

**THE WHITE BOOK
REGULATIONS (PROCEDURES)**

REGULATION P10

Student Disciplinary Committee

Constitution

1. Further to Ordinance C,XIV,4(e), a Student Disciplinary Committee shall be an *ad hoc* committee of the Council appointed under Statute C, Chapter VI,4, following:
 - (a) an appeal against any decision of or penalty imposed by the Dean, under Regulation P9,18; or
 - (b) a referral by the Dean under Ordinance C,XIV,4(e)(i) and Regulation P9,12(d); or
 - (c) a referral by the Master or Senior Tutor under Ordinance C,XIV,4(e)(ii);
 - (d) an appeal under Regulation F3,7 against the withdrawal of services by the Bursar, for a student debt;
 - (e) referral of a case of student debt by the Bursar, under Ordinance D,XIII,9(e) and Regulation F3,5(d)(iii).

When hearing any case under (d) or (e), a Student Disciplinary Committee, or a Disciplinary Appeal Panel appointed under Regulation P11, shall act as a Student Debt Committee or Student Debt Appeal Panel, and any relevant reference in this Regulation or Regulation P11 shall be read accordingly.

2. The Council shall nominate annually a panel of three Fellows who are members of the Governing Body from whom the Council shall appoint the Chair of any Student Disciplinary Committee, as necessary. The Chair shall appoint two further Fellows who are members of the Governing Body to act on the Committee for the purposes of the given hearing.
3. The following rules shall apply to the composition of any Student Disciplinary Committee:
 - (a) the Dean may not be a member;
 - (b) no *ex officio* member of the Council may be a member;
 - (c) no Fellow may be a member where he or she has at any time been the Director of Studies, supervisor or Tutor of the student concerned, or who has been involved in the conduct of the case at an earlier stage, or who for any other cause would be under a conflict of interest;
 - (d) the student concerned may challenge the appointment of any Fellow, for good cause, by giving notice in writing to the Secretary to the Council within three calendar days of the appointment; the Council shall rule on any challenge, and its decision shall be final; an alternate Fellow shall be appointed following a successful challenge;
 - (e) [any student referred to a Committee may request within three calendar days of being notified that its members have been appointed that one Fellow is substituted by a student member].

4. Decisions shall be taken by a simple majority and, where necessary, the Chair shall have a casting vote.
5. The administrative Secretary shall be the Senior Tutor, who may nominate a member of staff to assist. The Secretary shall have responsibility for convening meetings, delivering notices, and for ensuring that a full record is made of the Committee's proceedings, including in particular an account of the issues raised, any evidence presented, and the Committee's decisions and reasons.
6. A Committee shall be appointed and meet as necessary, as provided for under this Regulation. It may regulate its own proceedings, provided that it shall seek to ensure that all cases are dealt with fairly and expeditiously, according to the nature and circumstances of each case. It may vary the following provisions of this Regulation only where it is fair to do so and by giving reasonable notice to all parties.

Jurisdiction: appeal from the Dean or Bursar

7. A Student Disciplinary Committee shall have jurisdiction to hear and determine appeals against:
 - (a) any decision of or penalty imposed by the Dean under Regulation P9,9(d)(ii) or 12(b-c);
 - (b) any withdrawal of services by the Bursar, under Regulation F3,5(d)(ii).
8. Where notice of appeal is given in accordance with Regulations P9,18 or F3,7, the Council shall appoint a Committee under paragraphs [1-3]. The Secretary of the Committee shall, in consultation with the student or any designated officer concerned, arrange a meeting of the Committee, to be held as soon as practicable.
9. An appeal hearing shall comprise a re-consideration of the issue(s) appealed. The Committee shall take into account all written materials considered by or created at the Investigation Meeting and Formal Hearing, if any, held by the Dean under Regulation P9,9-14, or at the Student Debt Review Meeting held by the Bursar held under Regulation F3,4-6.
10. The Committee may, as relevant:
 - (a) make any decision that the Dean has authority to make under Regulation P9,12 and may impose any penalty specified in Regulation P9,15-16;
 - (b) withdraw any academic or non-academic services, as specified in Regulation F3,8-9 and [11].
11. The student may further appeal against decisions of the Disciplinary Committee to a Disciplinary Appeal Panel, in accordance with paragraph [23], below.

Jurisdiction: cases referred by the Dean or other Officers

12. A Student Disciplinary Committee shall have jurisdiction to hear and determine any case referred by the Dean under Regulation P9,12(d), or by the Master or Senior Tutor under Ordinance C,XIV,4(e)(ii), or by the Bursar under Regulation F3,5(d)(iii).
13. Where a student is referred to a Student Disciplinary Committee under paragraph [12], the Council shall appoint a Committee under paragraphs 1-3 as soon as practicable; provided that where the student has raised a complaint falling under Ordinance C,XV, which materially concerns:
 - (a) the relevant disciplinary incident, the Council may at its discretion postpone the appointment of the Committee, for such period or periods as it thinks fit, pending the outcome of the complaints procedures;
 - (b) the relevant student debt, paragraph [15] of Regulation F3 shall normally apply.

Meetings

14. Where a Disciplinary Committee is appointed, notice shall be given to the student or any designated officer concerned at least seven calendar days in advance of the first meeting. Any notice to a student under this Regulation shall be given either orally, including by telephone, or in writing, whether to a College pigeon hole, or by post to such address as is registered with the College, or by email to the student's University email address. Proof of notice having been given in accordance with this paragraph shall constitute sufficient proof that the student has been duly notified of the meeting.
15. A notice under paragraph [14] shall include:
 - (a) a statement of the disciplinary offence(s) with which the student concerned is charged, whether on his or her own behalf or as a designated officer; or
 - (b) a statement of the financial liabilities which the student has failed to settle; and
 - (c) a copy of the College Statutes, Ordinances and Regulations, identifying those provisions which it is alleged have been breached and those provisions which govern the discipline of students;
 - (d) notice that witnesses may be called and written evidence submitted;
 - (e) notice that the student is entitled to be heard in his or her defence, or in defence of a club or society, and to be accompanied by a representative in accordance with paragraph [19].
16. The student or any designated officer shall attend in person unless he or she:
 - (a) notifies the Secretary at least three calendar days in advance of his or her absence; and
 - (b) provides reasonable cause for such absence.In such case, the Secretary shall arrange an alternative date and notify the student accordingly.
17. The Committee may proceed with a meeting, and reach a decision, in the absence of any student or designated officer who is in breach of paragraph [16]. Such breach shall constitute a fresh disciplinary offence which may be dealt with accordingly.
18. In any case where:

(a) the student has raised a complaint under Ordinance C,XV that materially concerns the relevant disciplinary incident or student debt; and

(b) a Student Complaints Committee is appointed by the Council under Ordinance C,XV,4(c) and Regulation P12,17;

the Chair of the Disciplinary Committee may, at his or her discretion, suspend proceedings for such period or periods as he or she thinks fit, pending the outcome of the complaints procedures; provided that in cases of student debt, paragraph [15] of Regulation F3 shall normally apply.

19. The student or designated officer may be represented at any meeting by:

(a) his or her Tutor or another Fellow of the College chosen by the student; or

(b) the Senior Treasurer, if any, of the club or society concerned; or

(c) a friend or adviser who shall be a resident member of the University such as an officer of SSCSU or CUSU, or a member of staff of the University such as a member of the Student Advice Service.

The student or officer shall notify the Secretary of any representative at least five calendar days in advance of the meeting.

20. The Dean or, in the case of student debt, the Bursar shall present the charges in the case, with any supporting evidence, written or oral. The student or any designated officer, or his or her representative, may examine any witness of the Dean or Bursar, present any witness(es) for the defence, and may make submissions to the Committee on any issue in the case.

21. The Committee shall conduct its deliberations in private, and may reach any of the following decisions:

(a) in the case of a disciplinary charge, the Chair may at any time during the proceedings refer a student, but not a designated officer, to the Senior Tutor under Regulation P7 (fitness to study) and, in such case, Regulation P7,55(c) shall apply;

(b) in the case of a disciplinary charge, the Committee may dismiss the charge or find the offence proven; and where it finds the offence proven, the Committee may make any decision that the Dean has authority to make under Regulation P9,12 and may impose any penalty specified in Regulation P9,15-16;

(c) in the case of a student debt, the Committee may:

(i) determine the amount of the debt, if any;

(ii) withdraw any academic or non-academic services specified in Regulation F3,8-9 and [11].

22. A record of the decisions and reasons of the Committee, together with notice of the student's right to appeal under paragraph [23], shall be sent by the Secretary as soon as practicable to:

(a) the Dean, except in the case of a student debt;

(b) the Bursar, only in the case of a student debt;

(c) the Senior Tutor;

(d) the student or designated officer concerned;

(e) any representative, provided that they have been nominated by the student or officer to receive such notice;

- (f) the student's Tutor or, where applicable, the Senior Treasurer, if any, of the club or society of the designated officer.

Appeal

- 23. A student may appeal to a Student Disciplinary Appeal Panel under Ordinance C,XIV,4(g) and Regulation P11,2 against any decision of a Student Disciplinary Committee, whether disciplinary or for student debt, other than any decision to refer a student to the Senior Tutor under Regulation P7 (fitness to study), by giving notice in writing to the Senior Tutor within seven calendar days of being notified of the Committee's decisions.

Relationship between disciplinary and criminal proceedings

- 24. Where the Council is aware that a student is liable to be prosecuted in a court of law in respect of the relevant disciplinary incident, the Council shall not appoint a Committee to hear the case unless and until it is satisfied either that:
 - (a) a prosecution has been completed and the student has been convicted of an offence; or
 - (b) no prosecution of the student is likely to take place.
- 25. Where, after a Disciplinary Committee has been appointed, the Chair of the Committee becomes aware that a student is liable to be prosecuted in a court of law in respect of the relevant disciplinary incident, the Chair may at their discretion suspend the disciplinary proceedings until the Chair is satisfied either that:
 - (a) a prosecution has been completed and the student has been convicted of an offence; or
 - (b) no prosecution of the student is likely to take place.Any suspension of the proceedings may be extended or lifted at any time, at the discretion of the Chair.
- 26. Where a student has been convicted by a court of law in connection with the relevant disciplinary incident, the Council or the Chair of the Disciplinary Committee, as appropriate, may on proof of that conviction rusticate the student either temporarily or permanently (see Ordinance B,XXI,5-6), or deprive him or her of any particular privileges or facilities in the College, provided that:
 - (a) the Council or Chair considers that this action is reasonably necessary for the protection of the interests of the College or of any of its members or staff; and
 - (b) the student concerned shall not be subject to any further proceedings or penalty.
- 27. Where a student has been acquitted by a court of law in connection with the relevant disciplinary incident, the Council or the Chair of the Disciplinary Committee, as relevant, shall take the acquittal into account in its deliberations, and may discontinue proceedings against the student under Ordinance C,XIV and this Regulation or may, notwithstanding the acquittal, maintain College proceedings against the student.

Relationship between disciplinary and University proceedings

28. Subject to paragraphs [29], a disciplinary incident shall normally be dealt with under Ordinance C,XIV and Regulations P9-P11 notwithstanding that the incident primarily involves the University or its members or staff; provided always that the Senior Tutor shall consult with the University Advocate when any disciplinary incident involves, or may involve, a significant breach of University Regulations on Discipline.
29. Where the University Advocate refers a student of the College either to University disciplinary proceedings or to the University Fitness to Study Panel, any disciplinary proceedings by the College shall normally be suspended pending the outcome of the University proceedings; provided always that College proceedings may be pursued in parallel with, or subsequent to the conclusion of, University disciplinary or fitness proceedings, including any proceedings that have been suspended by the University, where the interests of the College or its members or staff are not, in the opinion of the Council, appropriately and sufficiently protected by the University proceedings, either as to conviction or penalty.
30. Where a student of the College is referred to University disciplinary procedures, the College shall, whether or not College disciplinary proceedings are suspended under paragraph [29]:
 - (a) ensure that the student is given appropriate pastoral support while subject to the University procedures; and
 - (b) reserves the right not to support the substance of any defence to the charge(s) which the College considers is inappropriate or unfounded;
 - (c) reserves the right to find proven any charges laid against the student by the College, irrespective of the outcome of related University disciplinary or fitness to study procedures.