

Disciplinary Code and Grievance Procedure for Fellows falling within Statutes C and D

Disciplinary Code

A. Scope of Code

1. This Disciplinary Code has been made by the Master and agreed by the Governing Body pursuant to Ordinance 18. It is to be read alongside the College Statutes, Ordinances and Blue Book. Should there be any perceived inconsistency, the College Statutes, Ordinances and Blue Book take priority over this document.
2. This Code applies to Fellows of St Edmund's College who do not fall within the scope of Statute E.

B. Complaints about unacceptable behaviour

3. The College is committed to providing a convivial and safe environment for high quality academic research and debate. The College is strongly committed to the principle of freedom of speech and expression. A copy of the College's statement on freedom of speech is available on the College website. This Code is intended solely to ensure the smooth running of the College as a community. It therefore aims to do no more than to conform to the dictates of common sense and of reasonable consideration for others.
4. If it appears to the Master, after receiving a complaint or otherwise, that conduct by a Fellow falling within the scope of this Code may have been unacceptable the Master may inquire into the matter further. If the Master concludes after investigation (including discussion with the Vice Master and meeting with the Fellow concerned) that the Fellow concerned is or has been at fault, the Master may deal with the matter informally. It is expected that most complaints about minor acts of unacceptable behaviour will be capable of being dealt with informally.
5. If the Master concludes after investigation (including discussion with the Vice Master and meeting with the Fellow concerned) that the fault is sufficiently serious to justify it, or if a further act of unacceptable behaviour occurs, the Master may issue a written warning. Such a warning must specify the reason for the warning and state that a copy will be provided to the Nominations Committee; it should also advise the Fellow concerned that she or he may appeal against the warning as set out below.
6. The Master must keep a written record of any written warning issued and provide a copy of the written warning to the Nominations Committee. A record of a written warning will be retained until the Fellow's re-election, following which it will be disregarded for all purposes.
7. The Fellow concerned may appeal in writing to the Governing Body against a written warning within fourteen days of the date of the warning, stating the grounds of appeal. The appeal will be heard by an Appeals Committee convened by the Governing Body. The decision of the Appeals Committee shall be final. If the Appeals Committee allows the appeal the warning shall be disregarded.
8. The College takes a serious view of misbehaviour which impacts on others. Complaints

about misconduct of a more serious character should be made to the Master. If the Master concludes after investigation (including discussion with the Vice Master and meeting with the Fellow concerned) that the fault is sufficiently serious to justify it, the Master may, in his or her discretion, refer the matter to the Governing Body to be dealt with in accordance with Chapter I of Statute C or Chapter VI of Statute D as applicable.

C. Records and confidentiality

9. The Master shall keep a brief written record of all meetings with Fellows, and records of all correspondence, relating to discipline, including emails.
10. All investigations by the Master shall so far as is reasonably practicable be treated as confidential, and all meetings and hearings shall be held in private. The Master shall not disclose information about matters arising under this Code other than as provided in paragraph 6.

D. Imposition of precautionary measures

11. The Master, on an exceptional basis, may impose precautionary measures on a Fellow falling within the scope of this Code who is alleged to have committed an act of grave misconduct or a criminal offence pending the outcome of criminal proceedings or University or College disciplinary proceedings. The Master must provide a report to the Council as soon as is reasonably practicable after a decision is taken to impose precautionary measures on a Fellow. A decision of the Master to impose precautionary measures on a Fellow must be ratified by the Council as soon as is practicable and, in any event, within 7 days in Term (28 days in the vacation).
12. Precautionary measures must be reasonable and proportionate. A risk assessment must be carried out before a decision is taken to impose precautionary measures.
13. Precautionary measures are not a penalty or sanction and do not indicate that the College has concluded that the accused Fellow has committed a breach of disciplinary or a criminal offence. Precautionary measures may be put in place if they are necessary:
 - (a) to ensure that a full and proper investigation can be carried out (either by the police or a College or University investigator); and/or
 - (b) to protect the complainant or others whilst the allegation is being dealt with as part of a criminal process or disciplinary process.
14. Precautionary measures may include excluding the accused Fellow from College premises.
15. If there is a material change in the circumstances of the case, the Fellow has a right, at any stage, to request a review by the Master.

Grievance Procedure

A. Scope of Procedure

1. This Grievance Procedure has been made by the Master and agreed by the Council pursuant

to Ordinance 18. It is to be read alongside the College Statutes, Ordinances and Blue Book. Should there be any perceived inconsistency, the College Statutes, Ordinances and Blue Book take priority over this document.

2. This procedure applies to Fellows of St Edmund's College who do not fall within the scope of Statute E.
3. The aim of the procedure is to settle or redress individual grievances promptly, fairly and by methods acceptable to all parties.
4. The grievances to which this procedure applies are ones by Fellows concerning their membership of the College where those grievances relate:
 - (a) To matters affecting themselves as individuals; or
 - (b) To matters affecting their personal dealings or relationship with other Members of the College not being matters for which express provision is made elsewhere in College Statutes or Ordinances.
5.
 - (1) If other remedies within the relevant area have been exhausted the Fellow concerned may raise the matter with the Master.
 - (2) If it appears to the Master that the matter has been determined under another provision of the Statutes or Ordinances or that the grievance is trivial or invalid, he or she may dismiss it summarily, or take no action upon it. If it so appears to the Master he or she shall inform the Fellow accordingly.
 - (3) If the Master does not reject the complaint under subsection (2) he or she shall decide whether it would be appropriate, having regard to the interests of justice and fairness, for him or her to seek to dispose of it informally. If he or she so decides he or she shall notify the Fellow and proceed accordingly.
6. If the grievance has not been disposed of informally under section 5(3), the Master shall refer the matter to a Grievance Committee (as defined in Chapter VI section 5 of Statute E) for consideration.
7. The procedure followed in connection with the consideration and determination of grievances shall be that set out in the Ordinances for the purposes of Chapter VI of Statute E.
8. The Committee shall inform the Governing Body whether the grievance is or is not well-founded and if it is well-founded the Committee shall make such proposals for the redress of grievance as it sees fit.