

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 they are a member, or have 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 Registrary, or a deputy appointed by the Registrary, 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 Registrary, or a deputy appointed by the Registrary, shall be Clerk of the University Tribunal.

SPECIAL ORDINANCE D (ii):

Student discipline (Special Ordinance under Statute D II 11)

1. The General Board shall establish and keep under review:

- (a) rules of behaviour concerning the conduct of Registered Students and Formerly Registered Students;
- (b) a student disciplinary procedure for academic and non-academic misconduct relating to Registered Students and Formerly Registered Students;
- (c) the responsibilities of Student Discipline Officers, appointed in accordance with Section 2 below;
- (d) the student disciplinary panels for the regulation of student discipline, which shall comprise a Discipline Committee and an Appeal Committee, constituted in accordance with Sections 3 and 4 below;
- (e) the training to be undertaken by Student Discipline Officers and members of the Discipline Committee and Appeal Committee.

2. (a) The Student Discipline Officers shall be at least two members of the Regent House appointed by Grace on the nomination of the General Board with responsibility for commissioning an investigation into a potential breach of the Rules of Behaviour, deciding whether to refer the matter to another procedure, and determining whether a Registered Student's criminal convictions require the University to take further action. The Student Discipline Officers shall be appointed to a panel. A Student Discipline Officer shall be allocated to consider a potential breach of the Rules of Behaviour by lot drawn from among the Student Discipline Officers on the panel who are available and have no conflict of interest. The Academic Secretary or a duly appointed deputy may appoint another Student Discipline Officer from the panel to consider that potential breach if the allocated Student Discipline Officer subsequently becomes unable or unwilling to act.

- (b) The Student Discipline Officer shall reach one of the following decisions following investigation:
 - (i) to impose a minor sanction or measure where the Student Discipline Officer is satisfied that a breach of the Rules of Behaviour has occurred and that a minor sanction or measure is appropriate;

- (ii) to refer the case to the Discipline Committee where the Student Discipline Officer considers that a breach of the Rules of Behaviour may have taken place and that a minor sanction or measure may not be an appropriate sanction;
 - (iii) where neither (i) nor (ii) is appropriate:
 - (1) to take no further action;
 - (2) to refer the matter for decision under another University procedure.
3. (a) The Discipline Committee shall determine whether the Rules of Behaviour have been breached or a Registered Student's criminal conviction requires the University to take further action following referral of a case by the Student Discipline Officer and, where it determines that this has taken place, shall have the authority to impose sanctions or measures.
- (b) The Discipline Committee shall comprise three persons as follows, assigned by lot to hear a case from among those available who have been appointed to a panel for that class by the General Board:
- (i) a Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff, or professional procedures;
 - (ii) a member of the Regent House;
 - (iii) a Registered Student or a sabbatical officer of the University of Cambridge Students' Union.
4. (a) The Appeal Committee shall determine whether an appeal against a decision of the Discipline Committee is upheld or dismissed.
- (b) The Appeal Committee shall comprise three persons as follows, assigned by lot to hear a case from among those available, in the case of classes (i) and (ii) from among those who have been appointed to a panel by the General Board:
- (i) a Chair, who shall be experienced in decision-making relating to misconduct, either through legal training or in relation to student, staff, or professional procedures;
 - (ii) a member of the Regent House;
 - (iii) a Proctor, Deputy Proctor, or Pro-Proctor.
5. When making a decision to impose a sanction or measure under the student disciplinary procedure, the Student Discipline Officer, the Discipline Committee and the Appeal Committee shall take into consideration any disciplinary action taken by a College to ensure that a Registered Student or Formerly Registered Student is not punished twice for the same misconduct.
6. The standard of proof to be used when making determinations under the student disciplinary procedure shall be on the balance of probabilities.
7. The University shall act reasonably in considering alleged breaches of the Rules of Behaviour under the student disciplinary procedure, having regard to the individual circumstances of the case. Every effort will be made to ensure that all parties are treated with fairness and dignity. None of those carrying out the procedure will have any previous knowledge of the case nor any material connection with any party to the alleged breach.
8. The Council and the General Board shall receive a report annually on the number, type, and outcomes of cases and appeals considered under the student disciplinary procedure, together with any recommendations concerning the procedure.

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;

- (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.

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 they committed the offence or were guilty of any act or conduct in respect of which they were 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 as that person's 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 their 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 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.

6. Every complaint against a person who comes within the jurisdiction of the University Tribunal (other than a complaint against a University officer under the Schedule to Statute C¹) which requests that a matter be made the subject of proceedings before that body 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 that body has committed a breach of the general regulations for discipline 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 them 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*

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

(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 Statute D or any Special Ordinance under Statute D, other than proceedings under the provisions of Chapter I of the Schedule to Statute C¹ unless the Advocate has so determined in accordance with this section and with any Ordinance made under Statute D.

SPECIAL ORDINANCE D (v):

Precautionary Action (Special Ordinance under Statute D I)

1. The Academic Secretary shall have power to impose any precautionary measures set out in Section 2 below on any registered student 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 in a College at the request or with the support of the College concerned, or as part of a criminal process.

Subject to Sections 6 and 7 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 their 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. In considering whether any precautionary measures are necessary under Section 1, the Academic Secretary may seek medical or other expert advice and may require the person to attend an assessment for the purpose of obtaining that advice.

5. 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. 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.

6. 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 5 shall include a statement informing that person that they may request the Academic Secretary to review their 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 their 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

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

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.

7. 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 5 and 6. 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.

8. 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 they may think fit.

9. Any person on whom precautionary measures are imposed under this Special Ordinance may appeal any decision of the Academic Secretary or their 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 their 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 their behalf.

10. 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.