

## Guidelines for Investigating Allegations against Rhodes Scholars-Elect

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### CONTEXT

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The Rhodes Trust operates under the terms of the Will of Cecil Rhodes, subsequent Acts of the British Parliament and other legal instruments. The Rhodes Scholarship is governed and administered globally by four entities: the Trustees (including Committees), the Warden, the National Secretaries, and the Trust staff. Together, these entities provide the framework within which Scholarship promotion, Scholar selection, alumni outreach, fundraising, and other activities take place. For its operation, the Trust depends crucially upon volunteers in national secretariats, alumni bodies, selection committees, and fundraising, and is very grateful for their contributions.

The following guidelines have been drawn up in order to clarify the principles and procedures, and the framework of confidentiality which govern cases concerning allegations against Scholars-elect. For the purposes of these guidelines, a Scholar-elect is any person who has been elected to the Rhodes Scholarship but has not yet taken up University residence for the purpose of pursuing his or her studies under that Scholarship.

### APPROACH AND PRINCIPLES OF PROCEDURE

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The Will of Cecil Rhodes<sup>1</sup> (Clause 30) stipulates that the Trustees have control over the process of selection and its regulatory framework. It is the role of Trustees to put in place systems and processes to select scholars and this is then delegated down to the Warden, National Secretaries and Rhodes Trust staff to implement. This arm's length nature of the Rhodes Trust's selection process is one of its great strengths. Allowance for regional diversification within selection is a key aspect of the Rhodes Scholarships and should be carefully balanced with centralised guidelines and policies.

Clause 29 of the Will gives the Trustees "uncontrolled discretion" to suspend or remove any scholar from their scholarship. Thus, there is a clear differentiation between the scholar selection process and the procedure for rescinding a scholarship, for example (in the context of these guidelines), following an allegation of misconduct against a Scholar-elect. In such a case, the Scholarship Committee will debate the merits of any such allegation(s) and recommend a course of action to the Trustees, for their decision. The Warden will coordinate the crafting of the recommendation, and chair a sub-committee reporting to the Scholarship Committee tasked with coordinating the investigation. The detailed procedure for dealing with such allegations is laid out below.

The Trust shall seek to deal with allegations against Scholars-elect in a sensitive, fair, efficient and effective way and with due expedition. In cases where the allegations are serious enough to require investigation, the person shall be informed of the nature of the allegations made and afforded a fair opportunity to respond during the process of any investigation and before any findings or recommendations by the Scholarship Committee are made.

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<sup>1</sup> *In exercising its general discretion in relation to the management of any charitable fund which it uses to support Rhodes Scholarships, the Rhodes Trust applies the provisions of the Will (including the adoption of the powers set out in Clauses 29 and 30 of the Will) where it considers it appropriate, and whether or not required, to do so.*

Confidentiality shall be strictly observed and maintained by all parties throughout any reporting, investigative and decision procedures save to the extent necessary to effectively and fairly resolve the matter in accordance with the guidelines (see “Framework of Confidentiality” section, below).

The scope of these guidelines only covers the procedure for dealing with allegations against Scholars-elect. Where an allegation is made against an *applicant* (prior to winning a scholarship), such cases are managed by the relevant National Secretary. If the National Secretary concludes after due diligence that the allegations are sufficiently serious and credible to raise questions about a candidate’s suitability for the Rhodes Scholarship, they will inform and consult with the Warden and with the corresponding selection committee Chair or Secretary to decide appropriate action. Where an allegation is made against a *current Scholar in residence*, the procedure for handling such cases is outlined in the Scholar Code of Conduct.

These guidelines should be read in conjunction with other applicable Rhodes Trust’s policies and procedures, including the Governance Protocols ([https://www.rhodeshouse.ox.ac.uk/media/45065/rhodes\\_governance\\_protocols\\_aug2020.pdf](https://www.rhodeshouse.ox.ac.uk/media/45065/rhodes_governance_protocols_aug2020.pdf)), the Code of Conduct for Scholars (<https://www.rhodeshouse.ox.ac.uk/media/46866/rhodes-scholar-code-of-conduct-2022-23.pdf>), and the Code of Conduct for Volunteers (<https://www.rhodeshouse.ox.ac.uk/media/46112/volunteer-code-of-conduct.pdf>)

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## PROCEDURE FOR DEALING WITH AN ALLEGATION

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The following steps outline the procedure for dealing with allegations of misconduct against a Scholar-elect:

### **1.) Allegation(s) or report of misconduct reaches the Trust or one of its volunteers**

The Warden & CEO of the Rhodes Trust or, in the event of his or her being recused, the Chair of the Scholarship Committee shall be the person to whom any alleged misconduct by a Scholar-elect -such alleged misconduct not being obviously trivial – shall be notified.

The Warden will decide whether there is a prima facie case to be answered which is serious enough to warrant further investigation. That investigation will be overseen through a Sub-Committee appointed by the Warden and reporting to the Scholarship Committee and that Sub-Committee will steward the investigatory process.

Examples of misconduct, inconsistent with the high standards of behaviour expected of Rhodes Scholars are as follows (though these are not exhaustive):

- 1. Material misrepresentation in any aspect of the subject’s application** – whether in the written application or in the interview(s)
- 2. Misconduct** (see the full list in the Scholar Code of Conduct), such as:
  - Academic misconduct – plagiarism and cheating
  - Lying or fraud
  - Criminal conduct or other misconduct e.g. theft, assault, harassment

### **2.) Investigation: establishment & workings of the Sub-Committee**

The Sub-Committee of the Scholarship Committee is responsible for investigating the allegation(s) and crafting a recommendation for the Scholarship Committee to deliberate upon and assess.

The Sub-Committee shall be constituted of the following persons:

- The Warden (*Chair*)
- The Director of Selection & Outreach (Sub-Committee *Secretary*)
- The National Secretary of the constituency concerned

and the Warden shall have discretion to invite any other person whom he or she thinks fit to be a member of the Sub-Committee.

*Note: in the scenario that one (or more) of the parties -the National Secretary, Warden or the Director of Selection & Outreach- was a voting member of the Selection Committee which selected the Scholar-elect concerned in the allegation(s), they shall then recuse themselves from the investigation and an alternate for the Sub-Committee shall be nominated in their place. If the Warden is subject to such refusal, their replacement on the Sub-Committee shall be the Chair of the Scholarship Committee.*

#### ***Role of the Sub-Committee Chair***

The Chair of the Sub-Committee is responsible for bringing the Sub-Committee to a decision upon the recommendation with regards to the appropriate action/sanction to deal with the allegation(s).

The Chair of the Sub-Committee presents this recommendation to the Scholarship Committee and, together with the Chair of the Scholarship Committee, stewards the decision-making process with the Board of Trustees.

During the process, and once the decision has been made by the Board of Trustees, the Chairs will decide upon how to follow up with the Scholar-elect (and may delegate the execution of such follow-up to another member of the Sub-Committee).

#### ***Role of the Sub-Committee Secretary***

The Secretary of the Sub-Committee coordinates and administers the process, including:

- Organising meetings of the Sub-Committee
- Creating a plan & realistic timeline for dealing with the allegations, presenting it to the Sub-Committee and stewarding it to completion
- Coordinating the investigator's remit and liaising with the other Sub-Committee members as the investigation progresses, as appropriate
- Writing and circulating the minutes of Sub-Committee meetings/conversations with parties, as necessary
- Consolidating various reports (investigative, Committee etc.) into memoranda which can be presented to the Scholarship Committee and the Board of Trustees for deliberation and decision
- Guiding the conduct of the process in a thorough yet expedient manner to reduce any unnecessary anxiety or disruption on the part of the Scholar-elect and to minimise the risk of future milestones being reached before a decision has been made (e.g. placement, arrival in Oxford).

### ***2.i.) Sub-Committee appoints an investigator and the investigation is launched***

The Sub-Committee shall appoint an investigator, who is independent and may be an external expert or legal person of suitable seniority, to assess and investigate the allegation(s) on the basis of a timeline agreed between the Sub-Committee and the investigator. If the case is not a complex one, the Warden at his or her discretion may appoint as the investigator the National Secretary (or a Deputy in the secretariat) or another member of the Sub-Committee.

At the point at which the formal investigation is launched, the Scholar-elect shall be informed and given an outline of the allegation(s) against them, and the process and timeline to deal with the allegation(s). As necessary, consent will be requested from the Scholar-elect to allow their institution(s) to release all pertinent documents and make faculty or other staff available for interviews with the investigator and designees of the Rhodes Trust. If such consent is not forthcoming, the investigation shall nevertheless proceed and on the basis that such inferences as appear reasonable in the circumstances may be drawn from the withholding of such consent.

### ***2.ii.) Investigation & presentation of results***

The role of the Investigator is to

- Thoroughly investigate to the extent reasonably practicable the allegation(s), including -but not limited to- interviewing:
  - the person(s) making the allegation(s);
  - any pertinent witnesses and/or sources of corroboration;
  - the subject of the allegation(s) – together with the Warden, as appropriate – giving them sufficient and timely opportunity to give their response which shall be presented as part of the investigator’s report:
  - any pertinent officials at the institution where the subject is or was studying – as necessary and appropriate the subject will cooperate with the investigation, for example waiving their procedural rights so that the officials and investigator can access materials and documents but solely for the purposes of the investigation.
- Prepare a report, weighing the various findings (assessing their credibility, completeness, and any outstanding issues) and, if thought fit, making suggestions as to potential further courses of action in an attempt to resolve any significant uncertainty in relation to any finding or findings.
- Remain impartial as regards the merits of any matter and present their findings but not make any recommendations on actions/sanctions to be taken in response to the various findings.

The Sub-Committee will deliberate upon the Investigator’s report, requiring further information and/or follow-up, as necessary, which the Secretary will co-ordinate with the Investigator.

### ***2.iii.) Institutional Adviser***

As a support to the Scholar-elect, the Rhodes Trust may offer to provide an institutional adviser, whose role is to help the Scholar-elect navigate the process whilst remaining impartial. The institutional adviser may be the Dean or other senior member of the Rhodes Trust staff, but shall not be a member of the Sub-Committee.

The parameters of the role of the institutional adviser are:

- They may have a pre-meeting with the Scholar-elect, in advance of their interview session(s) with the investigator, to discuss the process;
- At the request of the Scholar-elect, they can serve as an observer during the interview session(s);
- They may have a post-meeting with the Scholar-elect following their interview session(s).

The institutional adviser does not participate in the investigation or arbitration of the case, nor will they have a role in deciding the case.

#### ***2.iv.) Scholar-elect response***

As part of the investigative stage of the procedure, the Chair of the Sub-Committee (with the support of the Secretary, as necessary) will give the subject of the allegations the opportunity to submit -independently of the investigator's report- their response, in writing, to the investigation. The Scholar-elect will be given such period as the Sub-Committee deems reasonable in all the circumstances to submit their response to the Scholarship Committee.

This response will be presented to the Scholarship Committee and the Board of Trustees, as appropriate. The Scholar-elect may choose to have their legal representative submit a response on their behalf.

The Chair of the Sub-Committee shall provide the Scholar-elect with the report of the investigation to afford them the opportunity to comment on these findings in their written response. In line with the principles of natural justice, the Scholar-elect will be provided with the same materials which are provided to the Scholarship Committee.

Without limiting the above, the Chair of the Sub-Committee shall be free, if he or she thinks fit, to invite the Scholar-elect to make such written representations to the Sub Committee on such matters as the Chair of the Sub-Committee wishes. The Sub- Committee shall be free to determine what, if any, reference is made to those representations in the report to the Scholarship Committee.

#### ***2.v.) Chair recommends course of action***

The Chair of the Sub-Committee will endeavour to reach consensus amongst the committee members on the recommended course of action. Where consensus is not possible, the decision rests with the Chair.

Any recommendation for appropriate actions/sanction(s) shall be proportionate to the seriousness of the misconduct and may, without limitation, include:

- Apology (private or public), setting the record straight; accepting recognition of error(s) and making a credible commitment that such conduct will not occur again;
- Other restorative, rehabilitative actions or educational sanctions that the sub-Committee deems appropriate
- Suspension of the Scholarship pending the outcome of a decision by the Trustees following further investigations
- Rescission of the Scholarship

### **3.) Procedural oversight: review by the Scholarship Committee**

The role of the Scholarship Committee is to review the procedural aspects of the investigation and to determine what recommendation should be made to the Board of Trustees. The Scholarship Committee will check for fairness and balance in the process.

The Chair of the Sub-Committee will present the following to the Scholarship Committee for their deliberations:

- A full report including a summary of their investigations and the recommendation of the Sub-Committee as to whether to exonerate the subject or suspend or rescind their scholarship
- The response of the Scholar-elect

The Scholarship Committee will review the evidence gathered by the investigation and the evidence & materials submitted by the Scholar-elect as a response to the allegations and come to a decision based on the balance of probabilities.

The Scholarship Committee has the following options:

- I. Exoneration of the Scholar-elect
- II. Asking the Scholar-elect to submit an apology / setting the record straight or to take other restorative or rehabilitative actions or other educational sanctions
- III. Recommendation to the Board of Trustees of suspension of the Scholarship, pending further investigation
- IV. Recommendation to the Board of Trustees that the offer of the Scholarship be rescinded

The Chair of the Scholarship Committee will steward the process of arriving at the Committee's recommendation.

In the case of the first three options, the Chair of the Scholarship Committee and the Warden will communicate the decision of the Committee to the Scholar-elect and coordinate next steps – respectively that of the restorative/rehabilitative actions or the further investigation.

In the case of the fourth option, the recommendation to rescind, the Chair of the Scholarship Committee will steward the next steps and, as appropriate, may communicate the following to the Scholar-elect:

- That they have the opportunity to lodge a further submission with the Board of Trustees regarding the recommendation to rescind their Scholarship - giving them such time as the Scholarship Committee shall consider reasonable in all the circumstances to make that submission, which must be no longer than 2,000 words and contain no new evidence;  
*or*
- That the Scholar-elect may choose to withdraw their candidacy for the Rhodes Scholarship – under such conditions as the Scholarship Committee may determine, such as requiring the Scholar-elect to sign a waiver and not to make any representation that they are a Rhodes Scholar – giving the Scholar-elect such time as the Scholarship Committee considers reasonable in all the circumstances to decide on their response.

#### **4.) Decision by the Board of Trustees**

The Trustees will consider the recommendation of the Scholarship Committee, the evidence gathered by the investigation and any submissions by the Scholar-elect. The Board's decision must have the support of a majority of current Trustees. The decision of the Board of Trustees shall be final.

Once the decision has been made by the Board of Trustees, the Sub-Committee will take into account any recommendations of the Board of Trustees in how to proceed in closing the case – bearing in mind the framework of confidentiality (see below).

The Chair of the Scholarship Committee and the Chair of the Sub-Committee will then decide upon the best manner in which to communicate (on behalf of the Trustees) with the Scholar-elect. The Chairs may delegate any or all of such follow-up to another member of the Sub-Committee.

If the decision to rescind is taken, depending on where the Scholar-elect is in the process of applying for their postgraduate study pursuant to their Scholarship, the following actions will be undertaken:

- If early enough in the process, before they have been accepted by the relevant department and college, then the Scholar-elect is informed that their Rhodes Scholarship will not be confirmed;
- If the Scholar-elect has already been accepted by the department for their chosen course, and by their college, they will be informed that their Rhodes Scholarship will be rescinded and struck from the rolls so that they will no longer appear on the records of Rhodes Scholars.

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## FRAMEWORK OF CONFIDENTIALITY

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Confidentiality shall be strictly observed and maintained by all parties throughout any reporting, investigative and decision procedure save to the extent necessary, effectively and fairly to resolve the matter effectively and fairly in accordance with the guidelines<sup>2</sup>.

However, it is not appropriate to give absolute guarantees of confidentiality to informants wishing to tell confidants about something serious. The confidants should guarantee that they will only pass on information to the minimum number of people who must be told in order to ensure that the proper action is taken to investigate the allegation and/or resolve the problem, that they will never tell anyone who does not have a clear ‘need to know’ or who is otherwise in a position legally to require such disclosure, and that they will take whatever steps they can to protect the informing individual from any retaliation or unnecessary stress that might be feared after a disclosure has been made.

Insofar as legitimate and practicable, the Trust shall seek to maintain confidentiality in relation to the matter and guard against unwanted publicity for the Scholar-elect (and any victims, if there are such) after the investigation has been concluded and the decision of the Trustees has been reached.

In the case of exoneration, the Trust shall act reasonably to ensure that there is no stain upon the reputation of the Scholar-elect.

In the case of rescission, the Rhodes Trust shall limit any public disclosure to what the Sub-Committee considers to be the minimum required but may have to make such disclosure e.g. to Oxford University, other institutions or others in response to enquiries made of the Trust which it considers to be legitimate and in order to update the public record of those who are Rhodes Scholars. If any other enquiries are made, the usual response should, wherever practicable, be that “The Rhodes Trust does not comment publicly on the decisions of our Selection Committees or Trustees but can confirm that XX is not a Rhodes Scholar.” The media may infer that a scholarship

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<sup>2</sup> Confidentiality of data is managed in accordance with the 2018 General Data Protection Regulation and the Rhodes Trust’s Privacy Policies – details of those policies can be found here: [Personal Data, Conduct & Privacy Policies - Rhodes Trust \(ox.ac.uk\)](https://www.rhodes-trust.org.uk/Personal-Data-Conduct-Privacy-Policies)

has been rescinded from comparing the announcement or press release of Scholars-elect with information on Rhodes Scholars in Oxford but the Trust will not comment on such inferences.

***Referral to police and regulators***

The Trust will comply with reporting obligations and requests from law enforcement bodies in the course of a response to an allegation. A criminal investigation may run concurrently with an internal investigation or disciplinary process.

Where an allegation is referred to an external body, the Chair of the Sub-Committee, or the Scholarship Committee, may, where appropriate, suspend or terminate an internal procedure and the Trust may then reach its decision about whether or not to rescind a Scholarship on the basis of the outcome of the reference so made.

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These Guidelines are approved by the Warden, the Scholarship Committee, the Governance Committee, and the Board of Trustees.

Date of first edition: 19<sup>th</sup> June 2020

Date of second, revised edition: 14<sup>th</sup> June 2022