

SPECIAL ORDINANCES UNDER STATUTE D

THE UNIVERSITY OFFICERS

SPECIAL ORDINANCE D (i):

Appointment of Chairs and members of University Courts (Special Ordinance under Statute D II 8-10)

1. The Septemviri shall consist of a Chair, who shall be a legally qualified member of the University appointed by Grace for four years, and six members of the Regent House appointed singly by Grace for two years; provided that:

- (i) a member of the Septemviri who is appointed after the commencement of proceedings before the Septemviri shall take no part in those proceedings;
- (ii) a member of the Septemviri whose membership would otherwise terminate during any such proceedings shall remain a member in respect of those proceedings until they are concluded;
- (iii) no person shall be a member of the Septemviri during any period in which he or she is a member, or has been elected or appointed but not yet become a member, of the Council or the General Board, save as provided in (ii) above; and in that case such a person shall not attend a meeting or receive papers for a meeting of the Council or of the General Board, and such continued membership of the Septemviri shall constitute a sufficient cause of absence from meetings of either of those bodies.

2. Five members of the Septemviri shall constitute a quorum.

3. The University Tribunal shall consist of a Chair, who shall be a legally qualified member of the University, and four members of the Regent House. The method and period of appointment of the Chair and of the other members shall be prescribed by Ordinances made under this Section. The Registrary, or a deputy appointed by the Registrary, shall be Clerk of the University Tribunal.

4. The Court of Discipline 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*. The method and period of appointment of the members of the Court shall be determined by Ordinance; provided that

- (i) no member of the Council or of the Septemviri and no person who has been elected or appointed but not yet become a member of either of those bodies shall be a member of the Court;
- (ii) a member of the Court who becomes a member of the Council shall nevertheless remain a member of the Court until the conclusion of the proceedings for which he or she has been appointed but shall not attend a meeting or receive papers for a meeting of the Council, and such continued membership of the Court shall constitute a sufficient cause for absence from meetings of the Council.

Three members of the Court shall constitute a quorum and every finding or sentence shall require the concurrence of the votes of a majority of the members present. If any member of the Court is unable or unwilling to act in connection with a particular charge or appeal, he or she shall be replaced by an alternate who shall be appointed in a manner prescribed by Ordinance.

SPECIAL ORDINANCE D (ii):

Appeal to the Septemviri (Special Ordinance under Statute D II 4)

1. An appeal to the Septemviri may be instituted by serving on the Registrary notice in writing setting out the grounds of the appeal. A notice of appeal shall be served within twenty-eight days of the date on which the document notifying the decision appealed from was sent to the appellant, provided that the Septemviri shall have power to hear an appeal submitted after that date if they consider that justice and fairness so require in the circumstances of the case.

2. The Registrary shall inform the Septemviri of any notice of appeal received and of the date when it was served, and shall inform the appellant that this has been done.

3. The procedure to be followed in respect of the preparation, consolidation, hearing, and determination of appeals shall be prescribed by Ordinances made under this Section.
4. Without prejudice to the generality of the foregoing, such Ordinances shall ensure:
 - (a) that an appellant is entitled to be represented by another person, whether such person is legally qualified or not, in connection with and at any hearing of an appeal;
 - (b) that an appeal shall not be determined without an oral hearing at which, in addition to the University Advocate, the appellant and any person appointed to represent the appellant are entitled to be present and, with the consent of the Septemviri, to call witnesses;
 - (c) that full and sufficient provision is made for postponements, adjournments, dismissal of the appeal for want of prosecution, and the correction of accidental errors;
 - (d) that the Septemviri may set appropriate time limits for each stage of the proceedings (including the hearing itself) to the intent that any appeal shall be heard and determined as expeditiously as is reasonably practicable.
5. The Clerk of the Septemviri shall notify the decision of the Septemviri on any appeal, to the Vice-Chancellor, to the University Advocate, and to the appellant.
6. (a) A person sentenced by the Court of Discipline to deprivation or suspension of membership of the University, to deprivation or suspension of degree, or to rustication, may appeal to the Septemviri.
 - (b) A person on whom the Court of Discipline has imposed some other sentence may appeal to the Septemviri if he or she obtains leave either from the Chair of the Court or from the Chair of the Septemviri.
 - (c) An appeal under this Section shall be instituted within twenty-eight days after the decision of the Court.

SPECIAL ORDINANCE D (iii):

The University Advocate; miscellaneous provisions (Special Ordinance under Statute D)

1. Evidence that a person has been convicted of an offence by or before any court of law, or that any court of law has found proved an offence with which a person was charged, shall, for the purpose of proving that he or she committed the offence or was guilty of any act or conduct in respect of which he or she was so charged or convicted, be admissible in any proceedings before any court established by Statute D or any Special Ordinance under Statute D.
2. Any notice required by Statute D, or by Ordinance or regulation made under it, to be sent to any person may be sent to the address supplied to the Registry by that person's College as his or her usual or last known address.
3. If the time for which any member of one of the aforesaid courts has been appointed expires after a charge or appeal has been brought before the court but before it has been disposed of, such member shall (and his or her successor shall not) be a member of the court for the purpose of hearing and determining that charge or appeal.
4. If, after a charge or appeal has been brought before any of the aforesaid courts but before it has been disposed of, one or more members of the court become unable or unwilling to act, the remaining members of the court may continue the hearing and determine the case notwithstanding that they do not constitute a quorum for that court.
5. Any person whose case is adjudicated upon by the Court of Discipline shall be given a reasoned decision in writing.
6. Any person who is deprived of membership of the University or whose membership of the University is suspended shall not, during the continuance of such deprivation or suspension, be eligible to be admitted to any degree, or to receive any diploma or certificate, or to be a candidate for any examination; and any person upon whom a sentence other than deprivation or suspension of membership of the University is imposed under any of the provisions of Statute D or any Special Ordinance made under it and who fails to comply with such sentence shall not be eligible to be admitted to any degree, or to receive any diploma or certificate, or, except with the consent of the Council, to be a candidate for any examination.
7. Every complaint against a person who comes within the jurisdiction of the University Tribunal or the Court of Discipline (other than a complaint against a University officer under⁶ the Schedule to Statute C) which requests that a matter be made the subject of proceedings before either of those courts shall be considered by the University Advocate, provided that only a member of the Regent House shall be entitled to make a complaint alleging that a person who comes within the jurisdiction of the University Tribunal has committed grave misconduct, and that only a member or an employee of the University shall be entitled to

⁶ Cross-reference may be amended by Grace pursuant to Statute C I 8(c).

make a complaint alleging that a person who comes within the jurisdiction of either of those courts has committed an offence under the general regulations for discipline. It shall be the duty of the Advocate to determine whether the person against whom the complaint is made shall be charged and if so before which court; provided that the Advocate shall reject any complaint

- (a) if it does not specify the name, and College (if any), of the person against whom it is made; or
- (b) if in the Advocate's opinion the evidence presented is not sufficient to enable him or her to decide whether the person should be so charged; or
- (c) if in the Advocate's opinion a complaint is vexatious, frivolous, or trivial; or
- (d) if in the Advocate's opinion a complaint of grave misconduct is not of sufficiently direct concern to the University to justify its being brought before the University Tribunal.

No proceedings shall be initiated before any of the University courts established by this Statute or any Special Ordinance under this Statute, other than proceedings under the provisions of the Schedule to Statute C,⁷ unless the Advocate has so determined in accordance with this Section and with any Ordinance made under Statute D.

⁷ Cross-reference may be amended by Grace pursuant to Statute C I 8(c).