

Statute D

DISCIPLINE AND THE UNIVERSITY COURTS

CHAPTER I

DISCIPLINE

For the due maintenance of good order and discipline within the University, the University shall from time to time prescribe such regulations as may be thought expedient in regard to the wearing of academical dress, the rendering of assistance and obedience to all persons in authority in the University and the definition and determination of offences and penalties.

CHAPTER II

THE UNIVERSITY COURTS

1. There shall be a court called the University Tribunal, and a court called the Septemviri, which shall be constituted by Special Ordinance. These courts shall have no jurisdiction over the Chancellor, the High Steward, the Deputy High Steward, or the Commissary.

2. The University Tribunal shall adjudicate, in accordance with the provisions of this Statute, when a University officer, a member of the Senate, or a person not *in statu pupillari* who holds either a degree or the title of a degree is charged with an offence against the discipline of the University, or with grave misconduct.

3. The University Tribunal may impose any of the following sentences either singly or in combination:

- (a) deprivation or suspension of membership of the University;
- (b) deprivation or suspension of degree or title of degree, or postponement of, or disqualification from, admission to degree;
- (c) deprivation or suspension of the status of Master or Bachelor of Arts;
- (d) a fine;
- (e) an order to pay compensation;
- (f) deprivation or suspension of the right to use University premises or facilities;
- (g) any sentence considered by the Tribunal to be lighter;

or may, notwithstanding that a person charged has been found to have committed an offence, resolve not to impose any sentence; provided that any person who is deprived of membership of the University or whose membership of the University is suspended shall thereby suffer deprivation or suspension of degrees and titles of degrees during the continuance of such deprivation or suspension.

4. Any person sentenced by the University Tribunal or the Court of Discipline (see Section 10 below) may appeal to the Septemviri within twenty-eight days after notice of the Tribunal's decision. Such an appeal shall be subject to such conditions as are determined by Special Ordinance.

5. The Septemviri shall act as a court of appeal and

- (a) shall hear appeals by persons holding any of the University offices specified or referred to in Statute C I 1(a), except the offices of Chancellor, High Steward, Deputy High Steward, and Commissary in accordance with the provisions of Chapter V of the Schedule to Statute C and such other provisions as may be determined by Special Ordinance;
- (b) shall hear appeals by other persons charged before the University Tribunal from findings or sentences of the Tribunal, and shall have power to quash a finding or to vary a sentence to any sentence within the limits of the power of the Tribunal;
- (c) shall hear appeals by persons charged before the Court of Discipline from findings or sentences of that court and shall have power to quash a finding or to vary a sentence to any sentence within the limits of the power of the Court of Discipline.

6. Subject to the provisions of the Schedule to Statute C, the University Tribunal and the Septemviri shall have power to make rules of procedure except in so far as such rules may have been determined by Statute or Ordinance; provided that, if any question of law or of interpretation or application of any of the rules of procedure arises during the course of a hearing, or if a question of procedure arises which cannot be resolved by reference to those rules, the matter shall be decided by the Chair, whose decision shall, for the case which is being heard, be final. The Chair of the Septemviri may issue supplementary practice directions in respect

of the Septemviri or any other University court, and the Chair of each other court may issue supplementary practice directions in respect of that court.

7. Every finding or sentence of a University court and every determination of an appeal by the Septemviri shall require the concurrence of a majority of the members present.

8. The Septemviri is to consist of a legally qualified member of the University appointed by Grace as chair and six members of the Regent House, each appointed by Grace. Detailed provision for these appointments shall be made by Special Ordinance.

9. The University Tribunal is to consist of a legally qualified member of the University as chair and four members of the Regent House, each appointed by Grace. Provision for the appointment of the Chair and members shall be made by Special Ordinance.

10. There shall be a court, called the Court of Discipline, which shall consist of a Chair, who shall be legally qualified or shall have had experience of acting in a judicial capacity, and four members of the University, not more than two of whom may be persons *in statu pupillari*. Provision for the appointment of the Chair and members shall be made by Special Ordinance.

11. As a court of appeal, the Court of Discipline shall hear appeals from findings of any court established under the provisions of Section 17 of this chapter and shall have power to quash the finding. The decision of the Court on an appeal shall be final.

12. As a court of first instance the Court of Discipline shall, subject to the provisions of this Statute, adjudicate when any person *in statu pupillari* and any person resident in the University with a view to matriculation is charged with an offence against the discipline of the University.

The procedure for the initiation of proceedings before the Court shall be prescribed by Ordinance. The Court may impose the following sentences, either singly or in combination:

- (a) deprivation or suspension of membership of the University;
- (b) deprivation or suspension of degree, or postponement of, or disqualification from, admission to degree;
- (c) deprivation or suspension of the status of Bachelor of Arts;
- (d) rustication which is exclusion from residence in the Precincts of the University;
- (e) an order to pay compensation;
- (f) deprivation or suspension of the right to use University premises or facilities;
- (g) any sentence considered by the Court to be lighter;

or may, notwithstanding that a person charged has been found to have committed an offence, resolve not to impose any sentence; provided that any person who is deprived of membership of the University or whose membership of the University is suspended shall thereby suffer deprivation or suspension of all degrees during the continuance of such deprivation or suspension.

13. The Registrar or a deputy appointed by the Registrar shall be Clerk of the University Courts.

14. Notice of a meeting of a University Court shall be given to the Head of the College of which the person charged or making an appeal is a member.

15. The Court of Discipline and a court of summary jurisdiction established under Section 17 below shall have power to make rules of procedure except in so far as such rules may have been determined by Statute or Ordinance; provided that, if any question of law or interpretation or application of any of the rules of procedure arises during the course of a hearing, or if a question of procedure arises which cannot be resolved by reference to those rules, the matter shall be decided by the Chair, whose decision shall, for the case which is being heard, be final.

16. If a charge of misconduct in an examination has been brought against any person before a University Court and if such person's qualification for the award of a degree, diploma, or certificate is or includes success in that examination, he or she shall not be admitted to the degree, or receive the diploma or certificate, until the charge has been finally disposed of, notwithstanding that he or she may have done all that is required by Statute or Ordinance for the award of the degree, diploma, or certificate. If the Court finds that a person so charged has committed an offence, it may advise the Vice-Chancellor to issue a notice amending the class-list for the examination or other list of approved candidates, or to issue an amended list superseding the original list; and, if no appeal is made to the Septemviri, the Vice-Chancellor shall act in accordance with the advice of the Court or, if an appeal is made to the Septemviri, in accordance with the decision of that court.

17. The University may by Ordinance establish a court of summary jurisdiction ('the Summary Court') and make provision whereby, notwithstanding the provisions of Section 12 of this chapter, such court as a court of first instance may adjudicate when any person is charged with an offence against the discipline of the University who comes within the jurisdiction of the Court of Discipline. Such a court may award the following sentences either singly or in combination:

- (a) a fine not exceeding such sum as shall be determined by Ordinance;
- (b) any order to pay compensation not exceeding such sum as shall be determined by Ordinance;
- (c) deprivation or suspension of the right to use University premises or facilities;
- (d) any sentence considered by the court to be lighter;

or may, notwithstanding that a person has been found to have committed an offence or such an act, resolve not to impose any sentence. Any person sentenced by a court established under this section may, if he or she obtains leave either from the Chair of the court or from the Chair of the Court of Discipline, appeal in accordance with a procedure determined by Ordinance to the Court of Discipline from the finding of the court but no person shall be given leave to appeal against sentence. The composition of such a court, its method of appointment and rules of procedure, and the procedure for the initiation of proceedings before the court shall be determined by Ordinance. A court established under this section shall have such functions and powers as a court of appeal as may be determined by Ordinance.

18. The Summary Court is to consist of a legally qualified member of the University as Chair, one member of the Regent House and one member *in statu pupillari*. Provision for the appointment of the Chair and members shall be made by Ordinance.

19. Subject to the provisions of Section 20 of this chapter, any person whose case is being heard or adjudicated upon by any of the aforesaid courts

- (a) shall be given a reasonable opportunity of being heard by such court; and
- (b) shall have the right to call witnesses and to question witnesses upon whose evidence the case against him or her is based; provided that in the case of an appeal neither party to the case shall recall witnesses examined at first instance or introduce additional evidence except with the leave of the Chair of the court, which shall be given only if the Chair is satisfied that to do so is necessary or expedient in the interests of justice.

20. Notwithstanding the provisions of Section 19 of this chapter, any court established under Section 17 may conduct the whole or part of its proceedings on the basis of written statements submitted by the parties and any other of the aforesaid courts may, if or to the extent that it appears to the Chair to be impracticable to conduct an oral hearing, proceed likewise.

21. If any person *in statu pupillari* intentionally or recklessly disrupts or impedes the proceedings of any of the aforesaid courts, the Chair of the court shall have power, either singly or in combination:

- (a) to impose a fine not exceeding such sum as shall be determined from time to time by Ordinance;
- (b) to exclude such person from the court;
- (c) to rusticate such person for a period not longer than the duration of the proceedings before the court;

and the decision of the Chair shall be final; provided that a person rusticated under this section may, through his or her Tutor, apply to the Chair who imposed the sentence for a review of the sentence on grounds of undue hardship and the Chair shall have power to revoke or vary the sentence. An order of rustication shall take effect notwithstanding that such an application may have been made.

22. Subject to any limitations that may be imposed by Ordinance, the fact that any person has been or is liable to be prosecuted in a court of law in respect of an act or conduct which is the subject of the proceedings before them shall not affect the jurisdiction and powers of the aforesaid courts under this Statute.