General Statement on Student Discipline

Note: This General Statement is not part of the Code of Discipline.

I. The Purpose of University Discipline, and its relationship to the criminal law

The primary purposes of the University are the advancement and application of knowledge and the education of its members; its central activities are teaching, learning and research. These purposes can be achieved only if the members of the University community can live and work beside each other in conditions which permit freedom of thought and expression within a framework of respect for the rights of other persons. It is the function of University discipline to protect from disruption these essential activities and the administrative structure on which they depend.

The existence of the Code of Discipline does not preclude the possibility of the Principal, Authorised Officers (or, for that matter, any member of the University) having recourse to the police and the criminal law where necessary. It is not, however, the purpose of the University system of discipline to duplicate the criminal law. In general, there is no reason why a student's appearance in a criminal court should be followed by disciplinary proceedings. Nevertheless, the possibility of disciplinary proceedings being required against a student who has been subject to a criminal charge cannot entirely be excluded. The University, however, will take action only in those circumstances where the essential purposes and activities of the University community are threatened and then only such action as is necessary to ensure their protection. While the University may be obliged to suspend a student's privileges pending trial in the courts, it will not normally institute disciplinary action until proceedings in the courts are concluded.

Furthermore, the Code of Discipline is to be administered so as to further the primary purposes of the University, without unnecessarily (a) limiting the freedom of expression and action which members of the University enjoy as citizens within the law; or (b) infringing the privacy of the individual. At all times the principles of natural justice shall be observed and the standard of proof shall be that of proof beyond reasonable doubt.

The University will abide by the following rules of procedure where a student is accused of misconduct which would also constitute an offence under the criminal law if proved in a court of law:

(i) Where the offence under the criminal law is considered to be not serious, action under the University's Code may continue, but such action may be deferred pending any police investigation or prosecution.

(ii) In the case of all other offences, i.e. all serious offences under the criminal law, no action (other than suspension or exclusion pursuant to section 5.1 of the Code) may be taken unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Principal may decide whether disciplinary action under the Code should continue or be taken.

(iii) Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under the Code.
II. The Legal Basis of Jurisdiction
Although a University has an inherent power of regulating the conduct of its members, the effects of the Universities (Scotland) Acts 1858, 1889 and 1966 have been to place the disciplinary jurisdiction of the University on a statutory basis. Primary responsibility for discipline is vested in the Senatus; appellate functions are vested in the Court; and the 1966 Act envisages the laying down of a code of procedure to be followed in more serious cases. The 1966 Act empowers the Court, by resolution, "on the recommendation of the Senatus to prescribe the procedure to be followed in the case of alleged breaches of discipline within the University where the alleged breach is one which might be punished by expulsion or rustication".

No person can therefore be a student member, or for that matter a senior member, without being subject to the disciplinary powers of the Senatus and the Court. By matriculating, or by enrolling on any University course, a student becomes subject to University discipline whether or not he or she expressly agrees to be bound by it, and whether or not he or she is aware of the substance of the disciplinary rules.

III. Disciplinary Offences
The Code of Discipline which is set out below is concerned solely with the machinery by which the system of discipline will be administered and with the rules of procedure which the various disciplinary authorities are to observe.

Detailed regulations governing general misconduct (as specified in the General Disciplinary Regulations), University examinations, libraries, the use of computing facilities, the use of automatically processed personal data (in connection with academic work), Halls of Residence, Student Houses and other University accommodation are published separately. Breaches of any of these regulations amounting to misconduct fall to be dealt with under the Code.

The essence of misconduct under the above regulations is:

1. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;

2. obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;

3. violent, indecent, disorderly, threatening or offensive behaviour or language, whether expressed orally or in writing, including electronically, including sexual or racial harassment of any student, member of staff or other employee, whilst engaged in any University activity;

4. conduct which unjustifiably infringes freedom of thought or expression whilst on University premises or engaged in University work, study or activity;

5. fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;

6. action likely to cause injury or impair safety on or in the vicinity of University premises; for example, acts involving damage to or discharge without just cause of, or other misuse of or interference with, a Fire Alarm, Fire Extinguisher or other fire safety equipment. (Such acts, and failure to comply with health and safety directions, endanger the University community and as such can attract severe sanctions.)
7. breach of any Code or University rule or regulation previously approved by the University Court or Senatus Academicus which provides for breaches to constitute misconduct under this Code. A list of such Codes, rules and regulations is appended to this General Statement;

8. examination offences, including plagiarism as defined in the Assessment Regulations, in any form of University examination or formally assessed work, or to assist a candidate to make use of such unfair means;

9. damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly, and misappropriation of such property;

10. misuse or unauthorised use of University premises or items of property, including computer misuse;

11. conduct which constitutes a criminal offence (including conviction for an offence) where that conduct
   (a) is such as to render the student unfit to practise any particular profession or calling to which that student’s course leads directly (for example, Medicine, Nursing, Teaching, Veterinary Medicine, amongst others), or
   (b) took place on University premises, or
   (c) affected or concerned other members of the University community, or
   (d) damages the good name of the University, or
   (e) itself constitutes misconduct within the terms of the Code, or
   (f) is an offence of dishonesty, where the student holds an office of responsibility in the University.

12. without prejudice to the right to fair and justified comment and criticism, behaviour which brings the University into disrepute;

13. failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;

14. failure to comply with a previously-imposed penalty under this code;

15. without prejudice to the right to raise academic and other concerns responsibly within or outwith the University, the making of false and malicious reports of malpractice, which upon investigation are proved to be unfounded;

16. where a student is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling (such as in Medicine, Nursing, Teaching or Veterinary Medicine, for example) any conduct which renders that student a person not fit to be admitted to and to practise that profession or calling;

17. any misconduct prior to a student’s enrolment at the University of Edinburgh which has only just come to light, or is still in the process of being dealt with by the proper authorities, shall not form the basis of a complaint under this Code unless
   (a) the conduct is of such a serious kind and character that it raises questions about the fitness of the student to remain a member of the University community or, if repeated, would pose a threat to the other members of the University or threaten the discipline and good order of the University, or
   (b) the student is enrolled for a course directly leading to a professional qualification, and the conduct raises questions about the student’s fitness to be admitted to and to practise that profession, for example in Medicine, Nursing, Social Work, Teaching, Veterinary Medicine.
IV. Relationship of this Code to students of other institutions, and of the Disciplinary Codes of other institutions to University of Edinburgh students

In the case of students following courses leading to the degree of M.A. (Hons) Fine Art, offences alleged to have been committed within the precincts of either the Edinburgh College of Art or the University shall respectively be dealt with under the Edinburgh College of Art and University Codes of Discipline. When the site of the alleged offence is elsewhere, the Vice-Principal of the Edinburgh College of Art and the Head of the University's College of Humanities and Social Science shall consult and decide whether the case shall proceed under the discipline code of the University or that of the Edinburgh College of Art.

In the case of students following programmes of study which are provided jointly between the University of Edinburgh and another institution, offences alleged to have been committed within the precincts of either the University of Edinburgh or such other institution shall be dealt with under the discipline regulations applicable to the site on or within which the alleged offence was committed. When the site of the alleged offence is elsewhere, the Principals of the University and of the other institution, or their authorised deputies, shall consult and decide whether the case shall proceed under the Code of Discipline of the University of Edinburgh or that of such other institution.

List of University Codes, Rules and Regulations covered by this Code of Discipline

General Disciplinary Regulations
Computing Regulations
Halls and Houses Regulations
Library Regulations
Assessment Regulations
Equal Opportunities Policy
Smoking Policy
Dealing with Personal Harassment: Code of Practice for Students
Code of Practice on the Abuse of Drugs by Students
Code of Practice on the Abuse of Alcohol by Students
1. Standing Commission on Discipline

1.1 Composition
The Senatus, with the agreement of the Students' Representative Council (hereinafter referred to as the S.R.C.), shall establish a Standing Commission on Discipline. Six members of the Commission shall be appointed by the Senatus from amongst its members and six members by the S.R.C. (who shall be matriculated students of the University). Members shall serve for such periods as may be determined by the appointing bodies, provided that no member shall serve for more than six years in all. The quorum of the Commission shall be six.

1.2 Convenership
The Commission shall elect a Convener and Vice-Convener from its own number, to serve for such periods as the Commission may determine.

1.3 Functions
The functions of the Commission shall be:

1.3.1 to provide a forum for discussion and review of disciplinary policy and procedures within the University either on its own initiative or at the request of the Senatus or the S.R.C.;

1.3.2 to formulate rules on what will or will not be treated as offences against discipline (hereinafter referred to as "disciplinary regulations") for adoption by the Senatus;

1.3.3 to propose amendments to this Code for adoption by the Senatus and the Court;

1.3.4 when vacancies occur in the Discipline Committee to remit to the Senatus nominations to the vacancies.

1.4 Legislative Powers

1.4.1 The Senatus and the S.R.C. may propose amendments to the Code and disciplinary regulations for consideration by the Standing Commission.

1.4.2 When the Commission proposes to make amendments to this Code, or to make disciplinary regulations, it shall submit its draft proposals to the Senatus, and make them available to the S.R.C. The Senatus, after taking account of any comments received from the S.R.C., may then approve the proposals in toto, or amend them before approving them, or refer them for further discussion, or reject them. Disciplinary regulations thus approved by the Senatus will then come into force; and the Senatus shall have them published in the University. Proposed amendments to the Code of Discipline thus approved by the Senatus shall be submitted by the Senatus to the University Court to be promulgated by means of a Resolution.

1.4.3 In the event of disagreement between the Senatus and the Standing Commission which cannot be resolved by the foregoing procedure, the Senatus reserves the power to take the final decision, subject always, in the case of amendments to the Code, to the statutory powers of the Court.
2. Authorised Officers

2.1 List of Authorised Officers
The following officers of the University are authorised to exercise summary jurisdiction in disciplinary matters:

2.1.1 The Head of the Colleges; and, where appropriate, one or more members of the senior academic management in each College to be designated by the Senatus.

2.1.2 The Director of the Accommodation Services; the Assistant Director Residence Life; the Principal Warden, and a designated Warden approved by the Senatus.

2.1.3 The University Secretary, Deputy Secretary, and the College Registrars.

2.1.4 The Vice- Principals.

2.1.5 The Vice-Principal for Knowledge Management and Librarian to the University, and the Director of Library Services

2.1.6 The Director of Computing Services and the Deputy Director.

2.1.7 The Director of Corporate Services

2.1.8 The Director of the Centre for Sport and Exercise and the Deputy Director

2.2 Powers to impose penalties
In the exercise of their summary jurisdiction, the Authorised Officers may not impose penalties which exceed the penalties prescribed in the appropriate regulations.

In relation to discipline in University Managed Accommodation, these regulations provide that an Authorised Officer (as authorised under Section 2.1.2 above) may terminate the occupancy of the room by any resident on giving a month’s notice in writing. In the case of gross misconduct or misdemeanour he or she may order the termination of occupancy within 24 hours. In exercising such powers the Authorised Officer will act according to Accommodation Services’ written procedure setting out the specific disciplinary steps leading to termination of occupancy. This procedure will be drafted and periodically reviewed in liaison with student representatives.

In the absence of specific regulation Authorised Officers may impose: a fine not exceeding such amounts as may be prescribed from time to time by the Standing Commission on Discipline; a reprimand; a suspension of privileges for a period not exceeding one semester (which may, in relation to library offences, include suspension from the University Library and, in relation to computing offences, include suspension from all computing facilities); or a requirement to make good the cost in whole or in part of any damage caused, or any or all of these.
3. Discipline Committee

3.1 Composition

3.1.1 The Committee shall consist of six members of the academic staff of the University and six matriculated students of the University, who shall be appointed to the Committee by the Senatus on the nomination of the Standing Commission on Discipline. The period of office shall be two years (one year in the case of half of the first members), half of the members retiring each year. All members shall be eligible for re-appointment provided that no member shall serve for more than six years in all. The Senatus shall on the recommendation of the Standing Commission appoint, from the academic staff membership of the Committee, the Convener and Vice-Convener of the Committee.

3.1.2 The Convener or in his or her absence the Vice-Convener shall preside at all meetings of the Discipline Committee, and shall have on all occasions both a deliberative and a casting vote.

3.1.3 Members of the University Court, the Standing Commission on Discipline and the S.R.C. Executive and Authorised Officers, are not eligible for membership of the Discipline Committee.

3.1.4 For the purpose of hearing a case or an appeal, the Committee shall consist of not less than six members, including the Convener or the Vice-Convener, of whom not less than three shall be student members. If a member of the Discipline Committee has been involved in a case at an earlier stage, he or she shall not serve on the Committee when the Committee considers that case. If it proves impossible to obtain the requisite number of student members willing to act, then the hearing may proceed, provided that not less than three staff members are present.

3.1.5 The Committee shall appoint a legal assessor to attend all meetings.

3.1.6 The secretary of the Discipline Committee shall normally be a suitable member of administrative staff nominated by the University Secretary.

3.2 Functions

The Discipline Committee shall exercise the disciplinary jurisdiction of the Senatus (i) in cases of appeal from the summary decisions of Authorised Officers, (ii) as a tribunal of first instance in cases of discipline brought to it in accordance with Section 5.1 of this Code.

3.3 Powers to impose penalties

The penalties which may be imposed by the Discipline Committee in exercising its original jurisdiction shall be at the discretion of the Discipline Committee and may include: reprimand; a fine not exceeding such amount as may be prescribed from time to time by the Standing Commission on Discipline; suspension from academic or other privileges for a stated period (which may, in relation to library offences, include suspension from the University Library); rustication; or expulsion from the University; as well as a requirement to make good any damage done in whole or in part.

The Committee may, in relation to an offence connected with an examination or other form of academic assessment: determine that the defender be deemed to have failed all the continuously assessed work or examinations in the subject under investigation in that diet of examinations or have failed the whole diet of examinations in question and in either of these cases receive mark(s) of zero; or the Committee may temporarily suspend a candidate from
the University; or expel the candidate from the University. In reaching a decision on the appropriate penalty in a case of plagiarism, the Committee shall be entitled to consult the Convener of the Board of Examiners.

If a case involving an examination offence is found proved, the Discipline Committee shall after 14 days report the Committee's findings and the sentence to the Convener of the appropriate Board of Examiners. If, however, the defender exercises the right of appeal to the University Court, no report shall be made until such time as the appeal has been decided.

Where a sentence of rustication or expulsion is imposed, the Committee shall state whether the sentence is to take immediate effect, or is to take effect from a specified date, or is to be suspended during a specified period on such conditions as the Committee may impose. Where a sentence of rustication or expulsion is suspended, and the student is not during the period of suspension reported to the Committee as having committed a further breach of discipline and is not in breach of any condition of the suspension, the sentence shall lapse at the end of the period of suspension. Where during the period of suspension the student is alleged to have committed any further breach of discipline or to have been in breach of any condition of the suspension, a written summons requiring the student to appear before the Committee on at least seven days’ notice shall be served on the student. If after giving the student a hearing in accordance with the procedure in section 5 below the Committee is satisfied that the student did commit a further breach of discipline or a breach of any condition of the suspension, the Committee may decide that the sentence of rustication or expulsion previously suspended shall take immediate effect, or may modify the sentence previously imposed, within the powers set out in the first paragraph of this section.

In imposing a penalty on a student pursuing a course leading directly to a qualification which confers authorisation to practise a profession (such as in Medicine, Nursing, Teaching or Veterinary Medicine, for example) the Discipline Committee shall, if appropriate, have regard to the relevance of the misconduct in relation to the student's fitness on graduation to be registered to practise that profession and shall in this connection remit the case to the relevant Fitness to Practise Committee for advice before deciding on the penalty to be imposed.

Part II – Procedure

4. Summary Cases

4.1 Before Authorised Officers

4.1.1 If, in the opinion of the Authorised Officer, the circumstances of the case appear to warrant immediate action in order to minimise the harms resulting from the conduct in question, or where separately published University regulations allow immediate action of this kind, he or she may act accordingly. In all other cases of alleged misconduct as defined in the General Statement, the Authorised Officer shall inform the defender in writing of the details of the alleged offence and shall ask the defender whether he or she accepts the summary jurisdiction of the Authorised Officer or whether he or she elects to have his or her case heard by the Discipline Committee. If the defender elects to have his or her case heard by the Discipline Committee, the case shall be heard in accordance with the procedure contained in Section 5.1.

4.1.2 In hearing a case the Authorised Officer shall give the defender the opportunity of defending himself or herself. The defender may hear and cross-examine any witnesses
giving evidence against him or her and may give evidence and adduce witnesses on his or her own behalf. He or she may be accompanied by a member of the University who will be allowed to speak on his or her behalf. In cases where guilt is admitted or proved, the defender will be informed of the penalty imposed by the Authorised Officer, who may take account of any previous recorded breaches of University discipline admitted by or proved against the defender, and a record of the offence and of the sentence will be filed by the Authorised Officer with the secretary of the Discipline Committee.

4.1.3 Where the defender admits his or her guilt, he or she may appeal to the Discipline Committee against the penalty imposed within fourteen days of being informed of the Authorised Officer's decision.

4.1.4 Where the defender does not admit his or her guilt, he or she may appeal to the Discipline Committee against the finding that an offence has been committed as well as against the penalty imposed within fourteen days of being informed of the Authorised Officer's decision.

4.1.5 Where the Authorised Officer has taken immediate action as envisaged in Section 4.1.1 any appeal which may be intimated by the defender shall not have the effect of suspending or negating such action. In particular, but without prejudice to the general principle, where an order has been made restricting the right of the defender to use University facilities or terminating the occupancy of a room, such order shall remain effective pending the outcome of the defender's appeal. In the case of an order terminating the occupancy of a room, the defender shall be obliged to surrender to the Authorised Officer the key or keys or other means of access to the room, House or Halls of Residence within 24 hours of the order terminating the occupancy with immediate effect of the order having been made by the Authorised Officer or otherwise on the expiry of the period of notice. Failure to do so shall constitute a disciplinary offence.

4.2 On Appeal from Authorised Officers

4.2.1 Written notice of any appeal shall be sent to the secretary of the Discipline Committee and shall state briefly the grounds of the appeal, and whether the defender intends to be legally represented at the hearing. The secretary of the Discipline Committee shall thereupon report the appeal to the Principal.

4.2.2 The secretary of the Discipline Committee shall notify the defender in writing giving seven days' notice of the date and place of hearing of the appeal and the Committee shall have the same powers of postponement, continuation, or adjournment as in Section 5.4.1.

4.2.3 The defender may either be legally represented or accompanied at the hearing by a member of the University who will be allowed to address the Committee.

4.2.4 The Principal shall appoint a member of the University to present the case in support of the summary decision, provided that where the defender invokes his or her right to legal representation, the Principal may appoint a practising advocate or solicitor to present the case.

4.2.5 The secretary of the Discipline Committee shall, as soon as practicable after receiving the defender's notice of appeal, request the Authorised Officer concerned for a full report in writing of the circumstances of the case. A copy of this report will be supplied to the appellant together with notice of the date and place of the hearing as set out in 4.2.2 above.
4.2.6 The appellant shall be allowed to call additional witnesses or present fresh evidence at the discretion of the Committee.

4.2.7 The Committee may call any witness who has given evidence before the officer concerned, or may call before it additional witnesses and may admit new evidence.

4.2.8 The appellant shall be heard first, thereafter the person appointed to present the case, and the appellant may reply. Where witnesses are called, they may be subject to examination, cross-examination, and re-examination by the parties.

4.2.9 All persons except the secretary of the Discipline Committee and the legal assessor shall withdraw while the Committee considers its decision on the appeal.

4.2.10 Where the defender appeals both against the finding that an offence has been committed, and against the penalty imposed, the former appeal shall be heard and determined before the latter appeal is heard. If the Committee rejects an appeal against the Authorised Officer's finding that an offence has been committed, the appellant or his or her representative shall then be heard in support of his or her appeal, if any, against the penalty imposed by the Authorised Officer. In determining his or her appeal against penalty, the Committee may take into account any record of previous breaches of University discipline admitted by or proved against the appellant.

4.2.11 In determining appeals against penalty, the Committee may set aside, vary, or confirm the decision of the Authorised Officer, provided however that the Committee may not impose any penalty or penalties which exceed the limits of the powers of the Authorised Officer.

4.2.12 Appeals from decision of the Discipline Committee lie to the University Court, the procedure being laid down in Section 5.2.

4.2.13 A summary of the proceedings and of any evidence heard will be kept by or on behalf of the Committee, and shall be open to inspection by any member of the Committee present on the occasion concerned.

4.2.14 The Senatus shall be informed, through the Principal, of all cases considered by the Discipline Committee, but not sooner than 14 days after the case has been considered or until after appeal has been made and a decision reached.

5. Serious Cases

5.1 Before Discipline Committee
5.1.1 In any case, where, in the opinion of an Authorised Officer, the gravity of an alleged misconduct appears to warrant it, or where for any other reason he or she considers this course desirable, the Authorised Officer shall refer the case to the Principal. The Principal (or his or her deputy) may:
   (a) authorise proceedings to be brought before the Discipline Committee, or
   (b) request the Authorised Officer to deal with the case, taking into account such advice as the Principal may offer, or
   (c) where the student elects to have his or her case heard before the Discipline Committee in accordance with Section 4.1, the Authorised Officer shall similarly report the matter to the Principal and the Principal shall decide that no proceedings shall be taken or shall authorise proceedings to be brought before the Discipline Committee.
5.1.2 The Principal (or his or her deputy) may suspend or exclude a student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of police investigation, pending the disciplinary hearing or the trial.

(a) Suspension involves a total prohibition on attendance at or access to the University and on any participation in University activities; but it may be subject to qualification, such as permission to attend for the purpose of an examination.

(b) A student who is suspended will not be allowed to graduate.

(c) Exclusion involves selective restriction on attendance at or access to the University or prohibition on exercising the functions or duties of any office or committee membership in the University or the Students' Union, the exact details to be specified in writing.

5.1.3 Suspension should be used only where exclusion from specified activities or facilities would be inadequate.

5.1.4 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

5.1.5 Suspension or exclusion pending a hearing will not be used as a penalty. The power to suspend or exclude under this provision is to protect the members of the University community in general or a particular member or members, or members of the general public. The power shall be used only where the Principal (or his or her deputy) is of the opinion that it is urgent and necessary to take such action. Written reasons for the decision shall be recorded and made available to the student.

5.1.6 No student shall be suspended or excluded unless he or she has been given an opportunity to make representations in person to the Principal (or his or her deputy). Where for any reason it appears to the Principal that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.

5.1.7 In cases of great urgency, the Principal (or his or her deputy) shall be empowered to suspend a student with immediate effect, provided that the opportunities mentioned in paragraph 5.1.6 are given and the matter reviewed within five days.

5.1.8 A decision to suspend, or exclude from academic activities associated with the student's course of study (other than access to the Library), shall be subject to review, at the request of the student, where it has continued for four weeks. Such a review will not involve a hearing or submissions made in person, but the student shall be entitled to submit written representations. The review will be conducted by the Principal where the decision to suspend or exclude has been made by someone else, and by three members of the Court (including at least one academic member and one lay member) where the decision has been made by the Principal.

5.1.9 The Principal or other person who took the original decision shall review the suspension or exclusion every four weeks in the light of any developments and of any representations made by the student or anyone else on his or her behalf.

5.1.10 If the Principal authorises proceedings to be brought before the Discipline Committee, the Principal shall appoint a member of the University's academic staff to act as prosecutor to prepare a concise specification of the charge against the defender before the Discipline Committee. In exceptional circumstances of difficulty or seriousness, the Principal may instead authorise a practising advocate or solicitor to act as prosecutor, and in this case
shall also authorise the cost so far as, in his or her own judgement, is reasonable of providing the defender with similar facilities for his or her defence.

5.1.11 Where the defender himself or herself invokes his or her right to legal representation under Sub-section 5.1.13(c) of this Section, the Principal shall be entitled to authorise a practising advocate or solicitor to act as prosecutor without thereby incurring responsibility for the cost of the defender's representation. If such a defender is found not guilty of the charge, the Discipline Committee shall award the student the expenses reasonably incurred in the conduct of his or her defence.

5.1.12 Where proceedings are authorised to be taken before the Discipline Committee, the secretary of the Discipline Committee shall serve on the defender in person or shall send him or her by recorded delivery a written summons calling upon him or her on seven days' notice to appear before the Discipline Committee at a place and at a time stated. The summons shall contain the specification of the charge prepared by the prosecutor.

5.1.13 Together with the written summons, the defender will receive a notice of any previous breaches of University discipline alleged to have been proved against him or her, and will be notified that:-

(a) he or she should approach his or her Personal Tutor, Programme Director, Warden, or the Students' Representative Council for advice as to procedure and the action which he or she may take;

(b) he or she may call such witnesses in defence as he or she may think fit, and must inform the secretary of the Discipline Committee, at least forty-eight hours in advance of the time of hearing, of the names and addresses of his or her witnesses; any documents which he or she desires to lodge should be submitted at the same time;

(c) he or she may either be legally represented or be accompanied by another member of the University (in the terms of 5.1.10 and 5.1.11 above).

5.1.14 In the event of the defender wishing to admit the charge, he or she may do so in writing to the secretary of the Discipline Committee. He or she may then be required to appear before the Committee for the imposition of a penalty.

5.1.15 If the defender wishes to challenge the relevancy of the charge or its competency, he or she must do so in writing to the secretary of the Discipline Committee at least 48 hours in advance of the time fixed for the hearing, and this shall be the first question to be decided by the Discipline Committee at that hearing. If the relevancy and competency of the charge are sustained, the Discipline Committee shall thereafter proceed to hear the charge.

5.1.16 If the defender does not appear on the date appointed and the Discipline Committee is satisfied that he or she has received due notice to appear, the Discipline Committee may proceed to deal with the charge and, if it is found to be proved, impose the appropriate penalty in his or her absence.

5.1.17 In the event of the defender denying the charge, the case against him or her will be presented by the prosecutor. The names and addresses of witnesses to be called in support of the charge and copies of any documents lodged with the Committee by the prosecutor shall have been made available to the defender at least three clear days before the hearing.

5.1.18 The evidence on behalf of the defender (should he or she wish to give or tender evidence) will then be heard.
5.1.19 Both the prosecutor, and the defender or his or her representative may examine, cross-examine, and re-examine witnesses.

5.1.20 Both the prosecutor and the defender or his or her representative may make a final address, the defender or his or her representative having the last word.

5.1.21 All persons except the secretary of the Discipline Committee and the legal assessor shall withdraw while the Committee considers its decision.

5.1.22 If the Committee finds the charge proved, the defender or his or her representative shall be heard in mitigation before a penalty is imposed. In determining the penalty, the Committee may take into account any record of previous breaches of University discipline, of which notice has been given to the defender as provided in Sub-section 5.1.13 of this Section and which are admitted by or proved against him or her.

5.1.23 The Discipline Committee may extend the time for intimating names of witnesses or submitting documents, and may adjourn, continue, or postpone a hearing on cause shown or at its discretion.

5.1.24 In all cases a summary of the proceedings and the evidence heard will be kept by or on behalf of the Committee. Where a defender wishes to appeal against the Discipline Committee's decision, or where he or she so requests, the Discipline Committee shall provide him or her with a full, written statement of the reasons for the decision.

5.1.25 The Senatus shall be informed, through the Principal, of all cases considered by the Discipline Committee, but not sooner than 14 days after the case has been considered or until appeal has been made and a decision reached.

5.2 On Appeal from the Discipline Committee

5.2.1 The defender may appeal within fourteen days from the decision of the Discipline Committee (in writing, to the University Secretary) for a hearing by the University Court. The appeal may be either against the finding that an offence has been committed or against penalty or against both and should state briefly the grounds on which it is made.

5.2.2 When an appeal has been notified, the Court will summon the appellant to a hearing, giving at least fourteen days' notice. At the same time, the appellant will be informed that he or she may either be legally represented or accompanied by a member of the University, and the University Secretary shall give notice of the appeal to the Principal. The University Court shall decide, in the case of each appeal, whether it will sit as a full Court or as a Committee of Court reporting to the full Court.

5.2.3 The Principal shall appoint a member of the University's academic staff to present the case in support of the Discipline Committee's decision, provided that, where the appellant invokes his or her right to legal representation, the Principal may appoint a practising advocate or solicitor to present the case (the member of academic staff or the practitioner being hereinafter referred to as the prosecutor).

5.2.4 The appellant will be furnished with a copy of the summary of the proceedings of the Discipline Committee and of the summary of any evidence heard by that Committee. The Discipline Committee may prepare its own report for the Court, in addition to the summary of proceedings, with such comments as it may wish to make on the credibility and reliability of evidence. This report will also be made available to the appellant at least fourteen clear days before the date set for the hearing.
5.2.5 The University Court has power on cause shown to permit the appellant to call or present additional evidence in which event the prosecutor may call or present further evidence to meet any new or additional issues raised by the appellant.

5.2.6 At the hearing, the appellant will be the first party to address the Court.

5.2.7 The prosecutor will then present the case for upholding the decision of the Discipline Committee, and the appellant will be entitled to reply.

5.2.8 Where additional witnesses are called they may be subject to examination, cross-examination and re-examination, on behalf of the parties.

5.2.9 The appellant and anyone representing or accompanying him or her, and the prosecutor, will withdraw while the Court considers its decision, but will return to hear the decision.

5.2.10 In the case of an adverse decision (except in appeals solely against penalty), the appellant and anyone representing or accompanying him or her may make a plea in mitigation of sentence.

5.2.11 The University Court has power to confirm, set aside, or vary a decision of the Discipline Committee or to confirm, set aside, or vary any penalty imposed by the Committee.

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