

including the Chair. If the Chair is unavailable, he or she shall designate one of the members to act as Chair in her or his stead;

(b) the provisions of (a) above may be applied in any other appeal to the Septemviri pursuant to this section, at the option of the appellant and with the concurrence of the Chair.

5. The Septemviri may allow or dismiss an appeal in whole or in part and, without prejudice to the foregoing, may:

(a) remit an appeal from a decision under Chapter II (or any issue arising in the course of such an appeal), to the competent authority for further consideration as they may direct;

(b) remit an appeal from a decision under Chapter III to be heard again either by the same Tribunal or by a differently constituted Tribunal to be appointed under the provisions of that Chapter;

(c) substitute any lesser alternative penalty that might have been imposed in respect of the original charge or charges under the provisions of Chapter III;

(d) remit an appeal arising under Chapter IV to be heard again either by the same Medical Board or by a differently constituted Medical Board to be appointed under the provisions of that Chapter.

6. The Clerk of the Septemviri shall notify the decision of the Septemviri on any appeal, including any decision reached in the exercise of their powers under Section 5 above, together with any findings of fact different from those reached by the competent authority under Chapter II or by a Tribunal under Chapter III, as the case may be, to the Vice-Chancellor, to the University Advocate, and to the appellant.

SPECIAL ORDINANCES UNDER STATUTE D

DISCIPLINE AND THE UNIVERSITY COURTS

SPECIAL ORDINANCE D (i):

Appointment of Chairs and Members of University Courts

(Special Ordinance under Statute D II 8–9)

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.

The Registrar, or a deputy appointed by the Registrar, shall be Clerk of the Septemviri.

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 Registrar, or a deputy appointed by the Registrar, shall be Clerk of the University Tribunal.

SPECIAL ORDINANCE D (ii):

University Disciplinary Panels and Appeal Bodies

(Special Ordinance under Statute D II 10)

Amended by Grace 4 of 4 July 2018

1. There shall be a University disciplinary panel, called the Discipline Committee, 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*] (registered students)¹.

¹ The text in angular brackets will replace the text in square brackets subject to the approval by Her Majesty in Council of the amendments of Statute approved by Grace 4 of 4 July 2018.

2. As an appeal panel, the Discipline Committee shall hear appeals from findings of any disciplinary panel established under the provisions of Section 9 of this Special Ordinance and shall have power to quash the finding. The decision of the Discipline Committee on an appeal shall be final.

3. As a body hearing a case at first instance the Discipline Committee shall, subject to the provisions of this Special Ordinance, adjudicate when any [person *in statu pupillari*] (registered student)¹ and any person resident in the University with a view to matriculation is charged with a breach of the general regulations for discipline or other offence against the discipline of the University. The Discipline Committee shall also adjudicate 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 or has been admitted to a course of study open to non-members of the University is charged only with breaches of the general regulations for discipline or other offences which are alleged to have been committed during the period in which that person was pursuing a course of study leading to the award of a degree, diploma, or certificate of the University.

The procedure for the initiation of proceedings before the Discipline Committee shall be prescribed by Ordinance. The Discipline Committee may impose the following penalties, 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 Discipline Committee to be lighter;

or may, notwithstanding that a person charged has been found to have committed a breach of the general regulations for discipline or other offence against the discipline of the University, resolve not to impose any penalty; 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.

4. The Registrar or a deputy appointed by the Registrar shall be Secretary of the University disciplinary panels.

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

6. The Discipline Committee and a panel of summary jurisdiction established under Section 9 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.

7. The Septemviri shall hear appeals by persons charged before the Discipline Committee from findings or the penalties imposed by that Committee and shall have power to quash a finding or to vary a penalty to any penalty within the limits of the power of the Discipline Committee.

8. The method and period of appointment of the members of the Discipline Committee 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 Committee;
- (ii) a member of the Committee who becomes a member of the Council shall nevertheless remain a member of the Committee 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 Committee shall constitute a sufficient cause for absence from meetings of the Council.

Three members of the Committee shall constitute a quorum and every finding or penalty shall require the concurrence of the votes of a majority of the members present. If any member of the Committee

¹ The text in angular brackets will replace the text in square brackets subject to the approval by Her Majesty in Council of the amendments of Statute approved by Grace 4 of 4 July 2018.

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.

9. The University may by Ordinance establish a panel of summary jurisdiction ('the Discipline Board') and make provision whereby, notwithstanding the provisions of Section 3 of this Special Ordinance, such panel may adjudicate on a case at first instance when any person is charged with a breach of the general regulations for discipline or other offence against the discipline of the University who comes within the jurisdiction of the Discipline Committee. Such a panel may award the following penalties 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 panel to be lighter;

or may, notwithstanding that a person has been found to have breached the general regulations for discipline or committed another offence against the discipline of the University, resolve not to impose any penalty. Any person against whom a penalty is imposed by a panel established under this section may, if he or she obtains leave either from the Chair of the panel or from the Chair of the Discipline Committee, appeal in accordance with a procedure determined by Ordinance to the Discipline Committee from the finding of the panel but no person shall be given leave to appeal against the penalty imposed. The composition of such a panel, its method of appointment and rules of procedure, and the procedure for the initiation of proceedings before the panel shall be determined by Ordinance. A panel established under this section shall have such functions and powers as an appeal panel as may be determined by Ordinance.

10. The Discipline Board 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*] (registered student)¹. Provision for the appointment of the Chair and members shall be made by Ordinance.

11. If 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 proceedings before a University disciplinary panel, the proceedings of that panel may, at the discretion of the Chair of the panel, be stayed until the court proceedings in respect of that act or conduct have concluded, whether by conviction, acquittal or discontinuance of proceedings, or the Chair of the panel is satisfied that the person is not likely to be prosecuted.

12. If a complaint has been made under a student complaints procedure approved by the General Board by a person in respect of an act or conduct which is also the subject of proceedings before a University disciplinary panel against that same person, the proceedings of that panel may, at the discretion of the Chair of the panel, be stayed to allow for the conclusion of that complaint procedure and, if applicable, to allow for the conclusion of the consideration of an associated complaint made to the Office of the Independent Adjudicator.² A stay imposed under this provision may be extended or lifted at any time by the Chair of the panel at her or his discretion.

SPECIAL ORDINANCE D (iii):

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

1. An appeal to the Septemviri may be instituted by serving on the Registry 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 Registry 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;

¹ The text in angular brackets will replace the text in square brackets subject to the approval by Her Majesty in Council of the amendments of Statute approved by Grace 4 of 4 July 2018.

² See the Student Complaint Procedure, p. 209, and the OIA's website: <http://www.oiahe.org.uk/>.

- (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 Discipline Committee 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 Discipline Committee 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 (iv):
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 or disciplinary panel 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 her or his usual or last known address.
3. If the time for which any member of one of the aforesaid courts or disciplinary panels has been appointed expires after a charge or appeal has been brought before the court or panel but before it has been disposed of, such member shall (and her or his successor shall not) be a member of the court or panel 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 or panels but before it has been disposed of, one or more members of the court or panel become unable or unwilling to act, the remaining members of the court or panel may continue the hearing and determine the case notwithstanding that they do not constitute a quorum for that court or panel.
5. Any person whose case is adjudicated upon by the Discipline Committee 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 penalty 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 the terms of such penalty 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 Discipline Committee (other than a complaint against a University officer under the Schedule to Statute C)¹ which requests that a matter be made the subject of proceedings before either of those bodies 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 make a complaint alleging that a person who comes within the jurisdiction of either of those bodies has committed a breach of the general regulations for discipline

¹ Cross-reference may be amended by Grace pursuant to Statute C I 8(c).

or other offence against the discipline of the University. 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 body; 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 her or him 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 disciplinary panels established by Statute D or any Special Ordinance under Statute D, other than proceedings under the provisions of the Schedule to Statute C,¹ unless the Advocate has so determined in accordance with this section and with any Ordinance made under Statute D.

The Advocate shall have the power to refer any student about whom a complaint is made under this section to a body or officer under another University procedure, as set out in the Schedule, and may defer any determination under this section pending that body's consideration of the matter.

SCHEDULE D (iv) 7

Amendment of this schedule is made by Grace.

- Procedure to determine fitness to study
- Procedure on student harassment and sexual misconduct

SPECIAL ORDINANCE D (v):

Precautionary Action (Special Ordinance under Statute D I)

Amended by Grace 4 of 4 July 2018

1. The Academic Secretary shall have power to impose any precautionary measures set out in Section 2 below on any [person pursuing a course of study leading to the award of a degree, diploma, or certificate of the University] {registered student}² if the Academic Secretary considers that any such measures are necessary:

- (a) to ensure that a full and proper investigation can be carried out in relation to any matter (either under a procedure in the University or by the police); *and/or*
- (b) to protect any person while any matter is being dealt with under a procedure in the University or as part of a criminal process.

Subject to Sections 5 and 6 below, the Academic Secretary may impose precautionary measures under this section in relation to any matter for an initial specified period up to 21 days and thereafter for successive specified periods of up to two months.

2. The precautionary measures which the Academic Secretary may impose under Section 1 above are any one or more of the following measures:

- (a) excluding the person from some or all of the University's facilities and/or premises;
- (b) imposing conditions on the person (i) in connection with that person's use of the University's facilities and/or premises or that person's contact with other persons or (ii) in such other ways as may be considered necessary; *and*
- (c) suspending the person in question either in full or in part from her or his studies.

3. The power under Section 1 may be exercised by a deputy appointed in writing by the Academic Secretary but shall be reported to the Academic Secretary within 24 hours of its exercise. Where the Academic Secretary has appointed a deputy under this Special Ordinance, any reference to the Academic Secretary in this Special Ordinance shall be construed as referring to that appointed deputy.

4. As soon as practicable after the Academic Secretary has decided to impose precautionary measures on any person, the Academic Secretary shall notify that person in writing as to the precautionary measures which have been imposed and the grounds for imposing them, making clear at the same time that such measures do not constitute any penalty or sanction or imply any finding of wrongdoing.

¹ Cross-reference may be amended by Grace pursuant to Statute C I 8(c).

² The text in angular brackets will replace the text in square brackets subject to the approval by Her Majesty in Council of the amendments of Statute approved by Grace 4 of 4 July 2018.

Except where the Academic Secretary provides otherwise, precautionary measures shall take immediate effect as soon as they are communicated to the person on whom they are imposed.

5. Before deciding whether or not to impose (or re-impose) any precautionary measures on any person under this Special Ordinance, the Academic Secretary shall give that person a reasonable opportunity to submit written representations, except that the Academic Secretary shall not be obliged to provide such an opportunity where it is not possible or appropriate to do so due to the urgent or sensitive nature of the matter; where a person on whom precautionary measures are imposed has not been given an opportunity to submit representations before the decision to impose the precautionary measures was taken, the notification under Section 4 shall include a statement informing that person that she or he may request the Academic Secretary to review her or his decision by submitting written representations to the Academic Secretary within three days of receiving the notification. On receipt of any request for a review under this section, the Academic Secretary will review her or his decision to impose precautionary measures and will notify the person seeking the review as to the outcome of the review within three days. Whenever the Academic Secretary gives a person the opportunity to submit written representations under this section, the Academic Secretary shall warn that person that the University may be required to provide as evidence in any subsequent criminal investigation or proceedings in a court of law information regarding the matter, including any admission made in representations regarding the precautionary measures, and that any such admission may also be used as evidence in University disciplinary proceedings.

6. On the expiry of an initial, or any subsequent, period for which precautionary measures have been imposed, or if the Academic Secretary receives evidence of failure to comply with the terms of the precautionary measures, the Academic Secretary will review the position to determine whether or not the precautionary measures should be re-imposed for a further period and/or whether their terms should be revised, and the person who has been subject to the precautionary measures in question will be entitled to submit written representations and to be duly notified in accordance with Sections 4 and 5. In addition, a person on whom precautionary measures are imposed under this Special Ordinance shall at any stage have the right to request a review of the decision to impose such measures if there is a material change in the circumstances of the case. Such a request should be made in writing to the Academic Secretary, who will notify the person seeking the review as to the outcome of the review within five days of receiving the request for review.

7. The Academic Secretary may, at the request of the student, allow a term of residence, put the student in standing for the purposes of examination, or agree such other academic arrangement as he or she may think fit.

8. Any person on whom precautionary measures are imposed under this Special Ordinance may appeal any decision of the Academic Secretary or her or his deputy under this Special Ordinance to the Pro-Vice-Chancellor with responsibility for student matters, providing that all rights under this Special Ordinance to request the Academic Secretary to review her or his decision have first been exhausted. An appeal under this section may be initiated by sending to the Pro-Vice-Chancellor written grounds of appeal within five days of the date when the decision which is the subject of the appeal was notified to the appellant. The Pro-Vice-Chancellor shall issue a decision within five days of receiving the written grounds of appeal. The Pro-Vice-Chancellor shall have power to confirm, quash, or amend the original decision of the Academic Secretary or to refer it back to the Academic Secretary for further consideration. The Pro-Vice-Chancellor with responsibility for student matters may appoint another Pro-Vice-Chancellor to conduct an appeal initiated under this section on her or his behalf.

9. Any precautionary measures imposed under this Special Ordinance shall be reported to the College of the person on whom they have been imposed, and to the Council and the General Board, at the earliest opportunity.