Dean will withdraw whilst the Governing Body considers its decision.

The Governing Body may decide to affirm or vary the Dean's decision. The Principal (or his deputy) will write to you as soon as possible to inform you of the Governing Body's decision and the reasons for that decision.

The decision of the Governing Body is the final decision of the College in your case. If you wish to challenge it, you may appeal to the Conference of Colleges Appeal Tribunal, a body independent of the College (see G.10, below). You will normally need to exercise your right to appeal within five days of receipt of the Governing Body's decision. The Principal's letter will explain how to appeal. Further information is also available from the College Office.

### *C.5.2 Appeals Against All Other Decanal Decisions*

If you are dissatisfied with the Dean's decision in your case (where that decision is not a decision to send you out of residence), you may appeal to an Appeals Panel in accordance with the procedure set out in this section.

You must indicate your intention to appeal by writing to the Principal within **five working days** of receipt of the Dean's decision. In your letter, you should set out your grounds for appeal: in other words, you should say why you think the Dean's decision is wrong and should not stand, for example, because the Dean did not investigate the case properly or imposed an unreasonably harsh penalty. If you wish to rely on medical evidence, you must submit a report from a qualified medical practitioner.

The Appeals Panel will consist of five members of the Governing Body (excluding the Dean

and your subject tutors) including the Principal (or his deputy) who will chair it. If the Principal is absent, the matter will be dealt with by the Vice-Principal or another senior Fellow.

Where the Panel reasonably regards the case as clear-cut, it may decide the case on the basis of the information contained in your letter and in the Dean's written decision. In all other cases, the Panel will conduct a hearing as soon as it is reasonably practicable to do so. The Principal will notify you of the date of the hearing.

You may choose to be represented at the hearing by any current member of the College, Senior or Junior of your choice (except members of the Panel or the Dean), or you may ask the Principal to appoint a Fellow to represent you, or you may represent yourself. Your representative may help you to prepare for the hearing and may speak on your behalf at the hearing.

The purpose of the hearing is to enable the Panel to obtain a full understanding of the circumstances of your case. At the hearing, the Dean (or his deputy) will present a report on the circumstances of your case. You will then have the opportunity (either yourself or through your representative) to present your own view of the situation and any supporting evidence, and to respond to the Dean's report. Your subject tutors may also be invited to attend the hearing and may be asked for their comments. After this, members of the Panel will be given an opportunity to ask you questions on any aspect of the case.

At the end of the hearing, you, your representative, the Dean and your subject tutors (if present) will withdraw whilst the Panel considers its decision.

Where the investigation is flawed or where new evidence has come to light, the Panel may remit the case to the Dean for further investigation and a fresh decision. (You retain the right to appeal against the Dean's fresh decision in your case.) Where the appeal is against the penalty imposed by the Dean, the Panel has the power to affirm or vary the penalty. The Principal will write to you as soon as possible to inform you of the Panel's decision. He will also give a brief account of the reasons for the decision.

The Panel's decision is the final decision of the College in your case. If you are dissatisfied with this decision, you may appeal to the Conference of Colleges Appeal Tribunal, a body independent of the College (see G.10, below). You will normally need to exercise your right to appeal within five days of receipt of the Panel's decision. The Principal's letter will explain how to appeal. Further information is also available from the College Office.

## **C.6 Organising a Function in College**

### *C.6.1 General*

The Domestic Bursar's permission must be sought if you wish to hold any parties or gatherings in public College rooms (including the JCR, HCR and College bar) or on College lawns or grounds. The Sports Ground and Pavilion are not available to Junior Members for parties or other gatherings. If you book a College room for a meeting of a University club or society, you must be present for the duration of the meeting.

Under no circumstances should alcohol be consumed or a barbeque organized at the Sports

Group or Pavilion without the express permission of the Dean and the Domestic Bursary.

For gatherings of more than ten people in private College rooms, permission must be obtained from the Domestic Bursar. Any gatherings involving the provision of College food or drink must be requested well in advance of the date.

In addition, if the gathering involves alcohol, approval must first be sought from the Dean **by completing and submitting the online Permissions Form (available from <https://sharepoint.nexus.ox.ac.uk/greenforms>), at least 7 days prior to the event (see below)**. The amount of alcohol proposed for consumption must be indicated clearly and must not exceed 2 units per person.

The College expects all members to act responsibly when organising functions or parties, especially when alcohol is served and Junior Members who are organising functions will be held responsible for the behaviour of guests who attend the function.

In particular, it is your responsibility to ensure that the function ends on time. In order to comply with this requirement, you should start closing the function down at least 15 minutes before the time at which it is due to finish.

If you wish to organise a function that includes the provision or consumption of alcohol then you should also take note of the following:

- a) No University society functions that include the provision of alcohol will be allowed on College grounds.
- b) Functions offered by BNC societies or clubs must be organised by committee members of the society involved, who therefore take responsibility for the running of the function.
- c) Society functions are normally only approved to take place on Wednesday, Thursday and Friday of full-term.
- d) The number of events approved is normally limited to two per evening in full-term.

Functions organised by the JCR and HCR are normally dealt with separately by the Dean from the requirements listed above.

#### *C.6.2 How to Apply for Permission*

If your proposed event **does not** include provision or consumption of alcohol you should fill out the on-line **Permissions Form (<https://sharepoint.nexus.ox.ac.uk/greenforms>)**. This should be completed and submitted to the Domestic Bursary with at least **THREE** days' notice.

If your proposed event **does** include the provision or consumption of alcohol, you should submit the on-line **Permissions Form** first to the Junior Dean, who will either grant permission and pass it on to the Domestic Bursar and/or Dean for approval, or refer it back to you for clarification or amendment. If permission has been granted, confirmation will be sent by email.

**A minimum of seven working days' (Monday to Friday) notice is required for room bookings**

**and Decanal approval if alcohol is to be served at the event, a minimum of three working days' notice is required by the Domestic Bursar for room bookings if alcohol is not to be served. Your application will be refused if it is late.**

### *C.6.3 Responsible Behaviour*

Permission given by the Dean, via the on-line Permissions Form system, is conditional on organisers of parties and gatherings ensuring that order is maintained throughout the function, that alcohol is not served to people who appear drunk, that requests from Junior Deans and Porters during the function are immediately adhered to, that the function is closed down 15 minutes before the time at which it is due to finish.

Further, organisers must ensure that forms of behaviour set out in (a) and (b) below are discouraged. If such discouragement proves ineffective, then future permissions may be withheld. Additionally, any individuals found engaging in these activities, or any other forms of irresponsible behaviour, will be subject to Decanal sanctions.

#### (a) Coercion to consume alcohol

'Pennyng' (the practice of dropping a coin in a cup to coerce someone to consume the contents) and other forms of coercion put pressure on individuals to consume more alcohol than they would otherwise choose. This practice, particularly when used in the context of an 'initiation' of some sort, is a form of harassment. Pennyng, and other similar forms of coercion, is regarded as an example of irresponsible behaviour. It is not permitted.

#### (b) Standing on tables and other furniture

Standing on furniture during a party where alcohol is being consumed is unsafe. It is another example of irresponsible behaviour.

### *C.6.4 Freedom of Speech*

Organisers of an event who invite speakers must abide by the College's Code of Practice on Freedom of Speech and ensure that the event and the invited speakers comply with that Code. Any concerns about security risks or risks that views expressed might be illegal must be reported to the Dean.