

Statute D

DISCIPLINE, THE UNIVERSITY COURTS, AND DISCIPLINARY PANELS

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 charges, offences, and penalties.

CHAPTER II

THE UNIVERSITY COURTS AND DISCIPLINARY PANELS

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, *save that* a University disciplinary panel established under Section 10 shall adjudicate where all offences 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.

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 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] (such provisions as may be determined by Special Ordinance);¹
- (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;

¹ The reference in angular brackets will replace the reference in square brackets subject to the approval of Her Majesty in Council, following the approval of Grace 2 of 10 June 2015.

(c) shall hear such appeals from the decisions of other University bodies as may be determined by Special Ordinance, and shall have power to quash a finding or to vary a penalty to any penalty within the limits of the power of the applicable body.

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, the University Tribunal, or any other University body for which it determines matters on appeal. The Chair of the University Tribunal may issue supplementary practice directions in respect of the University Tribunal.

7. Every finding or ruling of the Septemviri or the University Tribunal 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 such University disciplinary panels for the regulation of student discipline as shall be determined by Special Ordinance. These panels shall have no jurisdiction over the Chancellor, the High Steward, the Deputy High Steward, or the Commissary. Such panels 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.

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

12. If a charge of misconduct in an examination has been brought against any person before a University disciplinary panel and if such person's qualification for the award of a degree, diploma, or certificate is or includes success in that examination, it shall be at the discretion of the Chair of such panel to order that 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 disciplinary panel finds that a person so charged has committed the breach of conduct, 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 disciplinary panel or, if an appeal is made to the Septemviri, in accordance with the decision of that court.

13. Subject to the provisions of Section 14 of this chapter, any person whose case is being heard or adjudicated upon by the Septemviri, the University Tribunal, or any disciplinary panel established under Section 10 above

(a) shall be given a reasonable opportunity of being heard by such court or panel; and

(b) shall have the right to call witnesses and to question witnesses upon whose evidence the case against her or him 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 or panel, which shall be given only if the Chair is satisfied that to do so is necessary or expedient in the interests of justice.

14. Notwithstanding the provisions of Section 13 of this chapter, any disciplinary panel established under Section 10 may conduct the whole or part of its proceedings on the basis of written statements submitted by the parties and the Septemviri and the University Tribunal may, if or to the extent that it appears to the Chair to be impracticable to conduct an oral hearing, proceed likewise.

15. If any person *in statu pupillari* intentionally or recklessly disrupts or impedes the proceedings of any of the aforesaid courts or other disciplinary panels, the Chair of the court or panel 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 or panel;
- (c) to rusticate such person for a period not longer than the duration of the proceedings before the court or panel;

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

16. 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 Septemviri, the University Tribunal, or any disciplinary panel established under Section 10 of this Statute.