

Schedule 1

Student Discipline

Part 1 - Conduct Addressed

1. Offences

- (1) Disciplinary offences to which this Schedule applies shall include breaches or attempted breaches of the criminal law and of College regulations, whether committed inside or outside the College, including but not limited to
- (a) activity which brings the College into disrepute,
 - (b) misconduct in relation to examinations, libraries, and the use of other College facilities, services, and accommodation,
 - (c) disruption of the normal operation of activities within the College, and
 - (d) harassment or misbehaviour on college property or in dealings with others;
- provided that this Schedule does not infringe the legitimate right of students to assemble and express grievances.

Part 2 - Investigation and reporting of offences

2. Commission of offences

- (1) It shall normally be the responsibility of the Junior Dean to investigate the commission of alleged disciplinary offences.
- (2) Notice of the commission of an alleged offence, where appropriate, must be given to the Junior Dean as soon as practicable after the commission of the offence. The person charged with responsibility over a particular area of College (for example, the Senior Lecturer in the case of examinations, or a Head of School) will normally be responsible for such notification.

3. Junior Dean and others

- (1) The powers, duties and responsibilities of, and requirements of notification upon, the Junior Dean shall also be exercised
- (a) by any duly appointed Acting or Assistant Junior Dean,
 - (b) in the case of offences relating to Trinity Hall, by the Warden or any duly appointed Acting Warden of Trinity Hall,
 - (c) in the case of breaches of Library regulations, by the Librarian,
 - (d) in the case of breaches of IS Services regulations, by the Director of IS Services, and
 - (e) by any other person or body as Board may direct,

and any references in this Schedule to the Junior Dean shall be construed accordingly.

4. Suspension of procedures

- (1) The Junior Dean, the Disciplinary Committee, or a Panel of Enquiry, as the case may be, shall have regard to any criminal, disciplinary or other similar process arising out of the same or similar matter, and may suspend disciplinary procedures (including time limits) under this Schedule until any such process is complete.
- (2) For the purpose of this Schedule, "day" has the meaning ascribed to it in the Introduction Chapter, but (in matters already before the Committee or a Panel) it shall also include any other day as agreed by the parties and the Committee or Panel as the case may be, and it shall exclude days during a suspension of procedures under subsection (1).

Part 3 - Procedures to be followed by the Junior Dean

5. Investigation

- (1) In enquiring into and otherwise dealing with the alleged commission of a disciplinary offence by a student, the Junior Dean shall be subject to the principles of natural and constitutional justice and fair procedures.
- (2) Where an alleged disciplinary offence comes to the attention of the Junior Dean, whether by notification under section 2 or otherwise, then the Junior Dean shall furnish to the student a notice in writing in satisfaction of section 45 which also sets out the specific disciplinary offence with which the student is charged and, if possible, indicates whether that offence is likely to be characterised as either major or minor.
- (3) The Junior Dean shall interview the student as soon as is practicable thereafter. At that interview, the student's tutor or other person of the student's choice may represent the student; and the student and any such representative shall be given full opportunity to comment on the allegations made against the student.

6. Classification of offences

- (1) The Junior Dean shall, following the interview and the completion of the initial investigation, decide whether a case has been established against the student and, if so, whether, in the case of each offence in question, it is a minor or major offence.
- (2) It shall be for the Junior Dean in the first instance to decide whether an offence is major, but the Junior Dean shall have regard to factors such as the potential for criminal or professional misconduct proceedings arising out of the offence, the impact of the offence on others, the disruption of the normal

functioning of the College and/or its facilities and/or members, plagiarism, falsification or serious misuse of official College or University documents or false pretences in connection with academic attainments, or refusal to comply with any final penalty imposed under this Schedule.

7. Decision of Junior Dean

- (1) The Junior Dean shall, within 15 days of the furnishing to the student of a notice under section 5, have finally dealt with the matter, having either decided that there was no case to answer, dealt with the matter summarily and imposed a penalty, or referred the matter to the Disciplinary Committee pursuant to sections 9 and 12.
- (2) The time limit in subsection (1) may be extended by the Junior Dean only where it is necessary to do so in the interests of the student, as for example, where the student is temporarily unavailable for interview.
- (3) A disciplinary offence shall normally be dealt with under this Schedule in the academic year in which it is alleged to have been committed, unless in the interests of justice the Disciplinary Committee decides otherwise.

8. Penalties

- (1) Any person or body imposing a penalty under this Schedule shall impose an appropriate penalty, having regard to the offence, its consequences, and the means and circumstances of the student.
- (2) The penalty for each minor offence committed by the student may include a fine which shall not exceed any limit as set by Board from time to time.
- (3) The penalty for each major offence committed by the student and dealt with summarily may include rustication (suspension from the University and College) not extending beyond the end of the next academic year, disqualification from an examination, and a fine which shall not exceed any limit as set by Board from time to time.
- (4) The penalty for each major offence committed by the student and not dealt with summarily may include reprimand, disqualification from an examination, suspension from academic and other privileges, rustication not extending beyond the end of the second next academic year, sending down (expulsion from the University and College), and a fine which shall not exceed any limit as set by Board from time to time.
- (5) In all such cases, the student may also be required to pay compensation, make reparation, provide restitution and/or donate to charity.

Part 4 - Summary procedure by consent in respect of major offences

9. Reference

- (1) A Junior Dean who finds that a major offence has been committed by a student shall refer the matter by notice in writing to the Chairperson of the Disciplinary Committee, unless
 - (a) the student admits responsibility and consents in writing to summary procedure, and
 - (b) the Junior Dean is of the opinion, having regard to all the circumstances and, in particular, the range of penalties available, that summary procedure is appropriate.

10. Academic activity

- (1) In the case of any major offence related to an academic activity, the Junior Dean shall, before making a decision under section 9, seek and take into account the views of the Senior Lecturer or the Dean of Graduate Studies, as the case may be;
- (2) Such views shall include views as to an appropriate penalty.
- (3) Any such views shall be made known to the student.

11. Submissions

- (1) A Junior Dean who decides to deal with a major offence by summary procedure shall invite the student to make submissions in mitigation or otherwise relating to an appropriate penalty.
- (2) Such submissions may be made either orally or in writing, and either by the student or by the student's representative.

12. Withdrawal

- (1) A student charged with a major offence may withdraw consent to the summary procedure at any time before penalty is imposed, by notifying the Junior Dean to this effect, who shall then refer the matter by notice in writing to the Chairperson of the Disciplinary Committee.

Part 5 - Disciplinary Committee

13. Membership of Committee

- (1) There shall be a Disciplinary Committee. The Chairperson of the Committee shall be the Registrar, or a nominee of the Registrar.

- (2) There shall be fourteen further members, consisting of six members of the academic staff, six students of the College (comprising, as far as practicable, three undergraduate and three graduate students), and two members of the non-academic staff.
- (3) The Registrar, having consulted with representatives of the academic staff, non-academic staff and students, shall annually propose the membership of the Committee to Board for its approval.
- (4) For any given hearing, the Committee shall sit as a chamber of seven members: the Chairperson, and, provided that this includes at least one man and at least one woman, six others selected by the Chairperson, as follows: three of the academic members, two of the students (comprising, as far as practicable, one undergraduate and one graduate student), and one of the non-academic staff members.
- (5) The quorum shall be five.
- (6) There shall also be a Secretary to the Committee, who shall be appointed by the Chairperson, but who shall not be a member of the Committee.

14. Jurisdiction

- (1) The Committee shall have the power to hear any
 - (a) referral by the Junior Dean to the Committee under sections 9 or 12,
 - (b) appeal by an affected student against a decision of the Junior Dean, or
 - (c) application by an affected student to challenge the disciplinary consequences of decisions taken by any other person or College body, other than Board.
- (2) Notice of appeal or application under subsection (1) must be made in writing to the Chairperson of the Committee within 15 days of the decision giving rise to such appeal or application.
- (3) The Committee may decide, at any stage after the receipt of the notice under sections 9 or 12 or 14(1)(b) and before it has come to a final decision on any matter before it, to refer any such matter to a Panel of Enquiry.
- (4) The Chairperson shall, if necessary, convene the Committee at least once each term, and may, on an application by a party to a matter pending before it, convene it at other times.

15. Procedures

- (1) The Junior Dean shall provide the Committee with a copy of the note furnished to a student under section 5; the Committee may consider any other

documents provided by either party in advance of the hearing, provided that such documents are also provided to the other party as soon as practicable after their provision to the Committee; and at the hearing, it may admit any evidence it deems relevant.

- (2) At the hearing, the student's tutor or other person of the student's choice may represent the student; and the student and any such representative shall be given full opportunity to be heard on the matter before the Committee.
- (3) The Committee shall otherwise determine its own procedures, subject to the principles of natural and constitutional justice and fair procedures.

16. Appeal

- (1) Decisions of the Committee may be appealed to a Panel of Enquiry, whether by the Junior Dean or the student concerned, but only with the leave of the Committee or of the Chairperson of the Panel, which shall be granted only where substantial grounds are demonstrated or where the sanction of sending down has been imposed.
- (2) An application for such leave shall be made in the first instance to the Committee within five days of the decision; the Committee shall determine the matter within a further five days.
- (3) If the Committee grants such leave, the Registrar shall notify the Chairperson of the panel within five days.
- (4) If the Committee refuses such leave, an application to the Chairperson of the Panel for such leave may be made within a further five days; and the Chairperson shall determine the matter within a further five days.
- (5) In any application for leave, the Committee or Chairperson shall receive submissions from both parties, and may grant leave on such terms as it deems appropriate, including the imposition or maintenance of a suspension of the student in question.

17. Suspension of student

- (1) Where it is necessary to assist the investigation of a major offence or to prevent clear and reasonably imminent harm, the Junior Dean may suspend a student from College, provided that
 - (a) if it has been possible for the Junior Dean first to seek and obtain the permission of the Committee *ex parte* (in the absence of, and without notice to, the student), the Junior Dean has done so;

- (b) if it has been not so possible, the Junior Dean has reported the suspension *ex parte* to the Committee as soon as possible - and not later than five days - after the suspension, and the Committee has confirmed the suspension; and
- (c) as soon as possible - and not later than five days - after the suspension by the Junior Dean or the confirmation by the Committee, whichever is later, the Committee shall hear from the Junior Dean the reasons why the suspension should be maintained on an interim basis pending a final determination of the matter. At any such hearing, the student's tutor or other person of the student's choice may represent the student; and the student and any such representative shall be given full opportunity to comment on the matter before the Committee; and the Committee may discharge the suspension, or retain it on such terms as it thinks appropriate.

Part 6 - Panel of Enquiry

18. Membership of Panel

- (1) A Panel of Enquiry shall consist of three full-time members of the academic staff and three students of the College, all chosen at random for each case, and a Chairperson; provided that the staff and student membership each shall include at least one man and one woman.
- (2) The Chairperson shall be a person with legal training and shall be appointed by Board with the agreement of the Students' Unions to serve for a period of three years or until resignation if that occurs earlier. The Chairperson shall be eligible for re-appointment.
- (3) Board shall also appoint a Deputy Chairperson, on the same terms and conditions as the Chairperson, who shall act as Chairperson in any matter in which the Chairperson is unable to act.
- (4) The Junior Dean, members of the Disciplinary Committee, and members of Board may not be members of a Panel.

19. Secretary

- (1) A full-time member of the College staff shall act as Secretary to the Panel, but shall not be a member of a Panel.
- (2) In all cases, a minute of the proceedings and, where appropriate, a full record of the proceedings, shall be kept.

20. Jurisdiction

- (1) A Panel shall have such powers and functions as defined by Board and these Statutes, and shall hear any

- (a) appeal against a decision of the Disciplinary Committee for which leave has been obtained,
- (b) referral by the Disciplinary Committee under section 14(3), or
- (c) matter referred back to it by Board.

21. Witnesses and evidence

- (1) The student shall, at least five days in advance of the hearing, or such longer period as the Chairperson shall specify, notify the Chairperson in writing of the names and addresses of the witnesses he or she proposes to call, and supply to the Chairperson a copy of any documents which he or she proposes to submit at the hearing.
- (2) The Chairperson shall furnish to the Junior Dean copies of all such communications as soon as practicable following their receipt.

22. Documents

- (1) The Junior Dean shall, at least five days in advance of the hearing, or such longer period as the Chairperson shall specify, cause the following documents to be served on the student and the Chairperson:
 - (a) a statement of the charges against the student,
 - (b) a list of witnesses whom the Junior Dean proposes to call (if any),
 - (c) a summary in writing of the evidence that it is proposed should be given by each of them, and
 - (d) a list of exhibits (if any).
- (2) The student shall have the right to inspect all exhibits.
- (3) At any time the Junior Dean may, with the permission of the Chairperson, cause to be served on the student and furnished to the Panel a further statement of the evidence to be given by any witness, or a statement from a new witness whose name has not already been supplied to the student. The Chairperson shall grant such permission, unless satisfied that it would be unfair to the student to accede to the Junior Dean's request.

23. Empanelment

- (1) Fresh staff and student members shall be empanelled for each offence, or for each group of offences arising out of either the same incident or occasion or sufficiently related incidents or occasions. The Secretary to the Panel shall arrange for this empanelling, and the Chairperson shall decide whether any offences may be grouped.
- (2) The Chairperson may, at his or her discretion, excuse any person from serving on the Panel, where that person has a direct interest in the hearing, or in

other exceptional circumstances.

- (3) An opportunity shall be afforded to each party to object without cause shown to any two people serving as panel members. In addition, the parties shall be afforded an opportunity to object for stated reasons to any number of persons serving as panel members. The Chairperson shall determine whether or not such objection shall be upheld.
- (4) A Panel may continue to operate despite the withdrawal of one member.

24. Representation

- (1) Students before a Panel may be represented by their tutors or other persons of their choice, including professional representation.
- (2) The Junior Dean may also avail of representation, including professional representation.

25. Proceedings

- (1) Panel hearings shall be open to members of the Community. The Chairperson shall have the discretion impose such restrictions on admissions as are necessary to ensure the orderly conduct of the proceedings.
- (2) The Chairperson may, at the request of the student or Junior Dean or on the Chairperson's own initiative, order that proceedings be conducted in private if satisfied that there are good reasons for doing so. The Chairperson may not make such order without the consent of each student party to the proceedings unless there are compelling reasons for doing so.

26. Procedures

- (1) A Panel shall conduct its business according to the rules set out in this Schedule, subject to the principles of natural and constitutional justice and fair procedures.
- (2) It shall be the duty of the Chairperson to make rulings on all matters relating to the establishment, procedure and conduct of the Panel.

27. Documentary evidence

- (1) In any proceedings before a Panel, the Calendar and any official College or University document shall be admissible in evidence, and, unless the contrary is proven, the facts stated therein shall be presumed to be true.
- (2) The Chairperson may admit any other relevant document or evidence.
- (3) For the purposes of this section, 'official College or University document' shall

include a certified copy of any examination paper, examination script, transcript of results, examiner's report and minutes of a meeting of Board or Council, or of any committee or body established or appointed pursuant to the Chapter on Committees, or of any academic unit.

Part 7 - Hearings of a Panel of Enquiry in respect of major offences

28. Summons

- (1) In the case of a referral of a major offence to a Panel by the Disciplinary Committee under section 14, the student shall receive a written summons in the name of the Panel. The summons shall be signed by or on behalf of the Chairperson of the Panel.
- (2) It shall contain a brief specification of each charge, give notice of the date, time and place of the hearing, and require the student to appear before the Panel.
- (3) It shall be accompanied by a copy of this Schedule, drawing attention in particular to the student's right to representation, to submit written evidence, and to call such witnesses in defence as the student may think fit.
- (4) It shall be delivered to the student by recorded delivery, by registered post, by courier delivering on behalf of the Chairperson, by personal delivery by any Officer, or by any other method of delivery deemed appropriate by the Chairperson.

29. Time

- (1) The summons shall be delivered to the student within 15 days of any referral under section 14, and the Panel shall meet within a further 15 days, or such longer period as the Chairperson shall specify.

30. Attendance

- (1) The student shall attend in person throughout the hearing of the case.
- (2) If a student does not appear, the Panel may proceed to deal with the charge and, if it considers it appropriate to do so, determine a penalty in the student's absence.

31. Guilty plea

- (1) A student wishing to do so may plead guilty to any charge, either in person before the Panel or by letter addressed to the Chairperson prior to the hearing.
- (2) In either case the student shall appear before the Panel, to answer questions

and/or make submissions in relation to the matter of penalty, and to be informed of the Panel's decision.

32. Hearings

- (1) Having opened the proceedings, the Chairperson shall invite the presentation of the Junior Dean's case to the Panel. The student shall then be heard.
- (2) Where witnesses are called, they may be examined, cross-examined and/or re-examined by the parties and by members of the Panel.
- (3) When the presentation of evidence is complete, the Chairperson shall invite the parties to address concluding remarks to the Panel.
- (4) The Chairperson shall then, in the presence of the parties, address the other members of the Panel, summarising the evidence presented, giving directions as to the proper approach to the evidence adduced and instructing them as to their functions.
- (5) For the purposes of this section, a reference to the Junior Dean and the student shall include their representatives, if any.

33. Verdict

- (1) Following the Chairperson's address, the other members of the Panel shall retire to consider their verdict in private and in the absence of the Chairperson and of the parties.
- (2) A verdict (whether of guilty or not guilty) shall not be returned unless at least five of the panellists are in agreement with such verdict; in other cases it shall be recorded that the Panel was unable to reach a verdict.
- (3) The panellists shall nominate from amongst themselves a spokesperson, who shall, in the presence of the Panel, the Chairperson and the parties, announce the Panel's decision.

34. Guilty verdict

- (1) Where a verdict of guilty is returned, the Chairperson shall, and the parties may at their choice, address the panellists on factors relevant to the determination of an appropriate penalty.
- (2) The panellists shall then again retire to consider an appropriate penalty, which decision may be made by simple majority. Their spokesperson shall, in the presence of the Panel, the Chairperson and the parties, announce their

decision.

- (3) If, in the opinion of the Chairperson, the proposed penalty is *ultra vires* (beyond their powers) or unreasonable, the Chairperson may ask the panellists to reconsider the matter.
- (4) Where the panellists are unable to decide upon an appropriate penalty, the penalty shall be determined by the Chairperson.
- (5) The Chairperson shall, following announcement of the penalty, inform the student of the right to appeal to the Visitors in the event of the Panel's decision being confirmed by Board.

Part 8 - Appeals to a Panel from decisions of the Disciplinary Committee

35. Hearing date

- (1) In the case of an appeal against a decision of the Disciplinary Committee for which leave has been obtained, the hearing of the appeal shall take place either within
 - (a) 15 days of the date upon which the Chairperson of the Panel granted leave to appeal or received notification under section 16 that such leave had been granted, or
 - (b) such other period as the Chairperson may determine.
- (2) The appellant shall be given at least five days' written notice of the date, time and place of the hearing, and shall, at the same time be furnished with a copy of this Schedule, drawing attention in particular to the student's right to representation, to submit written evidence, and to call such witnesses as the student may think fit.

36. Rehearing

- (1) An appeal shall be a full rehearing.
- (2) Except as directed by the Chairperson, the Junior Dean shall make the first presentation, the student shall make the next presentation, and the Junior Dean shall be entitled to be heard in reply.

37. Appeals

- (1) The appeal shall as far as possible proceed according to sections 28-34, except that
 - (a) the Panel may allow or deny the appeal in whole or in part, or uphold, reduce, increase or vary any penalty;

- (b) the Panel may reach its decision by simple majority; and
- (c) where the Panel is equally divided, the decision of the Committee shall stand.

Part 9 - Board and Visitors

38. Board

- (1) Board shall maintain oversight of the College's disciplinary procedures in respect of students.
- (2) In particular, and subject to overriding considerations of fairness, Board shall ensure the proper imposition of discipline and the orderly operation of referrals and appeals to the Disciplinary Committee and a Panel of Enquiry.
- (3) The Disciplinary Committee shall frequently and regularly report a summary of its decisions to Board.

39. Panel Reports

- (1) The Chairperson of a Panel shall report to Board, within 15 days, on all findings made by a Panel; this report shall contain a summary of the proceedings, of the evidence given, and of the outcome. The Chairperson shall also report, within 15 days, on any denial of leave to appeal to a Panel.
- (2) Board shall take a decision on either report no later than at its next regularly scheduled meeting; Board may adopt such report, refer it to the Visitors, or refer it back to a new Panel for further consideration; and the student shall be immediately notified of that decision by registered post.
- (3) Board shall take a decision on either report no later than at its next regularly scheduled meeting; Board may adopt such report, refer it to the Visitors, refer it back to the Panel for clarification, or refer it to a new Panel for further consideration; and the student shall be immediately notified of that decision by registered post.

40. Visitors

- (1) Appeal from a decision of Board in a disciplinary matter, whether relating to a decision of the Committee or of a Panel or otherwise, lies to the Visitors pursuant to the Chapter on the Visitors.
- (2) The Visitors' decision in any such appeal shall be published as soon as is practicable.

Part 10 - Application and review

41. Effectiveness of penalties

- (1) Penalties imposed under this Schedule shall be effective when imposed, unless the student indicates an intention to appeal, in which case the penalty is suspended until either the due processes of appeal have been completed or, where no notice of appeal is lodged, the time for giving such notice expires.

42. Rights of appeal

- (1) Any person or body, investigating an alleged offence or imposing or upholding a penalty on a student, shall indicate to the student any and all rights of representation, appeal or further appeal.

43. Review

- (1) Board may from time to time constitute a committee charged with reviewing the regulations governing disciplinary procedures. Such a committee shall be drawn from areas in College with appropriate expertise and its composition shall be agreed between Board and the Students' Unions.