STATUTE XI (PARTS A-B)

UNIVERSITY DISCIPLINE

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PART A: DEFINITIONS AND CODE OF DISCIPLINE

Definitions

1. (1) In this statute unless the context otherwise requires the following words and expressions shall have the following meanings:

(a) for the purposes of this statute and of any regulations made under this statute, the words ‘member of the University’ or ‘student member’ mean:

   (i) any person so defined under the provisions of Statute II;

   (ii) any other person who, though not a member or student member under those provisions, is a candidate for any university examination; or

   (iii) any person who was defined as such under (i) or (ii) at the beginning of disciplinary proceedings and against whom disciplinary proceedings are ongoing.

(b) ‘ban’ means withdraw the right of access to specified land, buildings, facilities or services of the University for a fixed period or pending the fulfilment of certain conditions;

(c) ‘college’ means any college, society, or Permanent Private Hall recognised by or established under Statute V;

(d) ‘expel’ means deprive a member permanently of his or her membership of the University;

(e) ‘harassment’ means unwanted and unwarranted conduct towards another person which has the purpose or effect of:

   (i) violating that other’s dignity; or

   (ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for that other;

(f) ‘in a university context’ means any of the following:
(i) on university or college premises;

(ii) in the course of university activity within or outside Oxford whether academic, sporting, social, cultural, or other;

(g) ‘rusticate’ means withdraw the right of access to all of the land, buildings and facilities of the University including teaching, examinations and all related academic services for a fixed period or until the fulfilment of specified conditions;

(h) ‘suspend’ means withdraw the right of access referred to in sub-section (g) above for a fixed or indeterminate period or until the fulfilment of specified conditions where action is taken as an interim measure pending further investigation, or where action is taken under the statutes or regulations for non-disciplinary reasons.

(i) ‘Examination’ includes the submission and assessment of a thesis, dissertation, essay, practical work or other coursework and any other exercise, including in the case of graduate students transfer and confirmation of status exercises, which is not undertaken in formal examination conditions that counts towards or constitutes the work for a degree or other academic award.

(2) Unless the Student Disciplinary Panel or the Student Appeal Panel otherwise orders, a student member who is banned, rusticated or suspended under this statute shall not for so long as the ban, suspension or rustication is in force be entitled to enter or participate in any university examination for the award of any degree, diploma, certificate or prize or other award of the University or any qualifying examination for entry into such examination.

**Code of Discipline**

2. (1) No member of the University shall in a university context intentionally or recklessly:

   (a) disrupt or attempt to disrupt teaching or study or research or the administrative, sporting, social, cultural, or other activities of the University;

   (b) disrupt or attempt to disrupt the lawful exercise of freedom of speech by members, students, and employees of the University or by visiting speakers;

   (c) obstruct or attempt to obstruct any officer, employee, or agent of the University in the performance of his or her duties;

   (d) deface, damage, or destroy or attempt to deface, damage or destroy any property of or in the custody of the University or of any college or of any member, officer, employee, or agent of the University or of any college, or knowingly misappropriate such property;

   (e) occupy or use or attempt to occupy or use any property or facilities of the University or of any college except as may be expressly or impliedly authorised by the university or college authorities concerned;
(f) forge or falsify any university certificate or similar document or knowingly make false statements concerning standing or results obtained in examinations;

(g) engage in action which is likely to cause injury or to impair safety;

(h) engage in violent, indecent, disorderly, threatening, or offensive behaviour or language;

(i) engage in any dishonest behaviour in relation to the University or the holding of any university office;

(j) disobey a reasonable instruction given within their authority by one of the Proctors or their deputies;

(k) refuse to disclose his or her name and other relevant details to an officer or an employee or agent of the University or of any college in circumstances where it is reasonable to require that that information be given;

(l) possess, use, offer, sell, or give to any person drugs, the possession or use of which is illegal;

(m) engage in the harassment of any member, visitor, employee, or agent of the University or of any college;

(n) fail to comply with an order made under sections 10, 11, 16, or 25 of this statute.

(2) No member of the University shall intentionally or recklessly breach any regulation

(a) relating to the use of the libraries or the information and communications technology facilities of the University;

(b) relating to conduct in examinations which is designated by Council as a disciplinary regulation for the purposes of this statute;

(c) made under any section in this statute.

(3) Every member of the University shall, to the extent that such provisions may be applicable to that member, comply with the provisions of the codes of practice issued from time to time by Council pursuant to the duty imposed by section 43 of the Education (No. 2) Act 1986 and duly published in the University Gazette.

(4) No member of the University shall intentionally or recklessly:

(a) create or provide directly or indirectly for a candidate or candidates in any examination of this University or elsewhere material that constitutes a model or draft intended to meet substantially or wholly the requirements of any exercise in that examination, and which, in part or in whole, could be submitted without attribution by an examination candidate in order to meet or to attempt to meet the requirements of the examination;

(b) enter into any agreement to act in breach of section 2.(4) (a) of this Code;
assist or encourage directly or indirectly any person or persons to act in breach of sections 2. (4) (a), and 2. (4) (b) of this Code.

3. No member of the University shall incite or conspire with any other person to engage in any of the conduct prohibited under this Part.

Regulations

4. (1) A person or body having charge of any land or building of the University, or of any facilities or services provided by or on behalf of the University, may, subject to the statutes and regulations, make regulations governing the use of that land or building or of those facilities or services.

(2) If regulations proposed to be made under this section are submitted to the Proctors and the Proctors are satisfied that they

(a) relate to minor matters, governing the detailed management of the land, building, facilities, or services concerned, and

(b) are to be published in such a way as reasonably to bring them to the notice of the users of the land, building, facilities, or services concerned,

the regulations in question shall have immediate effect on publication, and shall bind all users of the land, building, facilities, or services to which they refer to the extent provided in them.

5. (1) Council shall establish and maintain a Rules Committee for the purpose of making regulations not inconsistent with the statutes governing the conduct of student members except in relation to the regulations relating to the academic dress of student members or conduct in examinations.

(2) The Rules Committee shall keep all regulations made by it under review and may amend or repeal those regulations as it thinks fit.

(3) The constitution and further powers and duties of the Rules Committee shall be set out by Council by regulation.

6. (1) The Proctors may, if they consider the matter urgent, make regulations relating to the conduct of student members which are not inconsistent with the statutes and regulations.

(2) Any regulations made by the Proctors under this section shall be published forthwith in the University Gazette and shall have immediate effect on publication.

(3) Any exercise of this power shall be reported at once to the Rules Committee, and the regulations shall lapse unless the Rules Committee confirms them by a regulation, in the same or substantially the same terms, made and published in the University Gazette within three weeks of Full Term from the day the regulations were made by the Proctors.

(4) If the regulations are not confirmed, they shall none the less have effect from the time at which they were published until the time the Rules Committee decides not to confirm them, or until they lapse, whichever is the earlier.
Disciplinary Panels and Appeal Court of the University

7. There shall be three Panels and one Court as follows:

(1) The Student Disciplinary Panel;

(2) the Student Appeal Panel;

(3) the Academic Conduct Panel;

(4) the Appeal Court.

8. (1) The Student Disciplinary Panel shall comprise a chair, two or more vice-chairs, and eleven or more other members, who shall each serve for three years and may be reappointed.

(2) The chair and vice-chairs shall be appointed by the High Steward from among the members of Congregation who are barristers or solicitors of at least five years’ standing or who have experience which makes them suitable for appointment.

(3) The other members shall be appointed by Council from among the members of Congregation.

(4) A sitting of the Panel shall be sufficiently constituted by a panel comprising three members of whom at least one shall be the chair or a vice-chair, and shall be convened in accordance with the regulations made under section 26 of this statute.

9. (1) The function of the Student Disciplinary Panel shall be to hear and determine, in accordance with procedure set out in regulations made under section 26 of this statute, allegations made to it by the Proctors that a student member has committed a breach of the provisions of section 2 or 3 of this statute, appeals against decisions under sections 29 (2) and 42 (2) of this statute, and cases referred to it by the Academic Conduct Panel under section 20 of this statute.

(2) No complaint made by the Proctors shall be heard by the Student Disciplinary Panel more than six months after the date of the first interview unless the Chair or Vice-Chair sitting on that occasion decides at his or her discretion to allow the complaint to be heard on the grounds that there is good cause for the delay.

10. (1) If the Student Disciplinary Panel is satisfied that the student member has committed a breach of sections 2 or 3 of this statute it may:

(a) impose a fine of such amount as it thinks fit;

(b) order the student member to pay compensation to any person or body suffering injury, damage, or loss as a result of the student member’s conduct;

(c) make an order banning the student member from specified premises or facilities for such period or on such terms as it thinks fit;

(d) rusticate the student member for such period as it thinks fit;
(e) expel the student member;

(f) recommend to Council that the student member be deprived of the degree to which the disciplinary proceedings relate.

(2) The Student Disciplinary Panel may impose any of the penalties referred to in sub-section (1) above separately or in any combination.

(3) If the Student Disciplinary Panel is satisfied that a student member has intentionally or recklessly committed a breach of the disciplinary regulations relating to conduct in examinations it may order the examiners to

(a) if practicable, exclude from assessment any part of the work submitted that the examiners are satisfied is not the student member’s own work; and

(b) in addition or alternatively to imposing one or more of the penalties referred to in sub-section (1) above, impose one or more of the following penalties specifying the mark or class of degree, as applicable:

(i) reduce a mark awarded to any piece of work;

(ii) award no mark to or disregard any piece of work;

(iii) substitute an alternative mark for any piece of work;

(iv) reduce by one or more classes any degree classification;

(v) permit a student member to re-sit an examination or resubmit a piece of work on such conditions as it thinks fit;

(vi) award a pass degree instead of an honours degree;

(vii) fail the student member in the examination or part of the examination concerned.

(4) If the Panel is satisfied that the student member has committed a breach of the provisions of section 2 or 3 of this statute, it may instead of exercising its powers under sub-sections (1), (2), and (3) above give the student member a written warning as to his or her future conduct and the Proctors shall keep a record of the warning.

11. (1) The Student Disciplinary Panel shall also have the function of determining, in accordance with the procedures set out in the regulations made under section 26 of this statute, appeals made by student members under sections 33, 40 (2) and 47 (5).

(2) The conduct of appeals shall be by way of rehearing.

(3) In the exercise of its appellate powers the Panel may quash or confirm the decision appealed against, or make any order in substitution for it which the person or body whose order is being appealed could have made.
12. In all cases the Student Disciplinary Panel shall have power to determine any question concerning the interpretation and application of the University’s statutes or regulations, and to hear evidence.

13. If the student member who is the subject of the disciplinary action is aggrieved by a decision of the Student Disciplinary Panel he or she may apply for permission to appeal to the Student Appeal Panel.

14. (1) The Student Appeal Panel shall consist of three persons appointed by the High Steward, who shall be external persons who hold a legal qualification and have experience which makes them suitable for appointment and shall not be members of Congregation.

(2) Members of the Student Appeal Panel shall serve for three years and may be reappointed.

(3) A sitting of the Student Appeal Panel shall be sufficiently constituted by one of its members acting alone.

15. (1) The Student Appeal Panel may, if it thinks it is in the interest of justice and fairness to do so, sit with no more than two assessors who are members of Congregation appointed by the High Steward who have knowledge and experience of the practice and procedures of this University relevant to the issues raised in the appeal.

(2) The assessor or assessors shall assist and advise the Panel on matters of practice and procedure relevant to the appeal and shall not be party to the Panel’s decision.

16. (1) The function of the Student Appeal Panel shall be to hear and determine, in accordance with procedure set out in regulations made under section 26 of this statute:

   (a) appeals from the Student Disciplinary Panel;

   (b) other appeals which are designated to be made to the Student Appeal Panel in regulations made by Council.

(2) (a) The Student Appeal Panel shall have full power to determine any question of law and of fact, and, in exceptional circumstances only, to hear evidence.

   (b) The Panel may quash or confirm the decision appealed against, or make any order in substitution for it which the tribunal whose order is being appealed could have made.

17. (1) The Academic Conduct Panel shall comprise the current Proctors, who shall each serve for the length of their term of office as Proctor, and five or more other members, who shall each serve for three years, and may be reappointed.

(2) The members, with the exception of the current Proctors, shall be appointed by Council from among the members of Congregation. The appointed members shall have relevant experience, for example through being a former Proctor or former member of the Student Disciplinary Panel.
(3) A sitting of the Academic Conduct Panel, which may take place at a meeting or by correspondence, shall be sufficiently constituted by a panel comprising three members serving ex officio or appointed under section 17 (1) and (2) or co-opted under section 17 (4) as appropriate, of whom one shall be a current Proctor and at least one shall be one of the appointed members, and shall be convened in accordance with the regulations made under section 26 of this statute. If necessary, a current Proctor may be represented by a current Pro-Proctor.

(4) At each sitting of the Academic Conduct Panel, one appointed member shall have subject expertise relevant to the course being studied by the student alleged to be in breach of the Disciplinary Code, but shall not be a member of the Examination Board concerned. If none of the appointed members of the Academic Conduct Panel meets these criteria, the Academic Conduct Panel may co-opt one additional member of Congregation to serve as a member of the Academic Conduct Panel for the purposes of the sitting.

18. (1) The function of the Academic Conduct Panel shall be to consider cases referred to it by the Proctors involving alleged breaches of the provisions of section 2 (2) (b) of this statute.

(2) The Academic Conduct Panel shall only consider cases in relation to sections 3, 4 or 5 of the Proctors' Disciplinary Regulations for Candidates in Examinations.

19. If the Academic Conduct Panel is satisfied that a student member has committed a breach of sections 3, 4 or 5 of the Proctors' Disciplinary Regulations for Candidates in Examinations it may:

(a) direct that the student receives support and training relating to good academic practice;

(b) direct the examiners to reduce the mark for a piece of work;

(c) award no mark to a piece of work and direct that the work must be resubmitted, but that the mark for the resubmitted work should not be capped;

(d) award no mark to a piece of work and direct that the work must be resubmitted and that the mark for the resubmitted work be capped;

(e) in the cases of (c) and (d), the Panel may direct the examiners to accept resubmitted work in place of the original submitted work, if the regulations for the relevant course do not normally allow for work to be resubmitted.

20. If the Panel is of the view that a breach of such seriousness has been committed that the penalties set out in section 19 of this statute are not appropriate, it shall refer the student member to the Student Disciplinary Panel, which, if it is satisfied that the student member has committed a breach of sections 2 or 3 of this statute, shall have the power to impose any of the penalties set out in section 10 of this statute.

21. The Panel shall not impose any penalty which would result in failure of the entire award. If the Panel is of the view that such a penalty is appropriate, it shall refer the student member to the Student Disciplinary Panel under section 20 above.

22. If the Academic Conduct Panel is satisfied that a student member has not committed a breach of sections 3, 4 or 5 of the Proctors' Disciplinary Regulations for Candidates in
Examinations, but believes that they would benefit from support and training relating to good academic practice, it may direct that they should receive this.

23. (1) The Appeal Court shall consist of five persons appointed by the High Steward who are not members of the University and each of whom is:

(a) a Lord or Lady of Appeal, a Lord or Lady Justice of Appeal, or a Justice of the High Court of Justice; or

(b) a person who has held such an appointment and is retired; or

(c) a Queen’s Counsel of not less than six years’ standing.

(2) The person appointed shall serve for three years and may be reappointed.

(3) A sitting of the Appeal Court shall be sufficiently constituted by one of its members sitting alone.

24. (1) The function of the Appeal Court shall be to hear and determine, in accordance with procedure set out in regulations made under section 26 of this statute:

(a) appeals against a decision of the Visitatorial Board under section 34 of statute XII to recommend dismissal;

(b) any appeal against a decision reached by a tribunal under Part G;

(c) appeals from the Vice-Chancellor against a decision on a dispute over the interpretation or application of a statute or regulation made under section 5 of Statute XVII;

(d) other appeals which are designated to be made to the Appeal Court in regulations made by Council.

(2) In relation to appeals made under Part H of Statute XII the Appeal Court shall have the powers laid down in that Part.

(3) (a) In relation to all other appeals the Appeal Court shall have full power to determine any question of law and of fact, and, in exceptional circumstances only, to hear evidence.

(b) The Court may quash or confirm the decision appealed against, or make any order in substitution for it which the tribunal whose order is being appealed could have made.

25. (1) The Appeal Court may, if it thinks it is in the interests of justice and fairness to do so, sit with no more than two assessors who are members of Congregation appointed by the High Steward and who have knowledge and experience of the practice and procedures of the University relevant to the issues raised in the appeal.

(2) The assessor or assessors shall assist and advise the Court on matters of practice and procedure relevant to the appeal but shall not be party to the Court’s decision.
26. (1) Further rules relating to the constitution, powers, duties, and procedures of the Student Disciplinary Panel, the Student Appeal Panel, the Academic Conduct Panel and the Appeal Court, and the powers, duties, and procedures of the Proctors in relation to matters covered by this statute, shall be set out by Council by regulation.

(2) Any rules made under sub-section (1) above shall comply with the principles of natural justice.

The Proctors

27. The Proctors shall have the following duties under this statute in addition to those referred to in sections 4 and 6:

(1) to take such steps as they consider necessary to enforce sections 2 and 3 of this statute and to prevent any breach of them;

(2) to investigate any complaint that a member of the University to whom section 2 or 3 of this statute applies has committed a breach of that section;

(3) to identify the person responsible for any such breach.

28. (1) In carrying out their duties the Proctors shall have the power to summon any member of the University to assist them in their inquiries.

(2) A failure to give such assistance without reasonable cause shall constitute a breach of section 2 (1) (c) of this statute
STATUTE XI (PARTS C-F)

UNIVERSITY DISCIPLINE

Amended on 29 November 2016 (Gazette, Vol. 147, p. 125-127, 10 November 2016) and 17 January 2017 (Gazette, Vol. 147, p. 178, 8 December 2016).

PART C: BREACHES BY STUDENT MEMBERS

29. (1) If the Proctors have reasonable grounds for believing that a student member has committed a breach of section 2 or 3 of this statute they may refer the matter to the Student Disciplinary Panel, or, in the case of breaches of sections 3, 4 or 5 of the Proctors’ Disciplinary Regulations for Candidates in Examinations, to the Academic Conduct Panel.

(2) If a Proctor or any member of the university staff who is authorised by the Proctors for the purposes of this sub-section has reasonable grounds for believing that a student member has committed a breach of the Regulations of the Rules Committee relating to behaviour after examinations he or she may impose a fine on that student member (called ‘an immediate fine’) on becoming aware of the breach in question.

(3) The procedure to be followed in the imposition of immediate fines, the amount of the fine, and a student member’s right of appeal from an immediate fine shall be prescribed in regulations.

30. (1) In any case proceeding before the Student Disciplinary Panel or the Student Appeal Panel, the case for the Proctors may be presented by either of the Proctors or, at their discretion, by any Pro-Proctor or any other member of Congregation.

(2) In appropriate circumstances, following suitable consultations, the case may be presented by a solicitor or barrister who is not a member of Congregation.

(3) In any such proceedings it shall be the duty of the Proctors or their representative to state to the Panel what penalty in the Proctors’ opinion would be appropriate if the student member concerned were found to have committed the breach in question, and to give the Proctors’ reasons for that opinion.

31. (1) The Proctors may during the course of an investigation under section 27 of this statute into an alleged breach other than one involving harassment of or serious injury to a person, serious damage to property, or a significant element of dishonesty invite the student member in question to consider whether he or she is prepared to submit this matter for determination by the Proctors.

(2) If the student member agrees to this procedure for considering the matter it shall be dealt with by the Proctors accordingly and not referred to the Student Disciplinary Panel.

(3) The only penalties which the Proctors may impose upon a student member under this section are:

(a) a fine alone or with compensation not exceeding the sum as prescribed by regulation from time to time under section 32 of this statute; or
(b) a written warning as to his or her future conduct, of which the Proctors shall keep a record.

(4) Further rules relating to the procedures of the Proctors under this section shall be set out in regulations made under section 26 of this statute.

32. Council may from time to time by regulation specify the maximum amounts of the fines and/or compensation referred to in section 31 (3) (a) of this statute.

33. If the student member who is the subject of the disciplinary action is aggrieved by a decision of the Proctors he or she may appeal to the Student Disciplinary Panel.

34. If the Proctors consider in the light of additional evidence that their powers under section 31 of this statute are insufficient to meet the gravity of the circumstances, they may refer the case to the Student Disciplinary Panel under the regulations for that body.

35. If the Proctors consider that a breach of sections 3, 4 or 5 of the Proctors' Disciplinary Regulations for Candidates in Examinations should be referred to the Academic Conduct Panel, they shall invite the student member to decide whether the matter should be referred to the Academic Conduct Panel or to the Student Disciplinary Panel. If the student member agrees that the matter should be referred to the Academic Conduct Panel, the only penalties which that Panel may impose are those set out in section 19 of this statute. The Proctors should refer breaches of sections 3, 4 or 5 of the Proctors' Disciplinary Regulations for Candidates in Examinations directly to the Student Disciplinary Panel if they consider that the powers of the Academic Conduct Panel under section 19 are insufficient to meet the gravity of the circumstances.

36. (1) If the Student Disciplinary Panel, the Student Appeal Panel, or the Proctors in the course of proceedings or an investigation under this statute has or have reasonable grounds for believing that a student member is suffering from a serious problem arising from ill-health the Panel concerned or the Proctors shall refer the student to the University’s Fitness to Study Panel in accordance with the procedures set out in Part B of Statute XIII.

(2) Until a determination of the case under Part B of Statute XIII all further proceedings under this Part of this statute shall be adjourned.

37. (1) If the Proctors have reasonable grounds to believe that a breach of section 2 or 3 of this statute has been committed by a student member who is also a person to whom Statute XII applies, they shall before deciding to proceed under section 29 of this statute refer the matter to the Registrar to enable him or her to decide whether to proceed under that statute.

(2) If the Registrar decides to proceed under Statute XII no further proceedings shall be taken against the student member under section 29 of this statute but the Proctors shall continue to give the Registrar such assistance as he or she may require.

(3) If the Registrar decides not to proceed under Statute XII and the matter also relates to alleged breaches of sections 2 or 3, he or she shall refer the matter to the Proctors if he or she considers it appropriate to do so.
PART D: BREACHES BY OTHER MEMBERS

38. If the Proctors have reasonable grounds for believing that a member of the University who is not a student member has committed a breach of section 2 or 3 or they shall, if they consider it appropriate to proceed, refer the matter to the Registrar.

39. If a matter is referred to the Registrar under section 38 of this statute against a member who is also a person to whom Statute XII applies, the Registrar shall deal with the matter under the provisions of Statute XII.

40. If a matter is referred to the Registrar under section 38 of this statute against a member who is not a person to whom Statute XII applies, the Registrar shall refer the matter to Council, the member’s college, or such other body or committee within or outside the University as the Registrar considers appropriate.

PART E: OTHER PROVISIONS

Amended on 29 November 2016 (Gazette, Vol. 147, p. 125-127, 10 November 2016)

41. (1) A penalty of suspension or rustication imposed by a college upon one of its members shall apply also to university premises and facilities subject to the right of appeal referred to in sub-section (2) below.

   (2) A member of a college penalised under sub-section (1) above may appeal to the Student Disciplinary Panel against the application of that penalty to that member’s use of university premises and facilities and, if the Student Disciplinary Panel is satisfied that there are special circumstances, it may permit the member concerned to continue to have access to university premises and facilities with or without conditions as to such access.

42. If a student member of the University is alleged to have committed a breach of section 2 or 3 for which he or she will be or is likely to be prosecuted in a court of law, the Proctors shall not proceed, if at all, unless they are satisfied either that any criminal proceedings in respect of that breach have been completed, whether by conviction or acquittal or discontinuance of the proceedings, or that the member is unlikely to be prosecuted in a court of law in respect of that alleged breach.

43. (1) Where there are reasonable grounds for so doing, the Proctors shall suspend the student member or impose a ban on the student member pending the outcome of criminal proceedings or a hearing before the Student Disciplinary Panel or Student Appeal Panel.

   (2) The right of appeal provided for in section 33 of this statute shall apply to orders made under this section.

44. If a student member is the subject of criminal proceedings in respect of an alleged offence of such seriousness that an immediate term of imprisonment may be imposed on conviction, or if a student member has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (and whether or not such a sentence was in fact imposed on the student member), he or she shall promptly inform the Proctors in writing.

45. (1) If a student member has been convicted of a criminal offence of such seriousness that an immediate term of imprisonment might have been imposed (and whether or not
such a sentence was in fact imposed on the student member) the Proctors may refer the matter to the Student Disciplinary Panel which may, if it thinks fit and in accordance with regulations made under section 26 of this statute, expel the student member from his or her membership of the University or impose such lesser penalty or other conditions as it thinks fit.

(2) The right of appeal referred to in section 13 of this statute shall apply to orders made under sub-section (1) above.

(3) If any other member of the University is convicted of such a criminal offence the matter may be referred by the Registrar to Council which shall consider whether proceedings should be taken for the expulsion of the member by Congregation under the provisions of section 10 of Statute II.

46. (1) If during a hearing before either of the Panels of the University the conduct of any member is disorderly or otherwise in breach of section 2 or section 6 of this statute in respect of the Panel the following provisions of this section shall apply.

(2) In the case of a student member the Panel shall have power in accordance with regulations made under section 26 of this statute to fine, suspend, or rusticate him or her on such terms as it thinks fit.

(3) In the case of any other member of the University the Panel shall refer the complaint to the Registrar who may proceed in accordance with section 39 or section 40 of this statute.

47. (1) Where a fine is imposed upon a student member, or an order is made requiring a student member to pay compensation, under the provisions of this statute, the fine or compensation shall be paid within seven days (or two days, in the case of immediate fines imposed under section 29) whether or not an application for permission to appeal or an appeal is pending, unless the person or body which imposed the fine or compensation, or the Panel to which any application for permission to appeal or appeal is made, makes an order, in accordance with procedure set out in regulations made under section 26 of this statute, suspending or deferring payment.

(2) If the fine or compensation is not paid in time the Panel which imposed it (or, in the case of a fine, escalated fine or compensation imposed by the Proctors, the Student Disciplinary Panel) may rusticate the student member for such period as it thinks fit, in accordance with procedure set out in regulations made under section 26 of this statute.

(3) Any fine or compensation imposed by any Panel or by the Proctors shall be paid through the Clerk to the Proctors.

48. (1) If a person or body having charge of any land or building of the University, or of any facilities or services provided by or on behalf of the University has reasonable grounds to believe that a member of University staff, a member of Congregation or a student1 who has the use of or access to the land, building, facilities, or services in question has caused or is likely or threatens to cause damage to property or inconvenience

1 “student” for the purposes of this section means either (a) a student member or (b) another individual to whom the Code of Discipline applies under the terms of a contract of study with the University.
to other users, that person or body may immediately make a complaint under the provisions of this section.

(2) Where the conduct of the individual concerned gives rise to a need for immediate action, the person or body referred to in sub-section (1) above may ban the member of University staff, member of Congregation or student concerned from the use of or access to the land, building, facilities or services in question forthwith pending further proceedings under this section, such a ban not to exceed twenty-one days.

(3) A complaint against a student shall be made to the Proctors or to their nominee.

(a) Where appropriate, the Proctors shall consider the complaint as a complaint of a breach of the Code of Discipline as set out in sections 2–3 of this statute in accordance with the provisions of this statute, and any regulations made under it, and may impose a suspension or ban in accordance with section 43 of this statute.

(b) If the complaint is not of a breach of the Code of Discipline, the Proctors may nevertheless investigate the complaint and may ban the student from the use of or access to the land, building, facilities or services in question for up to 42 days if it is just and reasonable to do so.

(c) Where an order is made under sub-section (3) (b) above, the student shall have the right of appeal to the Student Disciplinary Panel.

(4) A complaint against a member of University staff or a member of Congregation shall be made to the Registrar who shall consider the complaint expeditiously:

(a) in the case of a member of University staff subject to Statute XII the Registrar may, if he or she thinks fit, refer this matter for further consideration under the provisions of that statute.

(b) in the case of other members of University staff or other members of Congregation the Registrar shall refer the matter to the Vice-Chancellor for determination;

(c) the Vice-Chancellor shall consider any matter referred to him or her by the Registrar under sub-section 48 (4) (b) and may appoint another suitably qualified person or persons to act in his or her place; and

(d) the procedure to be adopted under sub-section 48 (4) (b) shall be determined by the person or persons considering the matter, giving due regard to the principles of natural justice.

(5) If the person referred to in sub-section (1) above is the Registrar, the functions assigned to the Registrar under sub-section (4) shall be performed by the Vice-Chancellor.
49.  (1) If a member of University staff believes that an individual who is not a member of University staff or a member of Congregation or a student\(^1\) who has the use of or access to any land or building of the University, or of any facilities or services provided by or on behalf of the University has caused or is likely or threatens to cause damage to property or inconvenience or distress to other users, that member of University staff may make a complaint under the provisions of this section.

(2) Where the decision-maker (as defined in sub-section (4) below) considers that the conduct of the individual concerned means that there is a significant and imminent risk of damage to property or distress or inconvenience to other users he or she may ban the individual concerned from the use of or access to the land, building, facilities or services for up to 42 days pending proceedings under this section.

(3) The use of or access to University land, buildings, facilities or services by an individual who is not a member of University staff, or a member of Congregation or a student is granted as a privilege.

(4) The complaint shall be made to a decision maker who shall be:

(a) the relevant Head of Department, or equivalent; or

(b) the Registrar where (a) does not apply.

(5) The decision-maker shall consider the complaint expeditiously and may appoint another suitably qualified person to act in his or her place.

(6) The decision-maker shall determine the procedure to be adopted and shall have the power to impose sanctions including, but not limited to, a temporary or permanent ban from the use of or access to the land, building, facilities or services in question.

(7) If the member of University staff making the complaint is the decision-maker, the functions assigned to the decision-maker under sub-sections (2), (4), (5) and (6) shall be performed by the Vice-Chancellor.

50.  The Proctors shall at the end of Hilary Term in each year make a report to Congregation giving the number and kinds of offences dealt with during the year by them and the Panels, and giving the number and kinds of penalty imposed.

PART F: TRANSITIONAL PROVISIONS

51.  For the avoidance of doubt it is declared that:

(1) the Proctors shall have the same powers to investigate and prosecute breaches by student members of the Statutes and Regulations of the University in force before 1 October 2006, and

\(^1\) “student” for the purposes of this section means either (a) a student member or (b) another individual to whom the Code of Discipline applies under the terms of a contract of study with the University.
(2) the Student Disciplinary Panel, and the Student Appeal Panel shall have the same jurisdiction to hear and determine charges and appeals arising out of those breaches, as they possess in respect of breaches of this statute, and the provisions of this statute shall apply, with any necessary modification, to the exercise of those powers and that jurisdiction.