



PEMBROKE
COLLEGE OXFORD

College Regulations & Codes

28 April 2005

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PEMBROKE COLLEGE REGULATIONS AND CODES

The following Regulations have been approved by the Governing Body of Pembroke College, Oxford, acting under Stat. V1, 8 of the College Statutes. The Regulations came into force on 1 October 1999 and were amended in 2005, 2006, 2007, 2008, 2009, 2013, 2014, 2016, 2020 and 2021.

Acceptance

All students accepting a place at Pembroke College are deemed to have agreed to be bound by these regulations and any subsequent amendments to them. These regulations shall be posted on the Pembroke College website.

Application

Unless otherwise stated, these regulations apply to all students of Pembroke College, Oxford. There are three categories of students:

- (i) *Undergraduates*: who are taking a first B.A. degree course or other non-postgraduate course of study.
- (ii) *Graduates*: who have a full degree from Oxford or another university, and are either taking the B.A. as "senior status students" or are reading for a post-graduate degree.
- (iii) *Visiting Students*: who are not matriculated members of the University but who are following a course of directed study within the College.

The masculine shall include the feminine and the singular the plural.

Definitions

In these regulations

“academic obligations” has the meaning, in relation to undergraduates, set out in regulation 2.1(a);

“banning” means that the student continues on course and to be provided with tuition by the College, but permission to enter specified premises belonging to the College, and use of specified facilities of the College, may be withdrawn for a fixed period;

“Bursar” refers either to the Bursar or the Home Bursar, and either of the Bursars may deal with the matter as they consider appropriate;

“Dean” includes the Deputy Dean;

"Expulsion" means that the student ceases to be a member of the College and that his or her name shall be "removed from the books of the College" under Stat. V1.8. This may be done only by resolution of the Governing Body and the University must be informed. The student ceases to be a member of Oxford University and may not thereafter enter for any University Examination;

"Suspension of course" means that the student ceases for a fixed period to be provided with tuition by the College, but the student remains registered with the University and may resume the course after the end of the period of suspension, subject to any conditions that may be imposed. Under University regulations, suspension also carries exclusion from University facilities, subject to appeal to the Proctors;

"Termination of course" means that the student ceases to be provided with tuition by the College or to have use of College facilities. But the student remains registered with the University;

"Writing" includes communication by electronic means.

1. THE JUNIOR AND MIDDLE COMMON ROOMS

- 1.1 Subject to 1.2, and the constitutions of the Junior Common Room (J.C.R.) and Middle Common Room (M.C.R.) respectively, undergraduate students are members of the J.C.R.; graduate students are members of the M.C.R. and Visiting Students are members of the J.C.R., unless they have a full degree from Oxford or another University, in which case they are members of the J.C.R. and M.C.R.
- 1.2 Any student may exercise the right under s. 22 of the Education Act 1994 not to be a member of the J.C.R. or M.C.R. by so informing the President of the J.C.R. or M.C.R., as appropriate, in writing. Any such student shall not be disadvantaged with regard to services or facilities provided by the J.C.R. or M.C.R. by reason only of the exercise of this right.
- 1.3 The constitutions of the J.C.R. and the M.C.R., and the Code of Practice issued by the Governing Body in relation to the J.C.R. and the M.C.R. shall be posted on the websites of the JCR and MCR respectively.
- 1.4 The J.C.R. and the M.C.R. hold their assets and moneys on charitable trusts and accordingly can devote those assets and moneys only to valid charitable purposes, which are the educational (broadly defined) welfare of their members.

2. REGULATIONS CONCERNING ACADEMIC OBLIGATIONS

2.1 Academic Obligations

- a) An undergraduate's academic obligations are to pursue his studies to the best of his abilities, to attend all tutorials, lectures and practicals as directed by tutors, to prepare and submit work for tutorials and classes as required, to keep appointments with tutors and College Officers, to keep himself informed of electronic and other communications sent by tutors and the University and College academic authorities and those on the notice boards, to attend Collections and Academic Review as required, and to comply with the requirements of the University regarding the course and examinations. Inadequate performance in Collections also constitutes failure of academic obligations.

Collections are written test papers set within the College on a regular basis. Students who fail to take Collections without good cause, or who perform at an inadequate standard, may be required to take repeat Collections at a time directed by their tutors. Academic gowns must be worn at collections. (For Special Collections, see 2.4.(f) (i).

- b) Every undergraduate offered a place on an undergraduate course at Pembroke College, Oxford, is required, as a condition of acceptance, to sign a document indicating his acceptance of the academic obligations and of the right of the College, in accordance with the specified procedures, to impose penalties including banning, suspension of course, termination of course and expulsion if the student does not fulfil those obligations or fails to meet the College's requirements concerning the First Public Examination (see 2.2.).
- c) The College is only responsible for payment for tuition received by its student members if that tuition has been given prior authorisation by a member of the College's academic staff who is responsible for the student's studies, or by the Senior Tutor.
- d) It is a fundamental assumption of tuition that undergraduate and graduate students do not pass off someone else's work as if it were their own. Plagiarism from any source, such as essays or other materials on the internet, therefore, constitutes a breach of academic obligations, and also contravenes University regulations.
- e) The Senior Tutor may impose a fine of up to £20 for failure to wear a gown at Collections or for failure to attend Academic Review without good reason. Appeal may be made to the Dean, whose decision is final.

2.2. First Public Examination

- a) In the case of failing one or more paper in the First Public Examination students are, depending on the regulations related to that particular exam, able to re-sit either the papers failed or the whole examination on one occasion. Any further attempt will require the student to make a separate application to the university for permission, which will only be

granted in exceptional circumstances. Should the student not pass the examination, then their course will be terminated.

- b) Should the student pass the examination, at the first re-sit or an exceptional subsequent attempt, they will remain on course. The results from their First Public Examination will form part of their student record and may be relevant evidence in any subsequent academic disciplinary matters.
- c) If the student is already subject to an academic disciplinary regime at the time of the First Public Examination, it will remain in force. The college will not use the First Public Examination as a penal collection but will set its own penal collections if required as part of the disciplinary regime.

2.3. Second Public Examination

The course of a student who fails the Second Public Examination shall be terminated unless the Governing Body should determine otherwise.

2.4. Procedures to be followed in cases of Failure to Fulfil Academic Obligations and Impairment of Academic Performance through disability or other adverse conditions

a) Preliminary Discussions

Serious concern about a student's academic performance should be discussed at an early stage between the relevant tutors and the student, at Academic Review and, in appropriate cases, with the Senior Tutor. Consideration should be given, in appropriate cases, to referring the student to appropriate sources of assistance. The results of such discussions should be recorded and agreed with the student.

b) Further action

On the basis of the preliminary discussions, the Senior Tutor shall determine what, if any, further action is appropriate. In cases of failure to fulfil academic obligations, such action may include probation, suspension of course, termination of course, or expulsion. Normally probation should be used in the first instance. In other cases of impairment of academic performance, such action may include arranging for appropriate support and making reasonable adjustments regarding teaching and duration of the course. In determining what action is appropriate, the Senior Tutor shall take into account relevant evidence provided by a qualified medical practitioner or practitioners.

c) Academic Rehabilitation (Probation) in cases of Failure to Fulfil Academic Obligations

First Formal Warning

- i) If, having discussed the concerns with the student, the Senior Tutor and the subject tutor(s) believe that it may be necessary to initiate academic disciplinary procedures with respect to the student, the Senior Tutor may give the student a formal warning. The Senior Tutor must make sure that the student understands the situation, and has the opportunity to make known all the material circumstances. The Senior Tutor must specify to the student what is expected of him or her in the future, for example, attendance at tutorials, completion of assignments and/or attainment of appropriate levels at “special” collections, that probation will follow if the steps are not taken, and the nature and consequences of probation. In all cases this information should be embodied in a formal letter agreed with the student.

In the case of a student taking a joint school, references to a subject tutor means the tutors in charge of each subject that the student is taking.

Second Formal Warning, Probation and Objective Test of Academic Performance

- ii) If the student fails to comply with the conditions set out in the first formal warning, the Senior Tutor may issue a further formal warning which can place the student on probation. The terms of probation may include such matters as attendance at tutorials, classes, lectures or practicals, making and keeping appointments with counselling or medical personnel, the expenditure of stated periods of time in academic study, the attainment of stipulated grades at Collections (known as Penal Collections), and any other matter which is considered appropriate. The subject tutor(s) should advise on the appropriate expectations and levels of attainment. The terms of probation should be agreed between the Senior Tutor and the student and, when agreed, set out in writing and communicated to the student, together with a statement of the possible consequences of non-compliance. The consequences may include an automatic recommendation by the Senior Tutor that the student’s course be suspended or terminated on breach of any term of the probation. If the Senior Tutor considers that the terms of probation have been complied with, the probation shall be discharged and the Senior Tutor shall so inform in writing the student, and the tutor in charge of the student’s subject.
- iii) If agreement is not reached on the terms of the probation, the Senior Tutor shall refer the case to the Chairman of the Tutors’ Committee, with a recommendation on the terms of the probation and a full statement of the reasons for making the recommendation. The Senior Tutor shall notify the student in writing of the referral, of the recommendation he is making to the Committee and the reasons for making it, and of the student’s right to make written representations to the Committee, which must be received by the Chairman of the Committee not less than 48 hours (excluding Saturdays and Sundays) before the meeting. The Master and the tutor in charge of the student’s subject shall be informed of the referral.
- iv) On receiving a referral under (iii), the Chairman of the Tutors’ Committee shall convene a meeting of the Committee, giving the student not less than 5 days’ (excluding Saturdays and Sundays) notice of the meeting. The student may attend the

meeting accompanied by another person, who may not be a practising member of the legal profession. The Senior Tutor shall make available to the Committee the student's full written academic record. The Tutors' Committee may regulate its proceedings as it sees fit consistently with providing the student and the tutor(s) in charge of the student's subject(s) a fair opportunity to present and comment on relevant evidence. The Senior Tutor shall not take any part in the proceedings. The Tutors' Committee, which shall not include any person who has been directly concerned in teaching the student, may accept, reject, or amend the recommendation of the Senior Tutor as to the probation. The decision of the Committee shall be communicated in writing to the student and the Senior Tutor and shall be final.

- v) Where a student has been placed on probation by agreement under (ii), and the Senior Tutor considers that the terms of the probation have been breached, he may either vary the terms with the agreement of the student, and in consultation with the subject tutor(s), or refer the matter to the Tutors' Committee. If the student has been placed on probation by the Tutors' Committee under (iv) and the Senior Tutor considers that the terms of the probation have been breached, he must refer the matter to the Tutors' Committee. In either case, the Senior Tutor shall notify the student in writing of the referral, of the recommendation he is making to the Committee and the reasons for making it, and of the student's right to make written representations to the Committee, which must be received by the Chairman of the Committee not less than 48 hours (excluding Saturdays and Sundays) before the meeting. The Master and the tutor in charge of the student's subject shall be informed of the referral.
- vi) On receiving a referral under (v), the Tutors' Committee shall proceed as set out in above. If the Committee decides that the student is in breach of the terms of probation, it may impose any of the following penalties: banning, suspension of course, termination of course.
- vii) A student may appeal from the decision of the Tutors' Committee under (v) either on the grounds of errors of fact or the appropriateness of the penalty. The appeal shall be made to the Standing Committee of the Governing Body referred to in 3.17. In hearing such an appeal, the Committee shall not include the Senior Tutor, nor any member of the Tutors' Committee when it dealt with any matter concerning the student, nor any other individual who has been involved in the case. But it may include the Master or Dean unless they have been involved in the case. Notification of intention to appeal must be made in writing to the Senior Tutor, the Secretary of the Governing Body, or to the Bursar within two days (excluding Saturdays and Sundays) of the decision of the Tutors' Committee.
- viii) Enough time must be allowed to enable a student to prepare adequately for penal collections. Penal Collections shall, wherever possible, be marked by two appropriate persons outside the College, who should be unaware of the circumstances of the case, other than that they are marking Penal Collections and the stage the student has reached in the course. Care should be taken that the papers are, in terms of level and content, appropriate for the candidate sitting the collections. Double blind marking is

preferred. In the case of a disparity of marks, the markers will attempt to agree a reconciliation of the marks. Should this fail, the mark most favourable to the student shall stand. The Collections shall be written under special arrangements for invigilation.

d) Termination or Suspension of Course, or Expulsion, without Probation

- i) Where, exceptionally, the Senior Tutor decides to recommend to the Tutors' Committee termination or suspension of course or expulsion, without probation, the Senior Tutor shall inform the student of the nature of such recommendations and the grounds for making them.
- ii) The Senior Tutor shall refer the matter to the Tutors' Committee together with any recommendations for decision. On receiving such a referral, the Chairman of the Tutors' Committee shall convene a meeting of the Committee, giving the student not less than 5 days notice (excluding Saturdays and Sundays) of the meeting. The student may attend the meeting accompanied by another person, who may not be a practising member of the legal profession. The Senior Tutor shall make available to the Committee the student's full written academic record. The Tutors' Committee may regulate its proceedings as it sees fit consistently with providing the student and the tutor in charge of the student's subject a fair opportunity to present and comment on relevant evidence. The Senior Tutor shall not take any part in the proceedings. The Tutors' Committee, which shall not include any person who has been directly concerned in teaching the student, may accept, reject, or amend the recommendation of the Senior Tutor.
- iii) A student may appeal from the decision of the Tutors' Committee made under (ii) either on the grounds of errors of fact or the appropriateness of the penalty. The appeal shall be made to the Standing Committee of the Governing Body referred to in 3.17. In hearing such an appeal, the Committee shall not include the Senior Tutor, nor any member of the Tutors' Committee when it dealt with any matter concerning the student, nor any other individual who has been directly involved in teaching the student. But it may include the Master, Bursar or Dean unless they are otherwise disqualified.

e) Support and Reasonable Adjustment in cases of Impairment of Academic Performance through disability or other adverse conditions

- i) In cases of impairment through disability the Senior Tutor shall, and in cases of impairment through other adverse conditions, the Senior Tutor may, consider what support and reasonable adjustments should be made. Such consideration must be made in consultation with the student, the student's tutors and other advisers, the student's medical advisers and, where relevant, the University Disability Office. The Senior Tutor shall be guided (but not bound) by the evidence and opinion of the student's medical practitioner. In all cases the Senior Tutor shall endeavour to draw up an action plan with which the student agrees. The action may be implemented in stages.

- ii) Reasonable adjustment includes special arrangements relating to examinations, special arrangements concerning tuition, intermitting the course for a period of time, repeating a period of study, and adjusting the length of the course. If the adjustment involves intermission, the action plan shall include the conditions which must be satisfied for the student to return on course.
- iii) If a student disagrees with the action plan proposed by the Senior Tutor, or with any aspect of it, the Senior Tutor may refer the plan to the Chairman of the Tutors' Committee and the procedures set out in (c)(iii) and (iv) above shall apply. In considering such a referral the Tutors' Committee shall be guided (but not bound) by the evidence and opinion of the student's medical practitioner. The Tutors' Committee has power to determine the content of the action plan, and its decision is final.
- iv) If, exceptionally, having considered the case under (e)(i) above, the Senior Tutor considers that the student is unlikely to be fit to study within a reasonably foreseeable period, he may recommend to the Tutor's Committee that the student's course be terminated. In such a case, the procedure set out in (c)(v), (vi), (vii) and (viii) shall be followed. In considering such a recommendation, the Tutors' Committee shall be guided (but not bound) by the evidence and opinion of the student's medical practitioner.

f) Re-Entry Collections

- i) Where the Tutors' Committee has given a student permission to go out of residence for any period, or where the student's course has been suspended, the Tutors' Committee may impose such conditions, including, where appropriate, medical certification and the attainment of stipulated grades at Special Collections known as Re-Entry Collections, as it thinks appropriate, taking into account all the circumstances. The Committee shall impose only such academic conditions which, in its view, are reasonably capable of fulfilment by the student.
- ii) A student who wishes to contest any conditions imposed under (e)(i) must inform the Senior Tutor within three days of receiving notification of the Committee's decision. Thereafter the procedure set out in (c) above shall apply.
- iii) The provisions set out in (c)(ii) and (v) above shall apply to the setting of Re-Entry Collections and to the procedures to be followed in case of failure to fulfil conditions imposed for re-entry on to course.

3. REGULATIONS CONCERNING RESIDENCE AND DISCIPLINE

3.1 Residence

- a) All students reading for a degree are required to fulfil the residence requirements of the

University as set out in the University's decrees. Residence is fulfilled by residing on College premises or in accommodation within six miles of Carfax.

- b) All undergraduate students must live on College premises during the first year of their course, unless dispensed by the Bursar.
- c) Students who are not living on College premises must register their address, and any changes of address, with the Head Porter and the Academic Office.
- d) Students must come into residence at the beginning of each term on the day specified by the College authorities.
- e) Students living on College premises must enter into a licence agreement as required by the Bursar and must comply with the terms of the agreement.
- f) Students living on College premises may only have overnight guests in their rooms (including students not living on College premises) if those guests can provide proof that they are not normally resident in Oxford or that they have alternative accommodation in Oxford that they have paid for. Guests may only stay for a maximum of five nights in any fortnight unless the College is unable to offer them other guest facilities, in which case permission must be sought from the Dean. Guests must be registered in a confidential book kept in the Lodges on each night that they will be residing on College premises. Only one guest may stay in each room. The College reserves the right to prohibit any guest residing in any room.

3.2 Safety and Security

- a) In accordance with Health and Safety legislation, students are required to obey all instructions concerning health and safety and to behave in a responsible way at all times. All students must comply with all relevant guidance and legislation issued by Public Health England and other relevant authorities.

Any action which endangers the health or safety of the College staff, or any member of or visitor to the College or any member of the public will be regarded as a serious offence, and may result in criminal prosecution. In particular:

- i) The College operates a No Smoking Policy. Students are required to observe the instructions regarding this policy. Lighted candles, incense sticks and similar items are in no circumstances permitted in student rooms. Any such items will be removed.
- ii) Chemicals (e.g. bleach) carrying a hazard sign must not be brought on to College premises.

- iii) All electrical appliances brought on to College premises should be less than 4 years old and comply with the College's requirements, as set out in the Student Handbook.
- iv) No cooking is allowed in student rooms.
- v) Instructions concerning Fire and Fire Precautions must be observed.
- vi) Damage to, misuse of or otherwise rendering ineffective, or attempting to render ineffective, fire extinguishers or fire prevention equipment is an extremely serious offence which endangers life, and will incur an automatic fine of £500, to which charges for damage may be added.
- vii) The bridge and the walkway between Chapel Quad and The Harold Lee Building / Rokos Quad are for use only as a direct thoroughfare for pedestrians walking across the bridge or along the walkway and accordingly there is to be (a) no running or cycling, (b) no loitering or unruly behaviour, and (c) no display of any banners or advertising.
 - (1) In particular, on no account is anything to be pushed off the side of the bridge or walkway or the surrounding area or thrown, dropped or poured on to the street below nor any other activity indulged in which may be a potential danger or hazard; and since any of the foregoing action mentioned in this sub-paragraph (1) would be an extremely serious offence it will incur an automatic fine of £500, to which charges for damage may be added.
- b) It is prudent to be careful about walking around the city at night unaccompanied. Personal alarms are obtainable on loan from the Lodge at the Main Site.
- c) The College gates are closed between 7.15 pm and 6.30 am.
 - i) Residents returning between these times will need to use their SALTO Card/Key. A replacement charge of £25 will be made for the loss of card or key.
 - ii) Visitors must leave the Main Site and the Sir Geoffrey Arthur Building by midnight unless they are students of the College or guests of a student of the College. Visitors should be escorted by the Pembroke College member to the Lodge when leaving.
 - iii) Visitors are not allowed to enter the Main Site or the Sir Geoffrey Arthur Building after midnight unless they are students of the College or guests of a student of the College. Visitors arriving after 7.15 pm should be met by the Pembroke College student responsible for them.
 - iv) Persons causing or likely to cause a disturbance will be refused permission to enter or required to leave.

- v) Climbing into or out of College premises is an offence.
- d) The Bursar, Home Bursar or Dean may from time to time issue instructions on matters of health, safety and security. These must be observed. If the Bursar, Home Bursar or Dean cannot agree, either may refer the matter to the Master (or, in his or her absence, the Vicegerent), If it is impracticable to consult the Governing Body in advance, the Master (or Vicegerent) may issue such instruction as he or she deems appropriate, and report on the matter to the next meeting of the Governing Body.

3.3. Entertainment and Noise

- a) No party (defined as a gathering of more than 10 people) may be held anywhere on College premises without the permission of the Dean, applied for by filling out the appropriate event form which is available on the intranet at least **ten** days beforehand and **before** invitations have been sent out. It is the responsibility of hosts to see that guests do not contravene any College regulations. Hosts and sponsors of a party will be liable for any damage caused by themselves, their guests, or otherwise arising from the party. Unless special permission is given, parties must end by 11.30 p.m.
- b) Detailed instructions concerning the conduct of parties accompany the form used for requesting permission to hold a party and may be augmented by specific instructions by the Dean or Junior Dean.
- c) Except with prior authorization from the Dean, no student may cause any noise of whatever description, emanating from a room or anywhere else in the College, which is likely to disturb or inconvenience others, whether they are on College premises or the surrounding area.
- d) Attention is drawn to Regulation 3.5

3.4. Meetings

- a) Any member of the College wishing to hold a meeting of more than ten persons must, at least **ten** days in advance of the meeting, notify the Dean of (a) the nature of the meeting; (b) the time and place; (c) the numbers expected and (d) the visiting speakers (if any) by filling out the appropriate form on the intranet. If the meeting is to be held in a public room of the College, this must be booked through the Events Office before the Dean is notified.

Permission from the Dean is required **in advance of making a booking** for meetings in any College communal space.

- b) The Governing Body has adopted the Code of Practice on Freedom of Speech as required by the Education (No. 2) Act 1986, s. 43(3). The Code, breach of which is a disciplinary offence, is appended to these regulations. The Governing Body has also adopted a Free Speech Statement which can be found in Part 5 of this Code and which complies with the

HEFCE monitoring Framework fulfilling the duty under the Counter-Terrorism and Security Act 2015 and having due regard to the need to prevent people being drawn into terrorism (the Prevent duty).

- c) Detailed instructions will be supplied by the Dean when giving permission for a meeting.

3.5. Sale and purchase of alcohol

The University, together with the local police, have made certain agreements concerning the sale of alcohol on College premises. Anyone intending to sell alcoholic drinks on College premises must therefore consult the Dean or Bursar in advance. Only College members may purchase alcoholic drinks from the College bar. College members may purchase drinks for their guests.

3.6. Communal Areas

- a) All communal rooms must be kept clean and tidy.
- b) Litter must not be left on the lawns or other open spaces. Walking on the lawns is not allowed, except for the Chapel Quadrangle in Trinity Term, when croquet and bowls may be played at the discretion of the Curator of the Gardens.
- c) Food and drink may be consumed in the Chapel Quadrangle provided due decorum is observed and no litter is left.

3.7. Library

Students are required to comply with the Rules governing use of the Library and the Code of Conduct for the Use of Computing Facilities, provided to them at the beginning of their course.

3.8. Motor Vehicles and Bicycles

- a) The College car parks in Pembroke Square, St. Ebbe's and the Sir Geoffrey Arthur Building are not available for student use unless, in exceptional circumstances, permission is granted by the Home Bursar.
- b) Bicycles must be registered with the Head Porter. Bicycles must be kept in the bicycle sheds whenever possible and always at night. Bicycles must not be ridden on College premises or left in any of the Quadrangles or taken into the College buildings (communal areas or bedrooms). Bicycles must not be left so as to obstruct the pavements in Pembroke Square or entry into the College.

3.9. General Behaviour and Harassment

- a) Violent, indecent, disorderly, threatening, or offensive behaviour or language is forbidden in all places and at all times.

- b) Buildings and other College property may not be damaged, defaced or interfered with.
- c) Acts regarding drugs which are criminal offences and alcohol abuse will be treated as disciplinary offences and these may also be prosecuted by the Police. The Code on Substance Abuse is set out at the end of these regulations
- d) Any use of computers which is contrary to criminal law will be considered a disciplinary offence. Computer users are required to conform to the College and University Codes of Practice on Computer Use. The College Code is set out at the end of these regulations.
- e) The College requires all its members to comply with a Code of Conduct in relation to all forms of harassment. The College Code of Conduct is set out at the end of these regulations.
- f) No member of the College shall make available any essay or other written work to a provider of such material (for example, Oxbridge essays) for use by other students.

3.10. Dress

Academic gowns (which vary slightly according to whether the wearer is an undergraduate or graduate) should be worn when seeing College officials on a formal summons, at Academic Review, in Collections and at Formal Dinner in Hall. When wearing gowns, students should adopt a suitable standard of dress. Men should wear jackets at Formal Hall in Michaelmas and Hilary Terms.

- a) Practice varies between tutors regarding wearing gowns for tutorials; please check on this with your tutor.
- b) Full sub fusc (gowns, academic cap and dark clothing) is required for University Examinations and certain Ceremonial functions (such as Matriculation and Degree Ceremonies).

3.11. Summonses and Notices

- a) Students must comply with any summons to attend the Master, Senior Tutor, Bursar, Dean, Junior Deans or any other College official except for reasons outside their control, when an explanation must be given as soon as possible.
- b) Students must disclose their name to an officer or an employee or agent of the College in circumstances where such person has identified himself and explained the reason for disclosure and it is reasonable to require the name to be given;
- c) Important notices on various matters, including registration for Examinations, are frequently posted on the College Notice Boards. These should therefore be consulted regularly, otherwise there is a risk of missing deadlines and losing opportunities or incurring penalties.

- d) The Dean may from time to time issue instructions on matters concerning good order within the College. These instructions must be observed.

3.12. Financial

- a) Students are required to pay their debts to both the College and the University on the due dates.
- b) For the purpose of this clause debts means a debt of whatever nature and shall include fees, rent, battels or any penalties or charges imposed on the student. Students who are encountering difficulties in paying such debts should immediately seek to discuss this with the relevant College Officer.
- c) Where a student fails to pay any debt which is due and payable, whether to the College or the University, the College may take whatever action it considers appropriate to recover the debt. It may suspend or terminate the course of a student, cease teaching, require a student to vacate a room or take any other action it considers necessary.

3.13. Disciplinary Offences

- a) A disciplinary offence is
 - i) contravention of any regulation in sections 3.1 to 3.11 of these Regulations; or contravention of any University regulation or code as found by the appropriate University authority; or
 - ii) Any other conduct which disrupts or attempts to disrupt the lawful activities of members of the College or its staff, constitutes dishonest dealings with another member of the College or its staff or is otherwise seriously detrimental to the interests of the College
- b) General principles in imposing penalties

In determining whether a contravention has occurred, the principle that the weight of the evidence should be commensurate to the seriousness of the contravention shall be applied. In imposing penalties under these regulations, regard shall be had to the principle of proportionality.

3.14. Penalties and charges which may be imposed by the Bursar and the Dean

- a) Subject to Regulation 3.2(a) and 3.19, the Bursar may charge a student a sum of up to £500 with respect to damage to College property or for incurring the College in other expenses.
- b) Subject to Regulation 3.2(a), the Dean may fine any student a sum of up to £200 for the commission of any disciplinary offence.

- c) Where several students have acted together, each of the above figures apply to each student.
- d) The Dean or the Bursar may require any student who is resident on College premises and who commits a disciplinary offence to vacate his or her room.
- e) The Dean may, on the recommendation of the Fellow Librarian, suspend the access of any student to the College library for such period as the Dean considers appropriate.
- f) The Dean may suspend access to a defined part or parts of the College for a period not exceeding one term by a person held to be in contravention of any regulation.
- g) The Dean may require a person held to be in contravention of any regulation to make reasonable reparation to one or more students, members of staff or the College in a manner appropriate to the contravention. The reparation may take the form of apology and act of goodwill, restoration of lost or damaged property, assistance in activities or other acts of appropriate service. Before imposing this penalty, the Dean must consult with the Bursar to ensure compliance with Health and Safety and other relevant regulatory provisions.
- h) Subject to 3.15(f), any student charged or fined under sections 3.2(a) or 3.14(a), (b) may appeal to the Master, who may uphold, diminish or wholly remit the charge or fine. The Master's decision is final.
- i) Subject to 3.15(f), any student required to vacate a room under section 3.14 (d) may appeal to the Master who may confirm, vary or rescind the requirement. The Master's decision is final.
- j) Subject to 3.15(f), any student whose access to the library or a definite part or parts of the College under clause (f) or who has been required to make reparation under clause (g) has been suspended by the Dean may appeal to the Master who may confirm, vary or rescind the suspension. The Master's decision is final.
- k) The Master, Bursar or Dean may, in exceptional circumstances, suspend any charge or penalty or part thereof conditional on no further offence, whether of the same nature or otherwise, being committed.
- l) Appeals under (h), (i), and (j) above must be instituted by the student concerned giving notice to the Master within two days (excluding Saturdays and Sundays) from the imposition of the penalty.

3.15 Disciplinary Procedure

When notified of an alleged contravention of the regulations, the Dean or Bursar shall

- a) Call the student concerned for interview stating the reason for the summons

- b) State that the student may be accompanied by a senior or junior member of the College
- c) Decide whether or not to proceed to further action, which may involve further investigation or the imposition of a penalty or charge.
- d) The Dean or Bursar may inform the student's tutor or tutors of the matter, depending on its seriousness.
- e) Before deciding whether to impose any penalty or charge the Dean or Bursar shall give the student concerned a chance to be heard.
- f) If the Dean or Bursar, either at the time of the first interview or later, imposes a penalty or charge, the Dean or Bursar shall within five days of its imposition, write to the student stating the penalty or charge imposed and the reasons for imposing it and informing the student of the time by which the penalty or charge must be paid, and of his rights of appeal according to the regulations. The Dean or Bursar shall keep a record of this communication. If the student appeals to the Master, the Dean or Bursar shall make this communication, and any other relevant evidence, available to the Master.
- g) Except in cases of minor infractions, if the Dean or Bursar imposes a penalty or charge, they shall notify the subject tutor of the student concerned.
- h) The Dean or Bursar may, in addition to, or instead of, imposing a penalty or charge, refer the student to the Master for consideration of action under 3.16. In such a case the Dean or Bursar shall make a statement setting out the circumstances in writing, including any action taken by them, and make this available to the Master and the student concerned. If the Dean or Bursar makes such a referral and also imposes a penalty or charge, appeal from the imposition shall lie to the Standing Committee under 3.17 and not to the Master. But such appeal shall not be heard until after the Master has considered the referral.

3.16. Penalties and charges which may be imposed by the Master

- a) On referral by the Dean or Bursar, the Master may
 - i) Impose a charge upon a student in excess of £500 for damage to College property or for incurring the College in other expenses; and
 - ii) In the case of disciplinary offences,
 - (1) impose a fine in excess of £200 but not more than £500;
 - (2) suspend or terminate the course of the student, or ban the student from use of College facilities;
 - (3) recommend to the Governing Body that the student be expelled from the College.

- iii) In exceptional circumstances, suspend any charge or penalty or part thereof conditional on no further offence, whether of the same nature or otherwise, being committed.
- b) Before hearing a referral or an appeal under 3.14 (h), (i) or (j), the Master shall give the student concerned an opportunity to make written representations before or at the hearing, and the chance to be heard. The student may be accompanied and assisted by another person, who shall not be a practising member of the legal profession.
- c) If on a referral or an appeal the Master imposes a penalty or charge, the Master shall within five days of its imposition, write to the student stating the penalty imposed and the reasons for imposing it and informing the student of his rights of appeal under (e) below. The Master shall keep a record of this communication. If the student exercises an appeal, the Master shall make this communication, and any other relevant evidence, available to the Committee hearing the appeal.
- d) If the Master imposes a penalty or charge, he shall notify the subject tutor of the student concerned, and such notification shall be placed on the student's record.
- e) A student may appeal from a decision by the Master under Regulation 3.16(a)(i) or (ii) to the Standing Committee of the Governing Body referred to in 3.17, either with respect to responsibility for the act in question, or with respect to the charge or punishment imposed. Notification of intention to appeal and the grounds upon which the appeal is made must be made in writing to the Senior Tutor, the Secretary of the Governing Body or to the Bursar within two days (excluding Saturdays and Sundays) of the imposition of the charge or punishment.
- f) When the Master recommends expulsion, the student concerned may, within two days of receiving notification of the decision, submit to the Secretary of the Governing Body representations in writing giving reasons why the Governing Body should not accept the recommendation. The Governing Body shall consider the representations together with the Master's recommendation. The student in question may also appear before the Governing Body and be accompanied and assisted by another person, who shall not be a practising member of the legal profession. The Governing Body may uphold, vary, or reject the Master's recommendation. The Master may not take part in the Governing Body's deliberations or its decision, which, subject to Part 4 of the regulations, shall be final.
- g) The Governing Body may authorize the Master to delegate any or all of the functions assigned to the Master under these regulations to the Vicegerent, either for such period or periods as approved by the Governing Body or in individual cases as the Master may wish.

3.17. Appeals to the Standing Committee of the Governing Body

- a) In the case of appeals from the Master, the Standing Committee of the Governing Body, which does not include the Master, Bursar, or Dean, may uphold, diminish or wholly remit the punishment or charge imposed or recommended by the Master. The student concerned may present his or her case both in writing and orally to the Committee, and

may be accompanied and assisted by another person, who shall not be a practising member of the legal profession. Having presented his case, the student (and, if present, the other person) may be required to leave while the Committee considers its decision. Subject to Part 4 of these regulations, the Committee's decision shall be final.

- b) In the case of appeals from the Tutors' Committee, the Standing Committee, which may include the Master or Dean, may uphold, vary or set aside the decision of the Tutors' Committee, and shall have such power to impose penalties as the Tutors' Committee. The Standing Committee may regulate its proceedings as it sees fit consistently with providing the student and the tutor(s) in charge of the student's subject(s) a fair opportunity to present and comment on relevant evidence. The student concerned may present his case both in writing and orally to the Committee, and may be accompanied and assisted by another member of the College, who may be a student or senior member. Subject to Part 4 of these regulations, the Committee's decision shall be final.
- c) Before hearing any appeal, the Standing Committee shall make available to the student concerned not less than five days (excluding Saturdays and Sundays) before the hearing any written statements setting out the matters which are under appeal. The student may submit written representations either before or at the hearing and shall be entitled, at the hearing, to see any written evidence which is before the Committee. The Committee may give its decision orally at the hearing, but in any event shall communicate its decision and the reasons for it in writing to the student not more than seven days after the hearing.

3.18. Collective Damages

Where the cost of damages has been levied on a group of students, the cost will be shared equally among the group, unless otherwise specified, and the following rules will apply:

- a) Unless the Dean considers that the cost should be borne by a named student or students (in which case the relevant procedures of regulations 3.14 and 3.15 shall apply), and subject to the following conditions, the Bursar may impose a charge for the cost of the damage to College property either on J.C.R. funds should the Bursar consider that the damage was intentionally or negligently caused by a member or members of the J.C.R. or their guests, or on M.C.R. funds if the Bursar considers it was so caused by a member or members of the M.C.R. or their guests.
- b) Such a charge may not be imposed unless the President of the Common Room involved has been consulted. If the President is able to procure the sum anonymously, the Bursar shall accept it in lieu of imposing the charge. If the President considers that the charge should not be imposed on the Common Room funds, but upon some named student or students, then the Bursar shall not impose it upon those funds but may impose it upon the student or students so named [whether or not the sum exceeds £50 for each student] up to a maximum of £500 for each student.
- c) Where the Bursar considers he is unable to act under (a), but nevertheless considers that the damage was caused by a student or students or their guests, he may, in consultation

with the Presidents of both the J.C.R. and the M.C.R., apportion the charge between the funds of those Common Rooms, in such manner as he deems just.

- d) Any student on whom a charge has been imposed under (b) may appeal to the Master either against the assessment of the cost, or on the ground that the charge should not be imposed on him. Should the Master decide that the charge should be imposed on the J.C.R. or M.C.R. funds, the charge shall be so imposed. A student may appeal from the decision of the Master to the Standing Committee of the Governing Body under 3.17(a).
- e) The Presidents of the J.C.R. and the M.C.R. may appeal to the Master against the imposition of a charge on Common Room funds, either in respect of the assessment of the cost, or against the apportionment between the funds, or on the ground that the damage was not intentionally or negligently caused by any member of their Common Room or their guests. The Master's decision shall be final.

3.19. These regulations are without prejudice to the College's right to make any claim against a student under the general law of the land.

4. APPEAL TRIBUNAL

- 4.1 Any student against whom a decision has been made by the Standing Committee of the Governing Body under regulation 3.17(a) or 3.17 (b), or by the Governing Body under regulations 2.2 or 3.16(f), may appeal to the Appeal Tribunal established in accordance with the decision of the Conference of Colleges on 23 May 2002.
- 4.2 Where a decision is made against a student under the regulations referred to in 4.1, the student shall immediately be informed of the right to appeal, and provided with a statement of the nature of the appeal process and the steps necessary to make the appeal.

STUDENT COMPLAINTS PROCEDURES (SCP)

A. INTRODUCTION

1. The SCP may be used by graduate, undergraduate or visiting students of the College who wish to bring to the attention of the College matters of serious concern or dissatisfaction. The SCP sets out how those matters will be investigated and responded to.
2. Most cases will be settled without using the procedures set out below by the means of the student complainant discussing their concern with the applicable member of staff or their line manager. If a student does not know who to discuss their concern with, they may confidentially consult the Master's EA.
3. Where this has not been possible or has not resolved the issue, student complainants should follow an **informal** procedure (see Section B) and if necessary then proceed to the **formal** procedure (see Section C).
4. All complaints will be given full consideration and students will not be disadvantaged for making a genuine complaint. However, the College expects students not to engage in malicious or vexatious complaints. All parties involved in an SCP process are expected to act reasonably and fairly towards each other and to treat the process with respect.

Who may make a complaint?

5. Those eligible to make a complaint under the SCP are:
 - a) Current students of the College (undergraduate, graduate or visiting students);
 - b) Students currently temporarily suspended by the College
 - c) Former students of the College where the complaint related to a matter that arose whilst they were either a current student or a suspended student (noting that, under paragraph 6 below, complaints should normally be made as soon as possible and at least within three months after the event).
6. The complaint should be raised as soon as possible after the action or lack of action which prompted it. If there has been a delay, the student complainant should explain why this is the case. The College will only exceptionally consider complaints made more than three months after the event.

When does the SCP apply?

7. A complaint under the SCP may relate to:
 - a) the College's academic provision;

- b) the College's pastoral or welfare provision;
- c) the College's domestic provision;
- d) the College's financial provision;
- e) the College's provision for people with disabilities

When does the SCP not apply?

8. A complaint about any of the following should **not** be made via the SCP:
 - a) criminal allegations, which should be reported to the Police;
 - b) another student of the College, which should be referred to the Dean under the College's Disciplinary Procedures;
 - c) bullying or harassment (which should be handled under the College's Harassment Policy and Procedure);
 - d) a person who is not a member of the College, an employee of the College or an individual providing teaching or a service on the College's behalf;
 - e) a service which is not provided by the College;
 - f) a private dispute with a member of the College (i.e. a matter not arising from the member's role at the College);
 - g) a matter affecting a wider circle of students, where there is no special individual impact on the complainant (please raise instead via the relevant JCR or MCR Committee member, or subject representative);

Anonymity

9. An informal complaint may be made on a student's behalf via a student or staff representative from the College if that student wishes to remain anonymous, and may also be made in confidence.
10. However, it is very unlikely to be possible to investigate an informal complaint on an anonymous basis as the subject of a complaint will have a right to respond. Student complainants will always be advised if the relevant College Officer or departmental manager decides that further investigation and action would require that the complainant's identity be disclosed to others, or that the subject of the complaint be informed of the complaint.
11. Formal SCP complaints may not be made anonymously, and any individual who is the subject of such a complaint will need to be informed of the identity of the complainant.

Withdrawal of a complaint

12. Complaints may be withdrawn at any stage by the student complainant but in some circumstances, investigations will need to continue regardless so that the College can satisfy itself that no further action is required for the good of the College community.

Support

13. In exceptional circumstances (e.g. severe illness), an informal or formal complaint may be made and/or pursued by another person on behalf of an eligible individual.
14. The student complainant may be **accompanied** by a current member of the College or a member of staff from the Oxford SU Advice Service for meetings at any stage of the complaint process. The subject of the complaint may also be accompanied by a current member of the College or a union rep.

Records

15. Records of both informal and formal complaints under the SCP, any resulting report and supporting documentation, and the outcome must be retained by the College in line with the Data Protection Act 2018 for five years. Student complainants are therefore asked not to include unnecessary personal information, particularly about third parties, in their complaints.
16. Governing Body will annually review the number of complaints and a summary of outcomes in the Unreserved section of business, to allow consultation with JCR and MCR representatives.

B. STAGE ONE: INFORMAL

17. The informal procedure is intended to encourage discussion and understanding of the issue, and in most cases will lead to its resolution.
18. The informal process starts when a complaint is made in writing to one of the College Officers as set out below.
19. Where an attempt has already been made to resolve an issue informally outside this process, then the College and the student may agree that it would be appropriate to move straight to the formal procedure.
20. The complainant should raise the issue as soon as possible in writing with the College Officer who seems the most appropriate to deal with it:
 - a) academic matters: Academic Director
 - b) pastoral/welfare matters: Academic Director

- c) domestic (including accommodation, catering and security) matters: Home Bursar
 - d) financial matters: Bursar
 - e) disability matters: Home Bursar, Academic Director
21. Where the subject of the complaint is one of the above Officers, or the Master, then an issue can be raised with the Vice-Gerent.
 22. The College Officer to whom the complaint is directed should normally arrange a meeting with the complainant within ten working days.
 23. Where the Officer in receipt of the complaint feels that they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the College.
 24. The Officer should:
 - a) seek to understand the issue and, if it falls for them to address it under this process, conduct any relevant inquiries. The Officer may involve the subject of the complaint where they consider that this is required, and after having notified the complainant;
 - b) offer advice, whether to the complainant or to the subject of a complaint, or to both; if the complaint is found to have merit, try to find a remedy satisfactory to both parties and/or effect mediation/conciliation where the relevant parties agree; and;
 - c) record the complaint, the actions taken and the outcome in a written response to the complainant. If the subject of the complaint has been involved, they should also be informed of the outcome in writing.

C. STAGE TWO: FORMAL

25. The formal procedure will normally be used only when the informal procedure has not achieved a resolution or the student complainant is not satisfied with the suggested resolution. This must be done within fifteen working days of the complainant being informed of the outcome of an informal complaint by the relevant College Officer.
26. Where the student complainant has adopted the formal approach immediately, the Officer may refer the complaint back for informal resolution. This does not stop the student complainant from making a further formal complaint in the event that they are dissatisfied with the outcome of informal procedures.
27. A formal complaint must be made in writing. It should be directed to the most appropriate College Officer:
 - a) academic matters: Academic Director

- b) pastoral/welfare matters: Academic Director
 - c) domestic (including accommodation, catering and security) matters: Home Bursar
 - d) financial matters: Bursar
 - e) disability matters: Home Bursar, Academic Director
28. Where the subject of the complaint is one of the above Officers, or the Master, then an issue can be raised with the Vice-Gerent.
29. If the relevant officer is away from the office at any time during this process, then the complaint should be addressed to the Master's EA, who will direct it towards an appropriate deputy, who may be a College Officer or other senior member of the College.
30. The written complaint must include:
- a) a description of what gave rise to the complaint including dates and times;
 - b) if applicable, the name of the person or body within the College about whom or which the complaint is being made;
 - c) details of steps already taken to try to resolve the complaint;
 - d) if applicable, an explanation of why the student complainant is dissatisfied with the outcome of the informal procedure
31. The College Officer to whom the complaint is directed must within ten working days of its delivery acknowledge receipt of the formal complaint and either confirm that a more detailed investigation will follow; or notify the student complainant (with an explanation) that the complaint falls outside the process.
32. Where the Officer in receipt of the complaint feels that they are not the most appropriate Officer to deal with the issue, they may, in consultation with the student, transfer the handling of the complaint to another Officer or senior member of the College.
33. Where a complaint is to proceed to the formal complaint procedure, the subject(s) of a formal complaint shall be entitled to see the written complaint and to respond in writing within ten working days.
34. The College Officer must notify both the subject(s) of the complaint and the Vice-Gerent, who will, within ten working days of the notification, convene a panel of three drawn from the membership of Standing Committee, designating one member as the Chair of the Panel.
35. The student complainant and any subject(s) of the complaint will be informed of the identities of the panel before appointments are confirmed and given an opportunity to object

to any member within five working days; alternative member(s) may be appointed if the Vice-Gerent feels the grounds for objection are reasonable. These may be drawn from any senior members of the College.

36. The panel may make enquiries as they see fit, which may include requesting further information of, or interviewing, the complainant and other persons who may have relevant information.
37. The person who is the subject of the complaint will be entitled to appear before the panel if they so choose, and may be accompanied by an appropriate third party, such as a union representative or a Peer Supporter. The complainant may also be accompanied by a current member of College or Oxford SU representative.
38. Notes will be taken of all interviews. The Chair may wish to have the proceedings audio-recorded, with the permission of that particular interviewee. The investigation will be conducted as swiftly as the subject matter and the academic calendar allows (ideally within twenty working days of the panel's appointment).
39. The panel will produce a written report setting out the details of their enquiries, their recommendations and any supporting documentation or evidence. Copies of this will be provided to the complainant and to any person or body who or which is the subject of the complaint within ten working days of the panel completing their enquiries. Both parties will be invited to submit written comments or objections within a further five working days, upon the expiry of which the relevant College Officer will be provided with copies of the report and any supporting documentation or evidence, along with any written comments or objections made.
40. The Officer will consider the complaint and make a decision as to remedies or action to be taken, basing their decision on the report and documentation provided. The student complainant and the subject(s) of any complaint will be notified of the outcome of the formal SCP, along with the reasons for it, within ten working days of the Officer receiving the panel's report.

D. REVIEW

41. If the student complainant or the subject of the complaint is dissatisfied with the outcome of the formal SCP, they can request a review by writing to the Master. This should be done within ten working days of the date of the letter from the College Officer informing the complainant and the subject of the complaint of the outcome of the formal SCP.
42. If the Master is the subject of the complaint, a review should be requested via the Vice Gerent, or another College Officer if there is a conflict of interest.
43. A review will be undertaken by the Master (or the Vice Gerent, or another College Officer, if the complaint involves the Master) and will only consider:

- a) whether the appropriate procedures were followed at the formal stage;
 - b) whether the outcome of the formal stage was reasonable in all the circumstances;
 - c) any new and material evidence which the complainant was unable, for valid reasons, to provide earlier in the process.
44. The subject(s) of any complaint, or the complainant, as the case may be, must be notified that a review has been requested and the grounds for that request. The subject of the complaint is entitled to submit a response to those grounds. Should any new and material evidence be presented, the subject of the complaint will be entitled to view it and provide a written response.
45. A review may overturn the outcome of the formal SCP, without the need for the complaint to go through the formal SCP again.
46. The outcome of the review stage will be communicated in writing, along with the reasons for the decision, to the student complainant and any subject(s) of the complaint, within twenty working days of delivery of the request for a review, at which point the reviewer will also issue a Completion of Procedures notice to the complainant.

E. OIA REVIEW

47. Once the College's internal review stage has been completed, the student complainant is entitled to complain to the Office of the Independent Adjudicator (OIA), an independent review body set up by Parliament, and ask the OIA to review the outcome of the College's complaints process. A request for OIA review should normally be submitted to the OIA within three months of the date of the written communication of the outcome of the review stage (Section D).
48. The OIA looks at issues such as whether the College followed its procedures, whether these procedures were reasonable and whether the College's decision was reasonable in all the circumstances.

F. PREVENT (Counter-Terrorism and Security Act 2015)

49. In the event that a meeting, talk, activity or other event is deemed to be likely to endanger individuals by the promulgation of information likely to be deemed illegal under the Counter-Terrorism and Security Act 2015, permission for the activity may be refused. This will result in an automatic referral to an ad hoc committee of GB Fellows who will review the information and consider whether to uphold the decision or recommend that an alternative solution be considered (e.g. to continue to allow the event within College or a change of venue). This 'PREVENT Appeals Committee' would be chaired by The Dean or Deputy Dean who will co-opt two available GB Fellows to review the case. No GB Fellow directly involved, or with a potential conflict of interest, should be part of that panel. In

addition, and in parallel with the process, the JCR and MCR Presidents will both be advised of the case.

After consideration of the information this ad hoc 'PREVENT' Appeals Committee' will either:

- a) Support the initial decision to refuse permission for the event in Pembroke College or
- b) Recommend that the event proceed either within or outside College premises.

In both outcomes, the accountable individual – The Master – will make the final decision or seek further information. At the end of this process The Master may refer the case to the Government's Channel Process (having first discussed the case with the University Director of Student Welfare and Support Services (cases involving students) or the University Director of Human Resources (cases involving staff)). The Master's decision in such cases is final and will be reported to Governing Body at the next meeting.

50. In the event of a complaint about the handling of any case of this nature The Dean and The Master will seek further advice from the University (as above). All occurrences of this nature will be reported to Office for Students on an annual basis in line within the requirements of the Act.

CONFIDENTIALITY POLICY

Pembroke College: Confidentiality Statement with Regards to Students

The College adheres to the statutory principles of privacy and respect for confidentiality, most recently defined in the Human Rights Act 1998 and the Data Protection Act 2018.

This statement sets out the circumstances in which matters relating to individual students may be shared within or outside of College.

Definitions:

The term ‘Adviser’ is used in this Statement to denote anyone a student consults for welfare advice within College in an official capacity. At Pembroke, this could include Peer Supporters, JCR/MCR Welfare Representatives, Junior Deans, individual Tutors, the Chaplain, the Nurse, Welfare Fellows and Academic Office staff.

The term ‘Officer’ is used to refer to College staff who may not be directly involved in an individual student’s welfare case, but may need to be informed of it. This could include:

- The Master, the Academic Director, the Welfare Fellows: those with responsibility for students’ overall welfare.
- The Academic Office: responsible for academic implications of welfare problems and dealing with external enquiries about students.
- The Home Bursar: responsible for domestic implications of welfare problems and absence from accommodation.
- Tutors/College Advisers: responsible for the academic implications of welfare problems, and pastoral responsibilities.
- Junior Deans: responsible for general welfare matters.
- Lodge Porters: responsible for the involvement of external agencies on College site, together with security issues, and student absences from College.

The term ‘College Officer’ refers to the Master, the Academic Director, the Welfare Fellows, the Equalities Fellow and the Home Bursar.

Statement:

1. Information given in confidence by a student to an Adviser will not generally be disclosed to others. This document sets out the basis for dealing with exceptions to that general rule.
2. The College’s duty of care for the welfare of students may make it necessary in certain

circumstances for confidential information to be disclosed, but only to Officers who need to know such information in order to exercise that care. Advisers will use their professional discretion to assess what information needs to be shared, and with whom.

3. In cases of uncertainty as to whether information should be passed on, or where Advisers wish to consult others without betraying confidence, they may do so by outlining the general circumstances of a case anonymously to another Adviser or Officer.
4. At the outset of any consultation with a student, an Adviser will normally explain these principles (1 and 2 above) and, if relevant, attempt to establish the extent of the confidentiality necessary in the particular case.
5. Whenever possible, consent to disclose any necessary information to other Officers or Advisers will be sought. The Adviser will explain why others may need to know, or why it would be helpful for other Officers/Advisers to be informed and for Officers/Advisers to discuss the matter; and that such third parties will also be bound by the same principles.
6. If consent is not given, the Adviser will explain that, in certain circumstances, some disclosure and consequent action may be necessary because of the duty to protect the student or others from harm. Examples include circumstances where this or another student may put themselves or others at serious risk of harm or death.
7. Only in rare circumstances, such as when a student is unconscious or has been assessed as lacking the capacity to make the decision, will families or emergency contacts be contacted without the consent of the student, and they would normally be informed that such contact had been made. Such disclosure will only be made with the agreement of two College Officers. Requests from family members for confidential information about students will be treated in the same basis.
8. Tutors will be informed when a student is absent from College or otherwise unable to fulfil their academic obligations (noting that often, tutors are the first to know about a welfare issue).
9. Medical practitioners, clergy and counsellors, including those at the University Counselling Service, have their own professional guidelines. Student Peer Supporters also adhere to the Peer Support Code of Confidentiality.
10. Special considerations apply to students on courses leading to qualifications for professions governed by codes of conduct and health intended to protect the public, such as medicine, social work and teaching. Any concerns about the health or behaviour of a student on one of these courses may be discussed with the department concerned, initially on an anonymous basis.
11. In matters relating to the misuse of drugs and other banned substances, the Chaplain and College Nurse are happy to talk in complete confidence to any student. They will encourage

people to face any issues that they may have honestly and with empathy, including any underlying issues which may prevent people from addressing their problems. They have a network of appropriate professional support to which they can refer the student, with their agreement. The College Nurse and Chaplain are committed to accompanying people in the process should students desire that. If students disclose information about the use of drugs, alcohol or banned substances to any other person apart from the College Nurse or Chaplain, confidentiality cannot be guaranteed, in line with the exceptions outlined in paragraph 6 above.

12. Any request from the police for information about a student should normally be made in writing and should be considered carefully. Disclosure may be made when necessary for the prevention or detection of crime or apprehension or prosecution of offenders and seeking an individual's consent will prejudice the enquiry. If it is decided that a degree of disclosure is appropriate this should be limited to the minimum required. Such disclosure may only be made with the agreement of two College Officers.
13. All parties must also respect privacy, including communication by email and in dealings with the press. There is a need to exercise caution in using email for sensitive welfare matters. Emails should not be used to convey detailed information about a student; they should be used only as an effective means of recording and circulating essential, factual information. 'Welfare in confidence' should be included in the subject line of emails where relevant, and the unnecessary inclusion of other parties (e.g. through forwarding emails or using the CC or BCC fields) should be avoided. Individual names can be used in emails, as anonymity is not practical in most cases. Email must be used with care to ensure that no inadvertent disclosure takes place, for instance by failing to modify circulation lists and collective addresses, or using 'Reply to all' when not necessary.

CODE ON SUBSTANCE ABUSE

1. The College may itself face prosecution for acts regarding drugs which are a criminal offence and alcohol abuse which take place on its premises. Such acts will be treated as disciplinary offences, and also may be prosecuted by the Police.
2. Students are reminded that many employers now require drugs tests and will investigate applicants' backgrounds. For example, if there is a police caution on record, this may adversely affect a job application.
3. Alcohol abuse is a serious issue for some students. It often leads to problems with studies, and frequently to long term health and behavioural problems. It can also be offensive to and disturbing to other students.
4. The involvement of alcohol in disciplinary offences will be regarded as an exacerbating and not a mitigating factor.
5. If people think they have a problem, or know of friends who have a problem, they should seek help from either the College Welfare Officers or from the College Doctors.

IT ACCEPTABLE USE POLICY

These rules apply to all use of the computing and network facilities in Pembroke College and concern what is considered to be unacceptable behaviour and misuse, as well as what may infringe licence terms or may be otherwise illegal. Note that all use is permitted for bona fide purposes only, and is subject to proper authorisation (which may be provided either explicitly or implicitly - see below).

The College issues the rules contained in these pages in addition to the following other requirements relating to use of computing facilities in the University [found here](#) which you should also read.

Computer Misuse

The College regards computer misuse as a serious matter, which may warrant disciplinary proceedings. Offenders will be referred to the Dean and or the Proctors, and prevented from using the College computing facilities for a period of time and may incur a fine dependent on the severity of the misuse.

Explicit authorisation will normally involve the assignment of a username and password for the purpose in question.

Implicit authorisation can normally be assumed for services that are advertised as being available without prior registration, for example the Library OPAC services from public terminals in the Library. Any facility which is not controlled by the College is subject to regulations determined by the organisation operating that facility, so authorisation to use such facilities should not be assumed, even though they may be accessible from or connected to the College facilities.

Misuse of computing and network facilities and unacceptable behaviour include (but are not limited to) the following:

- Attempting to gain unauthorised access to any facility;
- Using someone else's username, with or without their consent
- Disregarding the privacy of other people's files;
- Giving your username and/or password to someone else, or being otherwise careless with it;
- Generating messages which appear to originate with someone else, or otherwise attempting to impersonate someone else;
- Sending messages which are abusive or a nuisance or otherwise distressing;
- Displaying offensive material in a public place;
- Trying to interfere with someone else's use of the facilities;

- Disregard for ‘computer etiquette’;
- Sending chain email and hoax virus alerts;
- Being wasteful of resources (e.g. downloading large amounts of data, or participating in Peer-to-peer file sharing networks);
- Software piracy (including infringement of software licenses or copyright provisions);
- Using the facilities for commercial gain without explicit authorisation;
- Physically damaging or otherwise interfering with the facilities, including wilfully changing hardware, firmware and software set-ups;
- The use of Wi-Fi hubs/switches, AirPort Extreme Base Stations and other hubs or switches;
- Running games servers, mail, web or other form of server or file/resource service.

Printing:

- All printing to the MFD’s (multi-function devices, Photocopiers) will be charged for at a rate per sheet as advertised.

Software rules:

- The software and any datasets supplied by the College may be used subject to the relevant supplier's license agreements. Software should not be copied, nor should any other software be installed on any of the workstations or networks without the prior consent of the Head of (ICTS).
- In general, all software and dataset use is subject to the Code of Conduct produced by the Combined Higher Education Software Team (CHEST).
- Unauthorised use of software is theft, plain and simple, and can have serious criminal consequences.
- Your attention is drawn to the University Software Usage Terms for the Use of Software or Data sets, which can be found [here](#).

CODE OF PRACTICE ON PROTECTION OF CHILDREN AND VULNERABLE ADULTS

Objective

To provide a safe environment for children and vulnerable adults within college premises and in activities undertaken with the approval of the college. For these purposes, a child is a person under 18, and a vulnerable adult is a person who is receiving any form of health care whose ability to protect him or herself from neglect abuse or violence is significantly impaired on account of disability, illness or otherwise.

Premises

The College will take all reasonable steps to ensure that its premises are safe for children and vulnerable adults whose presence can be reasonably anticipated.

Safeguarding Vulnerable Groups Act 2006

The College will discharge its obligations under the Safeguarding Vulnerable Groups Act 2006.

Sexual Offences Act 2003

Members of staff are reminded that, under the Sexual Offences Act 2003, activities of a sexual nature between a child and someone who is in a “position of trust” constitute an offence, even though the child is capable of giving consent (that is, is 16 or over). A person is in a position of trust if they are “regularly involved in caring for, training or supervising” another person in an education institution (SOA 2003, s. 22(3)(a)). This could be taken to apply to a tutor or other personal advisor.

Duty of Care

The College will discharge its duty of care to ensure that it will not permit any activity which puts any child or vulnerable adult at risk of abuse, understanding that abuse can be physical, sexual, emotional, or neglect. In the furtherance of this duty it will take proper care that

- a) persons who undertake any welfare role with regard to students or members of staff on behalf of the College have been demonstrated to have appropriate qualities to perform such a role;
- b) members of staff who come into contact with children or vulnerable adults do not do so in circumstances in which there is risk of abuse.
- c) any allegations or evidence of harm to a child or vulnerable adult will be taken seriously and investigated

Confidentiality

The College will respect the privacy confidentiality of any child or vulnerable adult in as far as this is consistent with its obligation to discharge its duty of care and statutory obligations.

The Code of Practice of the University

The College takes note of the University's Code of Practice on the Protection of Children and Vulnerable Adults and will observe it in as far as it applies to the College.

CODE ON FREEDOM OF SPEECH

1. General Duties

a) General Duty to uphold freedom of speech

Members, students and employees of the College are bound at all times so as to conduct themselves as to ensure that freedom of speech within the law is secured for members, students, and employees of the College and for visiting speakers.

- b) The freedom protected by para.1 of this Code of Practice is confined to the exercise of freedom of speech within the law. Examples of statements which involve a breach of the criminal law are incitement to commit a crime, sedition, and stirring up racial hatred in contravention of statute. Statements may also be unlawful if they are defamatory or constitute a contempt of court.

c) General Duty not to impede access to, or egress from, places at which the right of freedom of speech is exercised on premises of the College.

Subject to such limitations on access as may lawfully be imposed by the competent College authorities, it shall be the duty of every member, student, and employee of the College not to impede any person entitled to be present from entering or leaving a place where the right of freedom of speech is being or is to be exercised on premises of the College

d) Right of peaceful protest

Nothing in this Code of Practice shall be taken to prohibit the legitimate exercise of the right to protest by peaceful means; provided always that nothing is done which contravenes the foregoing general principles or the other requirements of this Code.

2. Academic Activities

- a) The College expects that all persons concerned with the organization or conduct of an activity which forms part of the College's teaching, study, or research (such as a tutorial, lecture, seminar, class, conference, research work, or examination) shall immediately give notice to the Dean of any facts coming to their notice which indicate that such activity is likely to be delayed or disrupted by improper means.
- b) The Dean shall be empowered to give such directions and to adopt such measures as seem appropriate to the Dean to prevent or minimize the delay or disruption of an academic activity, and all persons, concerned with the organization or conduct of the academic activity under threat shall co-operate in carrying out the Dean's directions and in facilitating the measures adopted.

- c) In the event that any academic activity is delayed or disrupted by improper means a report shall forthwith be made to the Dean by the person or persons responsible for the conduct of such activity.

3. Meetings and assemblies on premises of the College or clubs, societies, and other organizations (PREVENT)

- a) Not less than TEN days before any meeting the person organizing it must book a room in College and notify the Dean of (a) the nature of the meeting; (b) the time and place; (c) the numbers expected; (d) the names of the organizer(s) and of all visiting speakers. This notification must be made by completing the online form at <https://intranet.pmb.ox.ac.uk/room-event-bookings>. The booking of the room must be made separately. This regulation applies to all meetings held in the public rooms of the College. The organizers of the meeting will be held responsible by the Dean for ensuring that the meeting is properly conducted and that the provisions included within the Counter Terrorism and Security Act 2015 (under PREVENT) are adhered to.

Where a member of the College identifies a concern in relation to a **student or a member of staff** they shall report this to the Home Bursar, as PREVENT lead. The Home Bursar will act in a manner that secures and protects the existing rights of students, including, in the absence of serious crime, to confidentiality and privacy; and, at all times, to equal treatment under the law.

Those responsible for student welfare and pastoral care shall be alert to the risk that students may be less likely to use welfare provision because they perceive it to be linked to the PREVENT duty.

- b) The College expects that any member, student, or employee of the College who, whether alone or in collaboration with other persons, makes arrangements for the holding on premises of the College of any meeting or assembly of persons (including any meeting of any club, society or other organization and whether with or without a restriction to College membership), and who becomes aware of facts indicating that such meeting or assembly is likely to be delayed or disrupted by improper means, shall immediately report such facts to the Dean.
- c) In relation to any such meeting or assembly which he believes to be threatened, the Dean shall be empowered to give such directions and to require the adoption of such measures as seem appropriate to the Dean to prevent or minimize the improper delay or disruption, and all persons concerned shall be bound to co-operate in carrying out the Dean's directions and in facilitating the measures required to be adopted.

4. Powers of the Dean in relation to threatened meetings

- a) **Directions and measures to be adopted**

In relation to any academic activity or any meeting or assembly of persons which the Dean believes to be threatened by disruption, the Dean may give directions and require measures to be adopted pursuant to paras. 6 and 10 of this Code on the following (amongst other) matters:

- i) the number of persons to be admitted to the premises where the meeting is to be held;
- ii) the issue of tickets of admission;
- iii) the designation of one or more persons as the official organizers of the meeting with direct responsibility to the Dean for all arrangements thereof;
- iv) the designation of a person as the chairman of the meeting with responsibility for the proper conduct of such meeting;
- v) the admission (or non-admission, as the case may be) of members of the university who are not members of the College, or members of the public generally);
- vi) the appointment of stewards to assist with the control of the meeting;
- vii) the employment of security staff to ensure the orderly conduct of the meeting and safe access to and egress from the meeting;
- viii) the carrying of banners, placards and similar objects into the meeting;
- ix) the place where the meeting is to be held.

b) Meetings where breach of the law is anticipated

The Dean may as necessary consult with the Proctors and the local police about forthcoming meetings and activities covered by this Code of Practice. In any case where serious disruption may be anticipated the Dean shall have power, having taken into consideration such advice from the police as may be available, to order the cancellation, postponement, or relocation of the meeting.

c) Expenses incurred in safeguarding academic activities and other meetings

Where expenses are incurred (e.g. in the engagement of stewards or the employment of security staff) to safeguard an academic activity under Part 2 of this Code of Practice the cost thereof shall be borne by the College. In all other cases the cost shall be borne by the person or persons organizing the meeting, save that the Dean may (if so advised) make representations to the Governing Body of the College suggesting that the cost shall be borne in whole or in part by the College and the Governing Body may decide the matter.

5. College premises made available for use by outside organizations and Statement of Free Speech

In any case where the College is proposing to grant permission to an outside organization or group to hold meetings on its premises, the attention of such outside organization or group will be drawn to the contents of this Code of Practice and permission to use the premises may be refused unless the outside organization or group both undertakes to secure that the principles embodied in this Code will be upheld and satisfies the College authorities of its ability to discharge its obligations in regard to upholding freedom of speech.

Statement of Free Speech: Free Speech is the lifeblood of a university. It enables the pursuit of knowledge. It helps us approach truth. It allows students, teachers and researchers to become better acquainted with the variety of beliefs, theories and opinions in the world. Recognising the vital importance of free expression for the life of the mind, a university may make rules concerning the conduct of debate but should never prevent speech that is lawful.

Inevitably, this will mean that members of the College are confronted with views that some find unsettling, extreme or offensive. The College must therefore foster freedom of expression within a framework of robust civility. Not all theories deserve equal respect. A university values expertise and intellectual achievement as well as openness. But, within the bounds set by law, all voices or views which any member of our community considers relevant should be given the chance of a hearing. Wherever possible, they should also be exposed to evidence, questioning and argument. As an integral part of this commitment to freedom of expression, we will take steps to ensure that all such exchanges happen peacefully. With appropriate regulation of the time, place and manner of events, neither speakers nor listeners should have any reasonable grounds to feel intimidated or censored.

It is this understanding of the central importance and specific roles of free speech in a university that underlies the detailed procedures of Pembroke College, laid out in College Regulations.

This Free Speech Statement frames all the activities and policies of the College.

6. Miscellaneous

- a) The Governing Body of the College is under a duty pursuant to Section 43(3) of the Education (No. 2) Act 1986 to keep this Code of Practice up to date. No revision of the Code will, however, take effect until after due notice has been given.
- b) Failure to comply with the provisions of this Code of Practice may render the offender liable to disciplinary proceedings. Nothing in this Code of Practice affects the normal operation of the criminal law.

HARASSMENT POLICY

1. The College does not tolerate any form of harassment or victimisation and expects all members of the College community, its visitors and contractors to treat each other with respect, courtesy and consideration.
2. The College is committed to fostering an inclusive culture which promotes equality, values diversity and maintains a working, learning and social environment in which the rights and dignity of all members of the College community are respected.
3. The aims of the College as reflected in this Policy are to:
 - a) Promote a positive environment in which people are treated fairly and with respect;
 - b) Make it clear that harassment is unacceptable and that all members of The College have a role to play in creating an environment free from harassment;
 - c) Provide a framework of support for staff and students who feel they have been subject to harassment;
 - d) Provide a mechanism by which complaints can wherever possible be addressed in a timely way.
4. Those in positions of authority, such as the Home Bursar, Dean and Academic Director, have formal responsibilities under this Policy and are expected to familiarise themselves with the Policy and Procedures on appointment. All heads of department and equivalent, all tutorial fellows and all other managers, have a duty to implement this Policy and to make every effort to ensure that harassment and victimisation do not occur in the areas of work for which they are responsible and, that if they do occur, any concerns are investigated promptly and effectively.
5. All members of the College community have the right to expect professional behaviour from others, and a corresponding responsibility to behave professionally towards others. All members of the College community have a personal responsibility for complying with this Policy and Procedure and must comply with and demonstrate active commitment to this Policy by:
 - a) Treating others with dignity and respect.
 - b) Discouraging any form of harassment by making it clear that such behaviour is unacceptable.
 - c) Supporting any member of the College who feels they have been subject to harassment, including supporting them to make a formal complaint if appropriate.

Definitions

6. A person subjects another to harassment by engaging in unwanted and unwarranted conduct which has the purpose or effect of:
 - violating another person's dignity, or
 - creating an intimidating, hostile, degrading, humiliating or offensive environment for another person. The recipient does not need to have explicitly stated that the behaviour was unwanted.
7. Freedom of speech and academic freedom are protected by law though these rights must be exercised within the law. Vigorous academic debate will not amount to harassment when it is conducted respectfully and without violating the dignity of others or creating an intimidating, hostile, degrading, humiliating or offensive environment for them
8. Bullying is a form of harassment and may be characterised as offensive, intimidating, malicious or insulting behaviour, or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient.
9. The College seeks to protect any member of the College community from victimisation, which is a form of misconduct which may itself result in a disciplinary process. The College will regard as victimisation any instance where a person is subjected to detrimental treatment because that person, in good faith:
 - made an allegation of harassment, or
 - indicated an intention to make such an allegation, or
 - assisted or supported another person in bringing forward such an allegation, or
 - participated in an investigation of a complaint, or
 - participated in any disciplinary hearing arising from an investigation, or
 - taken any other steps in connection with this Policy and Procedure, or
 - is suspected of having done so.

Behaviours

10. Harassment may involve repeated forms of unwanted and unwarranted behaviour, but a one-off incident can also amount to harassment.
11. The intentions of the alleged harasser are not always determinative of whether harassment has taken place. The perception of the complainant and the extent to which that perception is in all the circumstances reasonable will also be relevant.
12. Being under the influence of alcohol, drugs or otherwise intoxicated is not an excuse for harassment.

13. Harassment can take a variety of forms:

- Through individual behaviour
 - face to face, either verbally or physically
 - through other forms of communication, including but not limited to, written communications and communications via any form of electronic media or mobile communications device: such behaviour may also amount to a breach of The College's Regulations Relating to the use of Information Technology Facilities
 - directly to the person connected, or to a third party
- Through a prevailing workplace or study environment which creates a culture which tolerates harassment or bullying, for example the telling of homophobic or racist jokes.

14. Examples of behaviour which may amount to harassment under this Policy include (but are not limited to) the following:

- unwanted physical contact, ranging from an invasion of space to an assault, including all forms of sexual harassment, including:
 - inappropriate body language
 - sexually explicit remarks or innuendoes
 - unwanted sexual advances and touching
- offensive comments or body language, including insults, jokes or gestures and malicious rumours, for example on the basis of race and religion or belief
- open hostility, verbal or physical threats
- insulting, abusive, embarrassing or patronising behaviour or comments, humiliating, intimidating, and/or demeaning criticism
- persistently shouting at, insulting, threatening, disparaging or intimidating an individual
- constantly criticising an individual without providing constructive support to address any performance concerns
- persistently overloading an individual with work that that individual cannot reasonably be expected to complete
- posting offensive comments on electronic media, including using mobile communication devices

- threatening to disclose, or disclosing, a person's sexuality or disability to others without their permission
- deliberately using the wrong name or pronoun in relation to a transgender person, or persistently referring to their gender identity history
- isolation from normal work or study place, conversations, or social events
- publishing, circulating or displaying pornographic, racist, homophobic, sexually suggestive or otherwise offensive pictures or other materials.

15. **Stalking** may also be a form of harassment and may be characterised by any of the following repeated and unwanted behaviours:

- Following a person;
- Contacting, or attempting to contact, a person by any means;
- Publishing any statement or other material –
 - Relating to or purporting to relate to a person, or
 - Purporting to originate from a person;
- Monitoring the use by a person of the internet, email or any other form of electronic communication;
- Loitering in any place (whether public or private);
- Interfering with any property in the possession of a person;
- Watching or spying on a person including through the use of CCTV or electronic surveillance.

HARASSMENT PROCEDURE

1. Harassment is a serious offence and the College treats allegations of harassment with the utmost seriousness. The College is committed to supporting any member through what can be a very difficult and upsetting process. Any member of the College community who feels they have been subject to harassment can make a complaint via the appropriate Procedure: see
 - Annexe A for the Procedure in relation to complaints about staff; and
 - Annexe B for the Procedure in relation to complaints about students
2. When a criminal offence may have been committed, the relevant harassment Procedure may not be appropriate. These cases will include, but not be limited to, serious assault or threat of serious assault. Student and staff members can seek advice from the College or University and/or approach the Police directly. Further guidance on dealing with cases of sexual assault or sexual violence is available from the [University](#).
3. Harassment that occurs primarily outside of the College environment and within the University environment will normally be dealt with under the appropriate University procedure. These procedures can be found at:
<https://edu.admin.ox.ac.uk/university-policy-on-harassment>
4. Anyone involved in a complaint (including any witnesses who may be interviewed as part of any investigation, or trade or student union representatives supporting any of the parties) should maintain the confidentiality of the process in line with the College's policy on confidentiality.
5. If a complainant is deemed to have known or to have reasonably been expected to know that a complaint was unfounded, the allegation of harassment may be judged to be vexatious or malicious, and disciplinary action may be taken against them. No action will be taken if a complaint which proves to be unfounded is judged to have been made in good faith.
6. This Policy and Procedure may be found at <https://intranet.pmb.ox.ac.uk/freshers/handbooks-and-regulations> and is available in hard copy from the Academic Office. Copies in alternative formats are available on request.
7. This Policy and Procedure will be subject to regular review by the College's Student Welfare and Equalities Committee and the Staff Welfare and Equalities Committee.

ANNEXE A: Complaints of harassment against College Staff

The Home Bursar will handle complaints about non-academic staff and the Academic Director will handle complaints about academic staff. Welfare advice and support is available from a wide range of sources, but specialist advice is available from the university's harassment line or the College harassment advisers. If the complaint is serious, then it may also be made to the police.

1. The Procedure below applies in all cases where the person who is the subject of the complaint is employed by Pembroke College as a member of staff, or who has an association with the College short of an employment contract, and the complaint arises in the context of their work for or association with the College.
2. The Home Bursar will have oversight of all cases related to non-academic staff, and the Academic Director will have oversight of all cases related to academic staff. They will take the lead as appropriate in liaising with other parts of the collegiate University. They will act as a source of information and advice for the College on cases of harassment, and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to their office under this Procedure.
3. Complainants may access support from inside or outside the College as they choose. The Harassment Adviser is particularly trained to support individuals making complaints about harassment, but individuals may also seek support in the College from the Welfare and Wellbeing Co-ordinator, Staff welfare advisers, peer supporters, Chaplain, Academic Director, Academic Registrar, Home Bursar and Junior Deans. In the university they may seek support from the Harassment Line. Anyone who is accused of harassment may also seek support from inside the College or external sources.
4. This complaints Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action. This complaints Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment.

Initial Action

If possible, the Home Bursar or Academic Director will try to resolve things informally, including through conciliation or mediation.

5. In some cases, an individual who feels that they are being harassed by a member of staff may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should anyone feel obliged to approach an alleged harasser, and the College does not wish to suggest that anyone who feels that they have been harassed is responsible for rectifying the situation.
6. The Procedure below assumes that the individual has not been able first to resolve the issue through an informal approach. If a member of domestic staff wishes to seek informal resolution, they should approach the Home Bursar to ask for help in achieving a resolution of the problem. Students or academic staff should approach the Academic Director.
7. The Home Bursar or Academic Director may ask the parties to consider entering into a mediation or conciliation process. Although mediation or conciliation may be attempted at any time before or after a formal investigation, it may be particularly helpful if it is considered at an early stage before the formal procedure is invoked. All those involved in the mediation or conciliation process must maintain appropriate confidentiality.

Next Steps: Complaints Procedure

If that's not possible, then a written complaint should be made. Advice is available on how to do this.

8. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the complainant should make a written complaint. The complaint should be sent to the Academic Director in the case of complaints about a member of academic staff and to the Home Bursar in the case of complaints about a member of non-academic staff. In cases where it is not immediately clear to whom a complaint should be addressed, or if the complainant feels it is not appropriate to approach the Home Bursar or Academic Director, advice may be sought from the Harassment Advisors or a senior member of the Student/Staff Welfare and Equalities Committee (Academic Director, Home Bursar, Welfare and Equalities Fellow, Chaplain, Dean, Head Porter). Students and staff can seek support from College Harassment Advisors or the university's Harassment Line throughout the complaints process.

Submission of the complaint

The complaint should be made in writing, with as much detail as possible about what happened and what resolution is requested. The Home Bursar or Academic Director will then meet the complainant and talk through the process of what happens next – and following that, they will aim to investigate within six weeks. Anyone making a complaint may bring someone along to any meeting for support.

9. In the submission to the Home Bursar or Academic Director the complainant should set out as clearly and succinctly as possible:
 - the nature of the behaviour that they are concerned about;
 - the effect of this behaviour on them; and
 - the resolution they are seeking.
10. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain what attempts, if any, have been made to resolve the difficulties and the outcome they are seeking. The Home Bursar or Academic Director will hold an initial meeting with the complainant to explain the process of what happens next.
11. Every effort will be made to achieve a prompt resolution to the complaint – the aim being to conclude the investigation within a period of no more than six weeks. Both the complainant and the person who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.
12. Both parties to the complaint have the right to be accompanied and supported by a trade union representative, or by a colleague of their choice from within the College, at any meeting held under this procedure. If the complaint involves a student they may be

accompanied by another student member of the College or a member of the College's welfare team, a senior member of the College, or a member of staff from Oxford SU's Student Advice Service. These people must maintain appropriate confidentiality.

Action by the Academic Director or Home Bursar on receipt of a complaint

The Academic Director or Home Bursar will then carry out an initial investigation, which may involve talking to the person who is the subject of the complaint and to anyone else relevant. This will all be handled confidentially, and anyone involved may be accompanied at any meeting. The Home Bursar or Academic Director will then write to all involved with the outcomes of this initial investigation and the next steps.

13. On receipt of a complaint, the Home Bursar or Academic Director will take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which may include:

- informing the person against whom a complaint has been made of the allegations against him or her;
- meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
- speaking to other relevant people on a confidential basis; and/or
- obtaining further relevant information.

14. The Home Bursar or Academic Director will then decide how to proceed and will inform the parties in writing. They may themselves make such enquiries as are necessary to determine the complaint, or may commission an independent investigation.

15. They may also determine that immediate interim action is necessary pending the outcome of a formal process.

Action by the Home Bursar or Academic Director in cases raising serious concerns, but where no formal complaint is made

If the Home Bursar or Academic Director are aware of a situation arising which is serious, but where no formal complaint has been made, they may still investigate this. Any decision to do so will be made following consultation with other senior members of the Student/Staff Welfare and Equalities Committee.

16. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Home Bursar or Academic Director considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, having consulted with two other senior members of the Student/Staff Welfare and Equalities Committee, the Academic Director or Home Bursar may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Investigation

Depending on the outcome of the initial investigation, an impartial investigator may be appointed to carry out a formal investigation. This will be concluded as soon as possible

17. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.
18. The Academic Director or Home Bursar will appoint an investigator who has had no previous involvement with the case, or with the parties to the case: the Investigator may be from another College.
19. The procedure for an investigation will normally be as follows, but may be adapted by the Investigator to meet the needs of the case:
 - a) The Investigator will meet the complainant to confirm the details of the complaint.
 - b) The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.
 - c) The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
 - d) The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
 - e) The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.
 - f) Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
 - g) The report will be forwarded to the Academic Director or Home Bursar.
20. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may, if specifically requested to do, make recommendations on possible courses of action.
21. The Home Bursar or Academic Director will ensure that appropriate support is available to students and staff following an investigation.

Possible outcomes of a complaint

The Academic Director or Home Bursar will write to the complainant and to the person who is being complained about, with the outcomes of the investigation. Possible outcomes include no further action; informal action including

advice, training and ongoing monitoring, or a recommendation for formal disciplinary action.

22. The Academic Director or Home Bursar will inform the complainant and the person who is the subject of the complaint in writing (i) of the conclusions they have reached having reviewed the evidence, including any investigation report; (ii) of the action they intend to take; and (iii) of the reasons for any such action.
23. The Academic Director or Home Bursar will also inform any other parties who have been asked to participate in an investigation that the investigation has been concluded.
24. Depending on the nature of the complaint and the evidence found, including the findings of any investigation report, the Home Bursar or Academic Director, in consultation with relevant College Officer(s), will either:
 - a) Take no further action, other than, where appropriate, implementing or suggesting steps that would help to restore reasonable professional relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties.
 - b) Initiate resolution of the issues (e.g. by requiring that certain individuals undergo specific training, or implementing practical arrangements to improve professional relationships). If a successful resolution is achieved the case will be closed, but the situation will be monitored for an appropriate period. This approach will usually be appropriate where the evidence does not support a claim of harassment but it is clear that either party has demonstrated behaviours that are likely to lead to further issues between them if unresolved or, alternatively, that there are structural issues within the College that require management attention.
 - c) Institute disciplinary proceedings where the Academic Director or Home Bursar is reasonably satisfied that there is evidence to support allegations of harassment of a sufficiently serious nature that should be further examined through the disciplinary process. In this event, the Academic Director or Home Bursar will determine what intermediate measures are necessary, including any re-allocation of duties, in consultation as appropriate with the relevant department.
 - d) In rare cases disciplinary action may be instituted against the complainant if the Academic Director or Home Bursar is satisfied that the complaint of harassment is unfounded and not made in good faith.

Appeal from this decision

The complainant, or the individual complained about, may appeal a decision under the College's normal disciplinary and grievance processes. The Home Bursar or Academic Director will include details of how to make an appeal in the letter setting out the outcome of the complaint.

25. If either party does not accept the outcome of the complaint (including any judgement that

the complaint was vexatious), they may invoke the relevant grievance or complaint procedure within the time scales specified. If the complainant is a student, a Completion of Procedures letter should be issued at the appropriate time.

26. If a student complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to apply to the Office of the Independent Adjudicator for Higher Education (OIA) for a review of the case. They must do so within three months of the date of the Completion of Procedures letter.

Confidentiality

27. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis, including as appropriate with the individual against whom a complaint is brought. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, the University, or to external bodies. The College's confidentiality policy applies in these situations.
28. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator ("OIA") and the civil and criminal courts. The College will not normally report a matter to the police without the complainant's agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

29. The College and all those involved in this process must comply with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
30. Those interviewed in the course of any investigation will be asked to review the notes of their individual discussions with the Investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions.
31. The Home Bursar or Academic Director should be consulted by any Investigator that they have appointed about filing and retaining any notes and documents, all of which must be held in confidence.

ANNEXE B: Complaints of harassment against students

1. This Procedure is designed to deal with student complaints of harassment by other students that arise in the context of Pembroke College. If a student is unsure whether a particular instance of harassment falls under the University's procedures or College procedures, they should seek advice from the Academic Director, the University's Director of Student Welfare and Support Services (DSWSS) or a Harassment Advisor.

2.)If a member of College staff wishes to make a complaint of harassment against a student, this will normally be considered as a disciplinary issue and will be handled in accordance with the College's regulations. In the first instance, a member of staff should seek support and guidance from the Home Bursar (non-academic staff) or the Academic Director (academic staff).
3. The Academic Director will have oversight of all cases that fall under this Procedure, and will take the lead as appropriate in liaising with other parts of the collegiate University. The Academic Director will act as a source of information and advice for the College on student cases of harassment, and will make referrals as appropriate. They will also be responsible for recording and reporting of cases referred to the Dean under this Procedure.
4. Complainants may access support from inside or outside the College as they choose. The Harassment Adviser is particularly trained to support individuals making complaints about harassment, but individuals may also seek support in the College from the Welfare and Wellbeing Co-ordinator, peer supporters, Chaplain, Academic Director, Academic Registrar, Home Bursar and Junior Deans. In the university they may seek support from the Harassment Line.
5. Support from the Harassment Advisors is also available to students against whom complaints of harassment have been made and will be equivalent to that available to a student who feels that they are being harassed by another student.
6. This complaints Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. These cases may include, but are not limited to, cases of serious assault or threat of serious assault. In the first instance such allegations will normally be a matter for police investigation and action. This complaints Procedure therefore focuses on complaints of harassment which can be dealt with within the College environment.

Initial Action

Students may choose to try to resolve matters directly with the other student, but should never feel any pressure to do so. Students are strongly advised to access specialist advice as early as possible. The Academic Director can help with advice on the process and possible ways of resolving things informally, including conciliation and mediation.

7. In some cases, a student who feels that they are being harassed by another student may feel able to approach the person in question to explain what conduct they find upsetting, offensive or unacceptable, and to ask that person to refrain from that behaviour. At no time should a student feel obliged to approach an alleged harasser, and the College does not wish to suggest that a student who feels that they have been harassed is responsible for rectifying the situation.
8. Before taking informal action, the student could discuss the situation with a College Harassment Advisor. If the student does not feel comfortable contacting a College Harassment Advisor, they can contact the Harassment Line for details of another advisor (Tel. 01865 270760 or e-mail harassment.line@admin.ox.ac.uk). Harassment Advisors will

not approach the alleged harasser on behalf of an individual. Details of the role of the harassment advisor can be found at <https://edu.admin.ox.ac.uk/support#collapse1229891>.

Other sources of advice when considering informal resolution may include tutors, senior members of the Student Welfare and Equalities Committee, JCR and MCR welfare representatives, Student Peer Supporters, and Oxford SU's Student Advice Service (Tel. 07436225637 or 07436225630 or e-mail advice@oxfordsu.ox.ac.uk).

The Academic Director will oversee all cases, and will advise and take action as appropriate. If a student wishes to seek informal resolution, they should approach the Academic Director to ask for help in achieving a resolution of the problem. Actions taken will vary depending on the case and may include:

- Giving advice on options for ways to proceed, and helping the student to make decisions on the action they want to take;
- Referring the student to appropriate support services (such as the Student Counselling Service, and OUSU Student Advice Service);
- Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the College environment and within the University environment;
- Inviting the individuals concerned to consider mediation or conciliation, and arranging this if both parties are in agreement

Brief records will be kept of all meetings held and actions taken in relation to the case at this stage. These records will be managed in accordance with the principles of the Data Protection Act 1998. These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.

Formal Written Complaint

If the issue cannot be resolved informally, then the student should submit a formal complaint to the Dean.

9. If informal action does not succeed in resolving the situation, or would not be appropriate given the nature of the complaint, the student should make a formal written complaint to the Dean. In some cases, it will be appropriate to proceed directly to this stage. In these cases, if the complainant has not already been offered appropriate support from a trained member of staff, this will happen.
10. The complaint should normally be made as soon as possible after the event(s) to which it refers, or normally within one month of the completion of any informal resolution attempts.
11. The complainant should set out as clearly and succinctly as possible

- the nature of the behaviour that they are concerned about;
 - the effect of this behaviour on them; and
 - where possible, the resolution they are seeking.
12. The complaint should include dates and details of any witnesses to any incidents referred to in the complaint, together with any documentary evidence. The complainant should also explain where appropriate any attempts that have been made to resolve the difficulties and, where possible, the outcome they are seeking.
13. Every effort will be made to achieve a prompt outcome to the complaint – the aim being to conclude the complaint within a period of one month. Both the complainant and the student who is the subject of the complaint will be expected to co-operate with the College in achieving that result. If it is not possible to resolve the issue within this timeframe, for example for reasons of complexity or the absence of relevant parties from Oxford, both parties will be kept informed.
14. At all times both parties will have the right to be accompanied at meetings by another student member of the College, a member of the College welfare team, a senior member of the College, or a member of staff from Oxford SU's Student Advice Service.

Action by the Dean on receipt of a complaint

The Dean will then carry out an initial investigation of the complaint and decide which steps need to be taken.

On receipt of a complaint, the Home Bursar or Academic Director will take such steps as they think necessary or appropriate to understand the nature of the complaint and the outcome sought which may include

- informing the person against whom a complaint has been made of the allegations against him or her;
 - meeting separately with the complainant and the alleged harasser (at which meetings they should be provided with the right to be accompanied);
 - speaking to other relevant people on a confidential basis; and/or
 - obtaining further relevant information.
15. The Dean will then decide how to proceed and will inform the parties in writing. They may themselves make such enquiries as are necessary to determine the complaint, or may commission an independent investigation.
16. In some circumstances, in the interests of the complainant and/or the student complained about, it may be necessary for interim action to be taken, pending the outcome of the

investigation. This may include making arrangements to limit contact between the parties concerned.

Action by the Dean, Home Bursar or Academic Director in cases raising serious concerns, but where no formal complaint is made

If the Dean, Home Bursar or Academic Director are aware of a situation arising which is serious, but where no formal complaint has been made, they may still investigate this. Any decision to do so will be made following consultation with other senior members of the Student/Staff Welfare and Equalities Committee.

17. There may be circumstances in which an aggrieved party is not willing, or able, to make a formal complaint but the Academic Director/Home Bursar/Dean considers that the implications for the aggrieved person or others actually or potentially affected are serious. This may include cases where other parties, but not the aggrieved party, have made a complaint. In this case, having consulted with two other senior members of the Student/Staff Welfare and Equalities Committee, the Dean, Academic Director or Home Bursar may initiate an investigation and make a decision on further action on the basis of such evidence as is available.

Investigation

Depending on the outcome of the initial investigation, an impartial investigator may be appointed to carry out a formal investigation. This will be concluded as soon as possible

18. The purpose of an investigation is to establish the relevant factual evidence in connection with the allegation(s) made by the complainant.
19. The Dean will appoint an investigator who has had no previous involvement with the case, or with the parties to the case: the Investigator may be from another College.
20. The procedure for an investigation will normally be as follows, but may be adapted by the Investigator to meet the needs of the case:
 - a) The Investigator will meet the complainant to confirm the details of the complaint.
 - b) The complaint as clarified will be forwarded to the person complained against together with any other relevant material that the Investigator has.
 - c) The Investigator will interview, where reasonably practicable, individuals identified by the complainant as having relevant evidence.
 - d) The Investigator will meet the person complained against to hear their response to the complaint and any further evidence that has come to light.
 - e) The Investigator will interview, where reasonably practicable, individuals identified by the person complained against as having relevant evidence.

- f) Having considered all the evidence, including any relevant documents, the Investigator will prepare a written report of their findings, in relation to which they may check relevant sections in draft with the parties before finalising.
 - g) The report will be forwarded to the Dean.
21. The investigation should be concluded as soon as is reasonably practicable. The Investigator will prepare a report and may, if specifically requested to do, make recommendations on possible courses of action.
 22. The Dean and Academic Director will ensure that appropriate support is available to students and staff following an investigation.

Possible outcomes of a complaint

The Dean will write to the complainant and to the person who is being complained about, with the outcomes of the investigation. Possible outcomes include no further action; informal action including advice, training and ongoing monitoring, or a recommendation for formal disciplinary action.

23. Investigation of a formal written complaint of harassment may result in:
 - a) Deciding that the alleged harasser should face disciplinary procedures
 - b) Taking actions in College, or recommending to a department/faculty actions to take, including making arrangements to limit contact between the parties concerned. The relevant College Officer, Head of House, or head of department will have responsibility for implementing and monitoring any actions.
 - c) Referring either or both parties to appropriate support services
 - d) Referring a case to the University, if it transpires that the alleged harassment did in fact take place outside of the College environment and within the University environment
 - e) Taking no further action other than, where appropriate, implementing or suggesting steps that would help to restore reasonable relationships between the parties. This approach will usually be appropriate where the claim(s) of harassment are considered to be unfounded and where there is a continuing relationship between the parties
 - f) In rare cases disciplinary action may be instituted against the complainant if there is evidence that the complaint of harassment is unfounded and not made in good faith.
24. If the complainant is not satisfied with the outcome following the investigation of the formal written complaint, they may be able to appeal this decision using the College Complaints procedure / Conference of Colleges Appeals Tribunal if applicable or, if they have exhausted all mechanisms of appeal within College, apply to the Office of the Independent Adjudicator

for Higher Education (OIA) for a review of the case. If applying to the OIA they must do so within three months of the date of the Completion of Procedures letter.

25. Following the outcome of the complaint, the Academic Director will take such action, including informing others, and arranging for support for all parties following the outcome, as may be appropriate in the circumstances.

Referrals

26. On occasion, complaints of harassment which should be considered under this Procedure may be made to other members of staff. In this situation, staff should explain the Procedure, and ask the complainant if they would like the case referred to the Academic Director, so that they can receive support from a trained staff member, or submit a formal written complaint to the Dean.
27. If a student does not wish to seek support and advice, or to make a complaint, or if there are queries about the procedure to be followed, staff can contact a Harassment Adviser or DSWSS for advice on a confidential basis.

Potentially criminal misconduct

28. This Procedure may not be applicable where the allegations are of behaviours that may attract criminal sanction. This would include, but not be limited to, cases of serious assault or threat of assault. Where the complaint is of potentially serious criminal behaviour by a student, the College should consider whether it would be appropriate for the University to investigate, given the University's access to experienced external investigators. Further guidance on cases of sexual assault and sexual violence, including support available, is available from the University at <https://edu.admin.ox.ac.uk/policies-guidance-and-procedures#/>.

Issues including but not limited to those around teaching, examinations and accommodation/social activity may need to be considered.

29. Support for any student affected by such an incident may be sought from the Harassment Advisors and other relevant College Officers.
30. In addition the Academic Director will consider whether it is appropriate to make recommendations to appropriate bodies regarding arrangements that would have the purpose of limiting contact between students for so long as may be considered reasonably necessary.

Confidentiality

31. Information concerning allegations of harassment must so far as reasonably possible be held in confidence by those to whom it is divulged. Unnecessary disclosure of such allegations may attract disciplinary sanction. Information will be shared on a need-to-know basis. Once a formal complaint is pursued, it is likely to be appropriate and/or necessary for certain information to be provided to others within the College, the University, or to external bodies.
32. Those to whom disclosure may be made outside the University include the police, the Office of the Independent Adjudicator (“OIA”) and the civil and criminal courts. The College will not normally report a matter to the police without the complainant’s agreement, except in those rare circumstances where there is sufficient evidence to suggest that an individual poses an extreme risk.

Records

33. The College and all those involved in this Procedure must comply with the principles of the Data Protection Act 1998¹². These include ensuring that personal data is kept accurate and up-to-date, held securely, and not kept for longer than necessary.
34. Those interviewed in the course of any investigation by the investigator will be asked to review the notes of their individual discussions with the investigator as soon as is reasonably possible in order to comment on any inaccuracies or omissions. All notes will be preserved during the process and until such time as the College’s internal processes and any external processes are concluded.
35. The Academic Director should be consulted by the Investigator about filing and retaining any notes and documents related to this Procedure, all of which must be held in confidence.