

# OXFORD UNIVERSITY GAZETTE



## DISCIPLINARY AND RELATED REGULATIONS

SUPPLEMENT (2) TO NO. 4630

WEDNESDAY, 24 JULY 2002

### CHANGES IN REGULATIONS

Among the new University Statutes which have been approved by Her Majesty in Council to replace the existing Statutes with effect from 1 October 2002 are: Statute IX, section 22 of which (see Supplement (1) to *Gazette* No. 4601, 7 November 2002, p. 322) continues the existing power of the Proctors to investigate complaints (Tit. IX, Sect. vi, § 3, cl. 5, *Statutes*, 2000, p. 68); Statute XI, concerning university discipline (*Gazette*, p. 324), which supersedes the present Title XIII (*Statutes*, 2000, p. 97); Statute XII (*Gazette*, p. 331), concerning academic staff and the Visitation Board, which continues the existing provisions of Tit. VIII, Sect. i and the University Commissioners' Statute, Title XVII (*Statutes*, 2000, pp. 53, 171); Statute XIII, Part B of which, concerning student members and medical incapacity (*Gazette*, p. 340), supersedes the present Title XIV (*Statutes*, 2000, p. 109); and Statute XVII, concerning the resolution of disputes over the interpretation or application of statutes and regulations (*Gazette*, p. 346), which supersedes the present arrangements under Tit. I, cl. 2 (*Statutes*, 2000, p. 3).

All these new statutes require, in the interests of natural justice, that detailed procedures ensuring due process in full conformity with the requirements of the Human Rights Act 1998 should be clearly and comprehensively set out in regulations. The following Council Regulations 31–42 of 2002, Information and Communications Technology Committee Regulations 1 of 2002, Libraries Curators Regulations 1 of 2002, Rules Committee Regulations 1 of 2002, and Proctors' Regulations 1 of 2002 have been made to fulfil that requirement.

Council Regulations 31 and 32, respectively concerning the investigation by the Proctors of complaints and disciplinary investigations by the Proctors, provide by regulation for procedures adapted from those which have previously followed informal custom and practice.

Council Regulations 33, concerning fines imposed under Statute XI, supersede Decree (3) of 11 October 2001 (*Gazette*, p. 188).

Council Regulations 34–7 provide for the procedures of each of the four Courts of the University. The Court of Summary Jurisdiction is new. Council Regulations 35 and 37, respectively concerning the Disciplinary Court and the Appeal Court, supersede the relevant clauses of the present Title XIII and Schedules II and III to that Title, and Ch. XI, Sect. II, § 3 (*Statutes*, 2000, pp. 97, 106, 107, 775). Council Regulations 36, concerning the Visitation Board, supersede the present Ch. XI, Sect. II, §§ 1 and 6 (pp. 769, 777).

Council Regulations 38–9, respectively concerning the Medical Boards for academic and other staff and for student members of the University, supersede the present Ch. XI, Sect. II, § 2 (p. 772) and the relevant clauses of the present Title XIV (p. 109).

Council Regulations 40 and 41, respectively concerning the Grievance Committee and the appointment of alternates, supersede the present Ch. XI, Sect. II, §§ 4 and 5 (p. 777).

Council Regulations 42, concerning the Rules Committee, supersede the present Tit. XIII, Schedule I (p. 104).

The Information and Communications Technology Committee and the Curators of the University Libraries are required to make regulations governing the use of the IT facilities and the use of the library facilities respectively under their aegis, a breach of which will constitute a disciplinary offence under section 2 (2) of Statute XI (*Gazette*, p. 325). They have now done so, and their regulations are set out below.

Rules Committee Regulations 1 supersede that committee's previous regulations as published annually in the *Gazette*. Those set out below are the regulations for 2002–3 resulting from the amendments approved by the committee to the regulations for 2001–2 published on 22 March 2001 (*Gazette*, Vol. 131, p. 789) and further amendments which have subsequently been made by the Proctors and which are therefore subject to confirmation by the committee under section 5 of Statute XI (*Gazette*, p. 325).

Finally, Proctors' Regulations 1 replace those of the existing Proctors' Regulations for Conduct at Examinations which have been designated by Council as disciplinary for the purposes of section 6 (2) of Statute XI (*Gazette*, p. 325; see *Examination Decrees*, 2001, pp. 1036–8, cll. (iv), (vi)–(viii), (x)–(xiii), (xv), (xvi), and (xviii)).

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The existing decrees which will be superseded by these various regulations are repealed by Decree (5) of 25 July 2002 (*Gazette*, p. 1545).

The regulations will come into effect (i.e. will be formally enacted) on **9 August** and will be effective (i.e. will apply in place of the existing legislation) from **1 October 2002**.

Council Regulations are also required to govern investigations by the Registrar under section 46 of Statute XI (*Gazette*, p. 330) into complaints made by a person or body having charge of university land, buildings, facilities, or services against a person other than a student member of the University. Such regulations will be published at a later date.

### Council Regulations 31 of 2002

#### REGULATIONS FOR THE INVESTIGATION BY THE PROCTORS OF COMPLAINTS UNDER SECTION 22 OF STATUTE IX

*Made by Council on 24 July 2002*

1. References to sections in these regulations are to sections of Statute IX unless stated otherwise, and references to colleges shall include colleges, societies, Permanent Private Halls, and other institutions designated by Council by regulation as being permitted to present candidates for matriculation.
2. The Proctors shall lay down and publish annually, and update as necessary, guidance and procedures governing the investigation of complaints by members of the University brought to their attention under the provisions of section 22.<sup>1</sup>
3. The procedures shall be in two parts, namely:
  - (1) procedures for complaints which constitute appeals from a decision relating to an academic matter which has been taken by an academic committee or other body; and
  - (2) procedures for other complaints, except those set out in regulation 5 below.
4. The procedures shall be drawn up in consultation with relevant university bodies and shall be approved by Council before publication.
5. The Proctors shall not undertake investigations under these regulations in relation to the following:
  - (1) staff grievances in respect of which procedures are provided in the staff handbook for the category of staff concerned, or any staff grievance to which Part F of Statute XII applies;
  - (2) complaints concerning an individual's relationship with his or her college, which shall be made under the relevant college procedures;
  - (3) allegations of breaches of the Code of Discipline set out in Statute XI, which shall be investigated by the Proctors under regulations made under that statute;
  - (4) complaints or allegations to which procedures under the University's Codes of Practice on Fraud, Public Interest Disclosure, or Academic Integrity in Research apply.
6. The Proctors shall ensure, in consultation with the University's Equal Opportunities Office, that published procedures accord with codes of practice and policies concerning equality of opportunity or treatment published by the University or by relevant government bodies for application to the higher education sector.
7. If an individual is dissatisfied with the outcome of an investigation by the Proctors, he or she may make an appeal in writing to the High Steward setting out the reasons for the appeal.
8. (1) If an individual is dissatisfied with the progress of an investigation by the Proctors, he or she may request the Proctors to give, within twenty-eight days of the date of the request, a written report on the progress they have made.  
(2) If he or she is dissatisfied with the report, he or she may appeal in writing to the High Steward.
9. Any appeal under regulation 7 or regulation 8 (2) above shall be delivered to the Registrar within twenty-eight days of the date of the Proctors' determination or report.
10. (1) The Registrar shall be entitled to reject appeals that are, on the face of it, trivial or vexatious.  
(2) In all other cases, the Registrar shall refer the appeal to the High Steward under the provisions of regulations 11–13 below.
11. The High Steward shall consider any appeal referred to him or her by the Registrar under regulation 10 (2) above and may appoint another suitably qualified individual or individuals to act in his or her place.
12. The procedure to be adopted shall be determined by the person or persons considering the matter, giving due regard to the principles of natural justice.
13. The High Steward or his or her appointee or appointees shall consider the appeal expeditiously and shall deliver his or her or their decision in writing together with reasons for the decision.
14. The Proctors shall prepare an annual report to Council setting out the number and type of complaints considered by the Proctors, the time taken to investigate and adjudicate each complaint, and, in general terms, the outcome.

<sup>1</sup> The current procedures laid down by the Proctors are set out below.

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## **Procedures for Handling Complaints (including academic appeals) submitted to the Proctors**

*These procedures are laid down and published under regulations made under the provisions of section 22 of Statute IX, a copy of which is annexed to these procedures.<sup>1</sup>*

Under the provisions of the University's statutes, the Proctors 'shall be available for consultation by members of the University and may investigate complaints'. Any member of the University wishing to seek informal advice from the Proctors or the Proctors' Office may make an appointment through the Clerk to the Proctors (tel: 280190). The Proctors are elected by the colleges in rotation and are seconded from their normal teaching or administrative duties for the duration of their year in office. They have a general responsibility to ensure that the University's statutes are upheld; this includes a specific responsibility to see that examinations are properly conducted and in accordance with the statutes and regulations concerning them. As part of the process of investigating complaints, the Proctors may summon any member of the University to appear before them. By custom, the Junior Proctor takes the lead role in dealing with complaints relating to taught-course examinations, while the Senior Proctor takes the lead role in dealing with complaints relating to research degree candidatures and examinations.

Formal complaints will be dealt with in accordance with the following procedures.

### **What the procedures cover**

1. The procedures set out below relate to complaints concerning a student's relationship with the University or with clubs, societies, or other organisations which are subject to the supervision of the Proctors.
2. The procedure under Part A may be used to pursue complaints about matters concerning teaching and learning (e.g. teaching facilities, supervision arrangements, etc.), and non-academic issues (e.g. support services, library services, university accommodation, university clubs and societies, etc.). It does not cover appeals and other matters referred to below. A complaint to the Proctors under Part A should be made only if attempts at an informal resolution, or under local complaints procedures published by the department, faculty, or unit in question, are unsuccessful.
3. The procedure under Part A may also be applied in the event of complaints by members of staff.
4. The procedure under Part B may be used where a student or a member of staff wishes to challenge a decision relating to an academic matter which has been made by an academic committee or body ('an academic appeal'). It should be noted that the Proctors are empowered to consider complaints about the process that has led to a decision being made by an academic body such as a board of examiners, faculty board, or graduate studies committee (e.g. that an administrative or procedural error may have occurred, that there has been bias or inadequate assessment in the examination process, that the examiners failed to take into account special factors affecting a candidate's performance).

### **What the procedures do not cover**

5. The procedures do not cover staff grievances in respect of which procedures are provided in the staff handbook for the category of staff concerned, or any staff grievance to which Part F of Statute XII applies.
6. The procedures do not cover complaints concerning an individual's relationship with his or her college, which shall be made under the relevant college procedures.
7. The procedures do not cover allegations of breaches of the Disciplinary Statute and Regulations, which must be investigated by the Proctors under regulations made under that statute.
8. The procedures do not cover complaints or allegations to which procedures under the University's Codes of Practice on Fraud, Public Interest Disclosure, or Academic Integrity in Research apply. (Copies of the University's Policies and Codes of Practice in relation to Harassment, Equal Opportunities, Race Equality, Academic Integrity in Research, Public Interest Disclosure, and Fraud may be obtained from the Clerk to the Proctors, or accessed respectively on: [www.admin.ox.ac.uk/eop/har/code.shtml](http://www.admin.ox.ac.uk/eop/har/code.shtml); [www.admin.ox.ac.uk/eop/eopolicy.shtml](http://www.admin.ox.ac.uk/eop/eopolicy.shtml); [www.admin.ox.ac.uk/eop/rraa/rraaeop.shtml](http://www.admin.ox.ac.uk/eop/rraa/rraaeop.shtml); [www.admin.ox.ac.uk/rso/policy/conduct.shtml](http://www.admin.ox.ac.uk/rso/policy/conduct.shtml); [www.admin.ox.ac.uk/ps/codes/hcdoc040.shtml](http://www.admin.ox.ac.uk/ps/codes/hcdoc040.shtml); [www.admin.ox.ac.uk/finance/finregs/finregs.shtml#\\_toc491147745](http://www.admin.ox.ac.uk/finance/finregs/finregs.shtml#_toc491147745).)
9. The procedures do not cover appeals against decisions made by the Proctors under the relevant Examination Regulations in cases where they have been asked to approve special arrangements (e.g. on grounds of ill health) or to give a dispensation in respect of the academic progress or examination of an individual candidate. These should be made to the Chairman of the Educational Policy and Standards Committee of Council. Information is available from Senior Tutors and college offices.
10. The Proctors are not empowered to challenge the academic judgment of examiners or academic bodies.

### **Access to personal data**

11. Any complainant is entitled to request access to personal data held in relation to the investigation under the provisions of the Data Protection Act 1998. Access request forms may be obtained from the Data Protection Officer, University Offices, Wellington Square, or may be accessed in the University's website ([www.admin.ox.ac.uk/councilsec/oxonly/dp/policy.shtml](http://www.admin.ox.ac.uk/councilsec/oxonly/dp/policy.shtml)). Complainants should note that there are some exceptions to the right of access, and in particular that access may in some circumstances be restricted by virtue of the duty of confidentiality owed to third parties.

<sup>1</sup> See p. 1510.

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## Appeals

12. Any appeal to the High Steward against a decision of the Proctors, or to express dissatisfaction with a report by the Proctors on the progress they have made, should be made in writing to the Registrar within twenty-eight days of the determination or report concerned. Copies of regulations for the consideration of such appeals may be obtained from the Clerk to the Proctors.

## PART A

### Procedure applying to complaints about matters concerning teaching and learning and non-academic issues

13. Any reference in these procedures to the Proctors includes a Proctor acting alone and any person appointed under paragraph 16 below.

14. Complaints and appeals will be treated seriously and may be made without fear of recrimination.

15. No one investigating a complaint shall have had any prior involvement in the matter in hand, conflict of interest in dealing with the complaint, or vested interest in the outcome.

16. If there has been prior involvement by one or both of the Proctors another individual or individuals will be appointed by the Vice-Chancellor to act in their place, who shall have the same powers of investigation and determination as the Proctors.

17. The Proctors may call on any person in or outside the University to provide specialist assistance in their investigations.

### *Confidentiality*

18. Complaints will be dealt with in a confidential manner. All those who are involved in procedures for investigating an allegation, including witnesses, representatives, and persons providing evidence and/or advice, have a duty to maintain confidentiality. For a complaint to be investigated fully, however, and action taken, it will be necessary to disclose the identity of the person making a complaint to the person or body who is the subject of the complaint and to others directly involved.

### *Malicious or vexatious allegations*

19. If malicious or vexatious allegations are made, disciplinary action may be taken against the individual concerned.

### *Procedure*

20. Complaints should be made in writing. When making a written complaint, it is helpful to give as much information as possible and set out the precise details of the complaint that is being made. This should explain the steps that have been taken to pursue the complaint, mention any discussions that have already been held about the matter, attach copies of any earlier correspondence, and state clearly what remedy, if any, the complainant is seeking. Advice may be sought from sources such as OUSU, student common room, or trade union officers, before making a written complaint.

21. Complaints shall be investigated fairly and expeditiously.

22. Complaints will be logged on receipt and complainants will be invited to provide details of their ethnic origin, to facilitate monitoring under the University's equal opportunities policies. Information about ethnic origin will be kept securely and separately unless it is pertinent to the complaint under consideration.

23. If at any time in the course of an investigation under this procedure the Proctors decide that the matter should properly be considered under the disciplinary procedure applicable to the person or persons in question, then the matter shall be referred for consideration under that procedure and the complainant shall be informed accordingly.

24. The receipt of a written complaint will normally be acknowledged within five working days. If the Proctors take the view that the complainant has not taken sufficient steps to resolve the complaint at a local level, they may advise the complainant to do so before they agree to proceed further under these procedures.

25. If the complaint is trivial or repeats in substance a complaint already made and determined, the Proctors may decline to consider it.

26. The Proctors may invite the complainant to attend a meeting to discuss the matter (or the complainant may request a meeting).

27. Any individual(s) who is (are) the subject of a complaint will be given details of the complaint and will be given a reasonable period in which to respond to matters covered in the complaint. That period will normally be ten days, but may be extended at the request of the individual(s) or body concerned. The individual(s) or body or the Proctors may request a meeting to discuss the complaint.

28. Any individual attending a meeting with the Proctors under these procedures may be accompanied by a member of Congregation or, in the case of a member of staff, by a representative of his or her trade union or, in the case of a student member, by another student member of the University.

29. Notes of any interview will be available for inspection by the interviewee(s).

30. Complainants and individuals or bodies who are the principal subject of the complaint will be kept informed of the progress of the investigation.

31. The Proctors will determine the complaint as quickly as is consonant with a thorough investigation of the matter, and normally within not more than thirty working days of receipt of a written complaint. The timescale may be extended

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in cases of complexity or where a factor is beyond control of the Proctors (e.g. the non-availability in Oxford of key contributors to an investigation).

32. The complainant will be provided with a written determination, which will summarise the investigation that has been carried out and the reasons for the decision reached. The outcome will also be notified to any individual who is the subject of a complaint and to those bodies within the University which need to be aware of the determination.

33. Where a complaint is upheld, the Proctors will indicate what, if any, steps should be taken by the responsible body to ameliorate the matter complained of. If the responsible body is unable or unwilling to act, the Proctors may refer the matter to Council.

34. If the complainant wishes to seek clarification of the Proctors' decision or to raise further matters, the Proctors will normally provide an opportunity for him or her to do so. At their discretion, the Proctors may reopen the case in the light of new information.

35. If the complainant at any point withdraws his or her complaint, the Proctors may at their discretion continue their investigation of matters complained about.

## **PART B**

### **Procedure applying to complaints concerning academic appeals**

#### *Appeals concerning university examinations for taught courses*

36. Any concern about the conduct of a taught-course examination should be discussed in the first instance between the student and his or her college authorities, subject tutor, course director, supervisor, or, where appropriate, the relevant director of graduate studies.

37. Concerns about the conduct of an examination must not be raised directly with the examiners, even in the form of enquiries about factual information. Examiners are instructed to refer all such communications to the Proctors.

38. It is open to a student, to a supervisor, or to college authorities acting on his or her behalf, or to any staff member of the University who has concerns about the conduct of an examination, to make formal representations to the Proctors.

39. Any representation made by a student must be submitted through the Senior Tutor of his or her college, whether or not it has the Senior Tutor's support.

40. Complaints concerning taught-course examinations will normally be considered by the Junior Proctor.

41. Complaints about examinations must be made to the Proctors in writing, giving as much information as possible and setting out precise details. Complaints sent to local academic bodies or the Graduate Studies Office will be forwarded immediately to the Proctors.

42. If the matter raised is one that can be resolved readily (e.g. by checking that all a candidate's scripts have been accounted for and marked, or that marks have been accurately processed) the Proctors will make the necessary enquiries on the candidate's behalf and inform the candidate via his or her college without undertaking a full investigation under these procedures. If the Proctors are subsequently informed in writing that the complainant remains dissatisfied, then they will consider undertaking a full investigation.

43. When investigating a complaint about a taught-course examination, the Proctors will normally obtain information and/or comment from the chairman or other senior representative of the responsible academic body (such as board of examiners, faculty board, or graduate studies committee). Where appropriate they will also obtain information and/or comment from other individuals or officers responsible for the administration of the examination that is the subject of the complaint (e.g. the Clerk of the Schools).

44. Complaints must be submitted to the Proctors as soon as possible and not later than six months after the notification of the results of the examination concerned. (The time-limit is necessary because after six months relevant records may cease to be available.)

45. The Proctors will also send notice of the receipt of a complaint to the chairman of the responsible academic body concerned, to the responsible officer of the candidate's college, and to the candidate's supervisor(s).

46. Subject to paragraphs 36–45 above, the procedure for consideration of the appeal will be as set out in Part A.

47. The Junior Proctor will report annually to Council's Educational Policy and Standards Committee about the number and nature of complaints investigated.

#### *Appeals concerning higher degrees involving research*

48. Any concern about the examination of a research student should be discussed in the first instance between the student and his or her college authorities, supervisor, or a departmental officer such as the relevant director of graduate studies.

49. Concerns about the conduct of an examination must not be raised directly with the examiners, even in the form of enquiries about factual information. Examiners are instructed to refer all such communications to the Proctors.

50. It is open to a student, to a supervisor, or to college authorities acting on his or her behalf, or to any staff member of the University who has concerns about the conduct of an examination, to make formal representations to the Proctors.

51. Concerns about the procedures for, or the outcome of, exercises such as transfer or confirmation of status, or other matters affecting a student's candidature (e.g. quality of supervision), may also be referred to the Proctors, but should

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normally be raised in the first instance with his or her college authorities or a departmental officer such as the relevant director of graduate studies. Candidates should not make direct approaches to the assessors of their work. If a student is not satisfied with the action taken to deal with his or her concerns, the matter can next be referred to the head of the division of which the faculty or department forms a part.

52. Complaints concerning higher degrees will normally be considered by the Senior Proctor.

53. Complaints must be submitted to the Proctors as soon as possible and not later than twelve months after the notification of the results of the examination concerned. (The time-limit is necessary because after twelve months relevant records may cease to be available.)

54. The Proctors will also send notice of the receipt of a complaint to the chairman of the responsible academic body concerned, to the responsible officer of the candidate's college, and to the candidate's supervisor(s).

55. Subject to paragraphs 48–54 above, the procedure for consideration of the appeal will be as set out in Part A.

56. The Senior Proctor will report annually to Council's Educational Policy and Standards Committee about the number and nature of complaints investigated.

### **Council Regulations 32 of 2002**

#### **REGULATIONS FOR DISCIPLINARY INVESTIGATIONS BY THE PROCTORS UNDER STATUTE XI**

*Made by Council on 24 July 2002*

1. In these regulations:

- (1) references to sections are to sections of Statute XI unless otherwise stated;
- (2) references to colleges shall include colleges, societies, Permanent Private Halls, and other institutions designated by Council by regulation as being permitted to present candidates for matriculation;
- (3) 'student' means a student member of the University;
- (4) where notice has to be given a specified number of 'clear days' before an interview or hearing, the day of receipt of the notice and the day of the interview or hearing shall be excluded from the calculation;
- (5) any notice sent by the Proctors shall be deemed to arrive on the day after dispatch, unless the contrary is proved.

#### **General Provisions**

2. Regulations 1–11 inclusive shall apply to the Proctors in the exercise of their powers and duties under sections 30, 31, 32, 42, 43, and 46.

3. Any investigation undertaken under these regulations shall be carried out:

- (1) with all reasonable expedition; and
- (2) in a manner which is just, fair, and reasonable in the light of all the circumstances.

4. The Proctors may make enquiries through their staff or any other appropriate person as to the circumstances of the matter under investigation.

5. If at any time the Proctors, in consultation with the University Marshal, are of the opinion that evidence available appears to disclose the commission of a serious criminal offence, they shall seek the views of the appropriate police force before proceeding further internally.

6. In the light of details disclosed in the initial investigation and any further enquiries, the Proctors shall take steps to interview or otherwise request information from individuals connected with the matter alleged, or request their staff or any other appropriate person to conduct interviews on the Proctors' behalf, and assemble such material as may be relevant as evidence.

7. (1) Any interview shall be contemporaneously recorded.

(2) If the interview is recorded in writing, both the student and his or her representative shall be invited to sign the record as the record taken at the interview; should this be declined, the investigator shall endorse the record that this facility has been offered and declined.

(3) If the interview is tape recorded, the investigator shall have regard to and follow so far as they are appropriate the procedures laid down under the Police and Criminal Evidence Act 1984.

8. Any individual invited for interview by the Proctors may be accompanied by another person.

9. Where the Proctors intend to interview a student who is suspected of committing an offence they shall, except in urgent cases, send a notice to the student at least four clear days before the date of the interview stating the date, time, and place and sufficient other particulars to identify the alleged offence.

10. At the start of the interview the student shall be advised:

(1) that he or she does not have to answer any questions, but that anything that he or she does say may be used by the Proctors in evidence against him or her;

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(2) that any refusal to answer a question may be taken into account in determining his or her guilt or innocence of the offence alleged.

11. If, in the course of an interview, a student who was not a suspect discloses evidence that he or she might have committed the offence in question or any other offence, the Proctors shall adjourn to consider whether that is indeed the case, and if so shall caution the student as in regulation 10 above before proceeding further.

#### **Exercise of Summary Jurisdiction under section 34**

12. In any case in which the Proctors consider that it may be appropriate to exercise their powers under section 34, they shall send a notice to the student:

- (1) informing him or her of the charge against him or her, identifying by reference to the relevant provision in Statute XI the act or omission alleged to constitute the offence;
- (2) giving full particulars of the charge, including the date and place at which the offence is alleged to have taken place;
- (3) explaining to him or her the powers of the Proctors under section 34, including the sanctions available, and the right of appeal;
- (4) explaining to him or her the alternative procedures of referral to the Court of Summary Jurisdiction and/or the Disciplinary Court, the sanctions available, and the rights of appeal;
- (5) asking the student whether he or she wishes to admit the alleged breach, and, if so, whether he or she wishes the matter to be disposed of by the Proctors under section 34 instead of being referred to the Court of Summary Jurisdiction or the Disciplinary Court;
- (6) asking the student to reply to the Proctors in writing within seven days of the sending of the letter;

and the Proctors shall annex to the notice a copy of these regulations.

13. Where a student has agreed in writing to the matter being disposed of under section 34, the procedure shall be as follows:

- (1) the Proctors shall notify the student in writing of the date of the hearing, giving at least two clear days' notice;
- (2) the student may apply for an adjournment of the hearing, which the Proctors may grant if they consider it reasonable to do so;
- (3) the Clerk to the Proctors shall read out the charge;
- (4) one of the Proctors shall ask the student whether he or she understands the charge;
- (5) if the student confirms that he or she understands the charge, one of the Proctors shall provide a brief summary of the case and ask the student whether he or she admits the offence;
- (6) if the student admits the offence, he or she shall be invited to make a plea in mitigation of the offence and may call witnesses relevant to sentence;
- (7) The student shall be asked to withdraw while the Proctors consider the sentence;
- (8) the Proctors shall announce the sentence;
- (9) where a fine is to be imposed, it shall be paid within seven days to the Clerk to the Proctors;
- (10) if the student appeals to the Court of Summary Jurisdiction, he or she may apply to the Proctors or to that Court under section 45 (1) for an order suspending or deferring the payment of such a fine;
- (11) the Proctors shall be responsible for ensuring that a written record of the proceedings is made;
- (12) the Proctors shall send to the student and the Dean of the student's college a written record of the offence to which he or she has pleaded guilty, the sentence imposed, and the reasons for the sentence.

#### **Referral of Charges for Consideration by the Court of Summary Jurisdiction or the Disciplinary Court under section 32**

14. In any other case, proceedings shall be instituted by the Proctors by delivery to the Clerk of the Court of Summary Jurisdiction or the Disciplinary Court a summons which shall include, by reference to the relevant offence or offences specified in sections 2, 6, or 7:

- (1) the act or acts or omission or omissions alleged to constitute the offence;
- (2) the date or dates or approximate date or dates on which or between which each offence is alleged to have been committed;
- (3) where relevant, the time and place at which each offence is alleged to have been committed;
- (4) where relevant, the person or property alleged to have been affected by each offence.

15. Not less than seven clear days before the date of the hearing the Proctors shall send to the Clerk of the relevant Court copies of all statements and any other evidence obtained in the course of their investigation.

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## **Council Regulations 33 of 2002**

### **REGULATIONS FOR FINES IMPOSED UNDER STATUTE XI**

*Made by Council on 24 July 2002*

1. The amount of the maximum fine (excluding compensation) which the Court of Summary Jurisdiction may impose under section 11 (1) (a) of Statute XI shall be £500.
2. The amount of the maximum fine which the Proctors may impose under section 34 (3) (a) of Statute XI shall be £70.
3. The maxima laid down in regulations 1 and 2 above shall apply until 30 September 2005.

## **Council Regulations 34 of 2002**

### **REGULATIONS FOR THE COURT OF SUMMARY JURISDICTION**

*Made by Council on 24 July 2002*

#### **Part 1**

##### **General**

#### **1.1. In these regulations:**

- (1) references to sections are to sections of Statute XI unless otherwise stated;
- (2) references to colleges shall include colleges, societies, Permanent Private Halls, and other institutions designated by Council by regulation as being permitted to present student members for matriculation; and
- (3) 'the Court' means the Court of Summary Jurisdiction.

#### **1.2. The Registrar shall appoint a person to act as Clerk to the Court ('the Clerk').**

#### **Part 2**

##### **Sittings**

2.1. The Court shall sit on the Friday of the third and sixth weeks of each Full Term and on such other day or days as the Chairman or a Vice-Chairman deems to be necessary.

2.2. The Clerk shall be responsible for making such arrangements as are necessary for each sitting, and for publishing the dates for each term.

2.3. The Clerk shall invite three members of the Court to constitute a sitting for the purpose of these regulations, which members shall include at least one of the Chairman or Vice-Chairmen.

2.4. If the Clerk has not received notification of any business for consideration by the Court forty-eight hours before a listed hearing, then he or she shall notify the Court and the Clerk to the Proctors that the date has been vacated.

#### **Part 3**

### **Consideration of Charges referred by the Proctors under section 32**

#### *Preparation*

3.1. On delivery to the Clerk of a summons by the Proctors under section 32, the Clerk shall notify the student charged in writing that the matter has been referred to the Court by the Proctors and shall send to him or her the summons stating, by reference to the relevant provisions of Statute XI:

- (1) the act or acts or omission or omissions alleged to constitute the offence;
- (2) the date or dates or approximate date or dates on which or between which each offence is alleged to have been committed;
- (3) where relevant, the time and place at which each offence is alleged to have been committed;
- (4) where relevant, the person or property alleged to have been affected by each offence.

#### **3.2. The Clerk shall annex to the statement:**

- (1) copies of any material (including witness statements) on which the Proctors intend to rely;
- (2) a copy of Statute XI and any regulations made under it which are relevant to the charge; and
- (3) a copy of these regulations.

3.3. The Clerk shall set the date of the hearing and shall give interested parties at least seven clear days' notice in writing of the date and time appointed for the hearing.

3.4. Notice under regulation 3.1 above shall be addressed to the student charged and sent to the student's college and his or her last notified address (if different).

3.5. The Proctors or the student charged may at any time apply in writing to the Clerk for an adjournment of the hearing and the Chairman or a Vice-Chairman may accede to or refuse an adjournment.

3.6. The Chairman or a Vice-Chairman shall have power, if he or she judges it to be advisable, to cancel a proposed hearing at any time before it has begun and substitute alternative arrangements.



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- 3.7. The Chairman or a Vice-Chairman shall have power to strike out proceedings on grounds of non-prosecution.
- 3.8. Any hearing shall take place within one month of the date of the summons unless the Chairman or a Vice-Chairman is satisfied that there are reasonable grounds for further delay.
- 3.9. A party who intends to be represented by another person shall as soon as possible inform the Clerk of the name, address, and telephone number of the representative appointed.
- 3.10. (1) It shall be open to any party to apply to the Chairman for directions on matters of procedure including:
- (a) the provision by the Proctors of further information concerning the charge;
  - (b) disclosure by the student charged of the evidence (including, if appropriate, witness statements) on which he or she intends to rely at the hearing; and
  - (c) amendment of the summons to add, omit, or vary a charge on such terms as are fair and reasonable in the circumstances.
- (2) Any application shall be made in the first instance to the Clerk.
- (3) If there is no objection from the other parties, the Chairman or a Vice-Chairman may make the required order without an oral hearing.
- (4) If the application is contested, or if the Chairman or a Vice-Chairman believes that the circumstances justify a hearing, he or she may refer the application to a hearing by the Court.
- 3.11. The Court may direct that charges against more than one person shall be heard together, due regard being given to the principles of justice and fairness.
- 3.12. The case against the student or students charged shall be presented by one of the Proctors or another person as provided in section 33.
- 3.13. (1) If the Proctors are of the opinion that the case should be presented by a solicitor or barrister who is not a member of Congregation, they shall consult with the Legal Services Office.
- (2) In making their decision, they shall take into account all relevant factors including:
- (a) the nature and complexity of the case; and
  - (b) whether the student charged is represented and if so by whom.
- 3.14. References in these regulations to the Proctors shall include, where the context so requires, any other person appointed to present the case.
- 3.15. The student charged shall be entitled to be represented by another person, who need not be legally qualified, and in that case references to the student charged shall include, where the context so permits, the student's representative.

#### *Hearing*

- 3.16. (1) The onus of proof shall be on the Proctors.
- (2) The standard of proof shall be the civil standard, namely the balance of probabilities.
- 3.17. The charge shall be read by the Clerk, and the student charged shall be asked to state whether he or she admits the offence.

#### *Admission of guilt*

- 3.18. If the student charged admits the offence, then
- (1) the Proctors shall provide a brief summary of the case including their submission as to the appropriate level of penalty;
  - (2) the student charged shall be entitled to call witnesses whose evidence is relevant to sentence and make a plea in mitigation of the offence;
  - (3) if the student charged calls witnesses, the Proctors may call evidence in reply; and
  - (4) the Court shall adjourn to determine the appropriate sentence by reference to its powers under section 11 and announce the sentence at the hearing.

#### *Denial of guilt*

- 3.19. If the student charged does not admit the offence the procedure adopted shall be as follows.
- 3.20. (1) The parties to the proceedings shall be entitled to give evidence at the hearing, to make an opening speech, to call witnesses, and to question any witness.
- (2) The case for the Proctors shall be presented first.
- (3) Unless the Court otherwise permits:
- (a) the Proctors shall not be entitled to call any witness whose statement has not been previously disclosed to the student charged; and
  - (b) if the Court has made an order under regulation 3.10 (1) (b) above, the student charged may not present evidence beyond the scope of the evidence disclosed as a result of that order.
- (4) Closing statements may be made, with the student charged being given the opportunity to speak last.

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(5) The Court may proceed with a hearing in the absence of the Proctors or the student charged except where, in the case of the student charged, it considers that his or her absence is due to circumstances beyond his or her control.

(6) The Court may at any stage during the hearing, if it is just to do so, permit the Proctors to amend the summons by adding, omitting, or varying a charge on such terms as it considers to be fair and reasonable.

3.21. The Clerk shall keep a sufficient record of the proceedings.

3.22. At the conclusion of the hearing the Court or the parties shall withdraw while the Court considers its findings.

3.23. Where the case is found proved, the Court shall announce its decision and invite the Proctors to make a submission as to the appropriate level of penalty.

3.24. The student charged shall then be entitled to call witnesses whose evidence is relevant to sentence and to make a plea in mitigation of the offence.

3.25. (1) The Court shall then adjourn to consider the appropriate sentence by reference to its powers under section 11.

(2) The sentence shall be announced by the Court.

#### *Adjournments*

3.26. The Court may adjourn any proceedings from time to time, if it is just to do so, on such terms as it thinks fit.

#### *Payment of fines and compensation*

3.27. Where a fine or compensation is ordered to be paid, it shall be paid to the Clerk to the Proctors within seven days unless the Court permits payment by instalments at times and in amounts fixed by the Court.

#### *Costs*

3.28. (1) Where the student is charged with an offence for which he or she is found not guilty, the Court shall have a discretionary power to order the University to pay his or her costs or part of them.

(2) In the absence of such an order, the student charged shall be responsible for any costs incurred in preparing and presenting his or her case.

#### *Decision*

3.29. (1) The Court shall supply a reasoned decision in writing, normally within three weeks of the conclusion of the hearing.

(2) The Clerk shall provide copies of the decision to the Proctors and to the student charged.

3.30. The Chairman may, by an appropriate certificate in writing, correct any accidental errors in documents recording decisions of the Court.

### **Part 4**

#### **Determination of Appeals to the Court under section 34 (5)**

4.1. Unless the Chairman or a Vice-Chairman otherwise permits, an appeal against the imposition of a fine under section 34 (5) shall be made in writing to the Clerk within seven clear days after the imposition of the fine.

4.2. The appeal shall set out the grounds of the appeal.

4.3. Within three days of receiving the appeal the Clerk shall deliver a copy of it to the Proctors.

4.4. Within seven days of receiving notice of the appeal the Proctors shall deliver to the Clerk four copies of:

- (1) all documents previously served on the student by the Proctors prior to the hearing before them; and
- (2) a written statement of their reasons for their decision.

4.5. The procedure for the conduct and hearing of the appeal shall be as set out in regulations 3.18, 3.26, and 3.29–3.30 above.

4.6. Pending the determination of an appeal under this Part, the Court may on the application of the appellant suspend or defer the payment of the fine.

### **Part 5**

#### **Suspension or Banning Orders under sections 42 (1), 46 (3), and 46 (5)**

5.1. Where the Proctors seek or wish to make a suspension or banning order under the provisions of section 42 (1), section 46 (3), or section 46 (5) they shall adopt the following procedures.

5.2. The Proctors shall consider the evidence placed before them and whether the circumstances are such that an immediate banning or suspension order is warranted under the provisions of section 46 (5).

5.3. If no such urgent order is warranted, or where the Proctors anticipate that a suspension order made under regulation 5.2 above should be extended for more than twenty-one days, they shall make an application to the Court of Summary Jurisdiction under the provisions of section 42 (1) or section 46 (3), setting out the exact terms of the order sought and the reasons why it should be made.

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- 5.4. The student concerned shall be given seven clear days' notice of the hearing of the application and shall be provided with copies of the material including witness statements on which the Proctors rely.
- 5.5. The student concerned may seek an adjournment if he or she needs additional time to prepare, and may apply to the Court of Summary Jurisdiction to suspend any interim order pending a full determination by the Court.
- 5.6. The application shall be considered at a hearing at which the student concerned shall be entitled to be represented by another person.
- 5.7. (1) The onus of proof shall be on the Proctors.  
(2) The standard of proof shall be the civil standard, namely the balance of probabilities.
- 5.8. (1) The parties to the proceedings shall be entitled to give evidence at the hearing, to make an opening speech, to call witnesses, and to question any witness.  
(2) The case for the Proctors shall be presented first.  
(3) Closing statements may be made, the student concerned being given the opportunity to speak last.
- 5.9. The Clerk shall keep a sufficient record of the proceedings.
- 5.10. At the conclusion of the hearing the Court or the parties shall withdraw while the Court considers its decision.
- 5.11. The Court may adjourn any proceedings from time to time, if it is just to do, so on such terms as it thinks fit.
- 5.12. (1) The Court shall announce its decision at the hearing and shall supply reasons for its decision in writing, normally within three weeks of the conclusion of the hearing.  
(2) The Clerk shall provide copies of the decision to the Proctors and to the student concerned.
- 5.13. The Chairman or Vice-Chairman may, by an appropriate certificate in writing, correct any accidental errors in the documents recording decisions of the Court.

#### **Part 6**

##### **Appeals made under section 40 (2) or section 46 (6)**

- 6.1. Any application made to the Court under section 40 (2) or section 46 (6) shall be made in writing to the Clerk setting out the reasons for the application.
- 6.2. The Clerk shall set a date and time for the hearing as expeditiously as possible, but giving not less than seven clear days' notice of the date and time to the student concerned and to the Proctors.
- 6.3. The procedure for the conduct and hearing of any appeal under this Part shall be as set out in regulations 5.7–5.13 above.

#### **Part 7**

##### **Disruption of Court Proceedings**

- 7.1. If during the course of proceedings before the Court the conduct of any member of the University, whether as a party, as a witness, or otherwise, is disorderly or is otherwise in breach of section 2 or section 7, the Court shall direct the Clerk forthwith to record the conduct complained of, with full particulars.
- 7.2. If the member whose conduct is complained of is a student member, the Clerk shall send the record to the Proctors who shall prepare a summons to be issued in the Disciplinary Court and sent by the Clerk of that Court to the student charged.
- 7.3. Part 3 of the Regulations for the Disciplinary Court shall apply so far as appropriate to the disposal of the summons and, if the Disciplinary Court finds the complaint proved, it shall have the powers referred to in section 44 (2).
- 7.4. If the member whose conduct is complained of is not a student member, the Clerk shall refer the complaint to the Registrar who shall investigate it under Statute XII or otherwise as he or she thinks fit.

#### **Part 8**

##### **Appeals to the Disciplinary Court**

- 8.1. Written notice of any appeal to the Disciplinary Court against any decision of the Court under the provisions of Statute XI shall (unless the Disciplinary Court otherwise permits) be lodged with the Clerk not later than fourteen days from the date of the Court's written decision or reasons for its decision.

#### **Council Regulations 35 of 2002**

##### **REGULATIONS FOR THE DISCIPLINARY COURT**

*Made by Council on 24 July 2002*

#### **Part 1**

##### **General**

- 1.1. In these regulations:

- (1) references to sections are to sections of Statute XI unless otherwise stated;

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(2) references to colleges shall include colleges, societies, Permanent Private Halls, and other institutions designated by Council by regulation as being permitted to present student members for matriculation; and

(3) 'the Court' means the Disciplinary Court.

1.2. The Registrar shall appoint a person to act as Clerk to the Court ('the Clerk').

## **Part 2**

### **Sittings**

2.1. The Court shall sit on such day or days as the Chairman or Vice-Chairman considers appropriate for the fair and expeditious conduct of its business.

2.2. The Clerk shall be responsible for making the arrangements necessary for each sitting.

2.3. The Clerk shall invite three members of the Court to constitute a sitting for the purpose of these regulations, which members shall include at least one of the Chairman or Vice-Chairman.

## **Part 3**

### **Consideration of Charges referred by the Proctors under section 32**

#### *Preparation*

3.1. On delivery to the Clerk of a summons by the Proctors under section 32, the Clerk shall notify the student charged in writing that the matter has been referred to the Court by the Proctors and shall send to him or her the summons stating, by reference to the relevant provisions of Statute XI:

- (1) the act or acts or omission or omissions alleged to constitute the offence;
- (2) the date or dates or approximate date or dates on which or between which each offence is alleged to have been committed;
- (3) where relevant, the time and place at which each offence is alleged to have been committed;
- (4) where relevant, the person or property alleged to have been affected by each offence.

3.2. The Clerk shall annex to the statement:

- (1) copies of any material (including witness statements) on which the Proctors intend to rely;
- (2) a copy of Statute XI and any regulations made under it which are relevant to the charge; and
- (3) a copy of these regulations.

3.3. The Clerk shall give interested parties at least seven clear days' notice in writing of the date and time appointed for the hearing.

3.4. Notice under regulation 3.1 above shall be addressed to the student charged and sent to the student's college and his or her last notified address (if different).

3.5. The Proctors or the student charged may at any time apply in writing to the Clerk for an adjournment of the hearing and the Chairman or Vice-Chairman may accede to or refuse an adjournment.

3.6. The Chairman or Vice-Chairman shall have power, if he or she judges it to be advisable, to cancel a proposed hearing at any time before it has begun and substitute alternative arrangements.

3.7. The Chairman or Vice-Chairman shall have power to strike out proceedings on grounds of non-prosecution.

3.8. Any hearing shall take place within one month of the date of the summons unless the Chairman or Vice-Chairman is satisfied that there are reasonable grounds for further delay.

3.9. A party who intends to be represented by another person shall as soon as possible inform the Clerk of the name, address, and telephone number of the representative appointed.

3.10. (1) It shall be open to any party to apply to the Chairman for directions on matters of procedure including:

- (a) the provision by the Proctors of further information concerning the charge;
- (b) disclosure by the student charged of the evidence (including, if appropriate, witness statements) on which he or she intends to rely at the hearing; and
- (c) amendment of the summons to add, omit, or vary a charge on such terms as are fair and reasonable in the circumstances.

(2) Any application shall be made in the first instance to the Clerk.

(3) If there is no objection from the other parties, the Chairman or Vice-Chairman may make the required order without an oral hearing.

(4) If the application is contested, or if the Chairman or Vice-Chairman believes that the circumstances justify a hearing, he or she may refer the application to a hearing by the Court.

3.11. The Court may direct that charges against more than one person shall be heard together, due regard being given to the principles of justice and fairness.

3.12. The case against the student or students charged shall be presented by one of the Proctors or another person as provided in section 33.

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- 3.13. (1) If the Proctors are of the opinion that the case should be presented by a solicitor or barrister who is not a member of Congregation, they shall consult with the Legal Services Office.
- (2) In making their decision, they shall take into account all relevant factors including:
- (a) the nature and complexity of the case; and
  - (b) whether the student charged is represented and if so by whom.
- 3.14. References in these regulations to the Proctors shall include, where the context so requires, any other person appointed to present the case.
- 3.15. The student charged shall be entitled to be represented by another person, who need not be legally qualified, and in that case references to the student charged shall include, where the context so permits, the student's representative.

#### *Hearing*

- 3.16. (1) The onus of proof shall be on the Proctors.
- (2) The standard of proof shall be the civil standard, namely the balance of probabilities.
- 3.17. The charge shall be read by the Clerk, and the student charged shall be asked to state whether he or she admits the offence.

#### *Admission of guilt*

- 3.18. If the student charged admits the offence, then:
- (1) the Proctors shall provide a brief summary of the case including their submission as to the appropriate level of penalty;
  - (2) the student charged shall be entitled to call witnesses whose evidence is relevant to sentence and make a plea in mitigation of the offence;
  - (3) if the student charged calls witnesses, the Proctors may call evidence in reply; and
  - (4) the Court shall adjourn to determine the appropriate sentence by reference to its powers under section 21 and announce the sentence at the hearing.

#### *Denial of guilt*

- 3.19. If the student charged does not admit the offence the procedure adopted shall be as follows.
- 3.20. (1) The parties to the proceedings shall be entitled to give evidence at the hearing, to make an opening speech, to call witnesses, and to question any witness.
- (2) The case for the Proctors shall be presented first.
- (3) Unless the Court otherwise permits:
- (a) the Proctors shall not be entitled to call any witness whose statement has not been previously disclosed to the student charged; and
  - (b) if the Court has made an order under regulation 3.10 (1) (b) above, the student charged may not present evidence beyond the scope of the evidence disclosed as a result of that order.
- (4) Closing statements may be made, with the student charged being given the opportunity to speak last.
- (5) The Court may proceed with a hearing in the absence of the Proctors or the student charged except where, in the case of the student charged, it considers that his or her absence is due to circumstances beyond his or her control.
- (6) The Court may at any stage during the hearing, if it is just to do so, permit the Proctors to amend the summons by adding, omitting, or varying a charge on such terms as it considers to be fair and reasonable.
- 3.21. The Clerk shall keep a sufficient record of the proceedings.
- 3.22. At the conclusion of the hearing the Court or the parties shall withdraw while the Court considers its findings.
- 3.23. Where the case is found proved, the Court shall announce its decision and invite the Proctors to make a submission as to the appropriate level of penalty.
- 3.24. The student charged shall then be entitled to make a plea in mitigation of the offence.
- 3.25. (1) The Court shall then adjourn to consider the appropriate sentence by reference to its powers under section 21.
- (2) The sentence shall be announced by the Court.

#### *Adjournments*

- 3.26. The Court may adjourn any proceedings from time to time, if it is just to do so, on such terms as it thinks fit.

#### *Payment of fines and compensation*

- 3.27. Where a fine or compensation is ordered to be paid, it shall be paid to the Clerk to the Proctors within seven days unless the Court permits payment by instalments at times and in amounts fixed by the Court.

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#### *Costs*

- 3.28. (1) Where the student is charged with an offence for which he or she is found not guilty, the Court shall have a discretionary power to order the University to pay his or her costs or part of them..
- (2) In the absence of such an order, the student charged shall be responsible for any costs incurred in preparing and presenting his or her case.

#### *Decision*

- 3.29. (1) The Court shall supply a reasoned decision in writing, normally within three weeks of the conclusion of the hearing.
- (2) The Clerk shall provide copies of the decision to the Proctors and to the student charged.
- 3.30. The Chairman may, by an appropriate certificate in writing, correct any accidental errors in documents recording decisions of the Court.

### **Part 4**

#### **Consideration of Cases remitted to the Court under section 15**

- 4.1. Where the Court of Summary Jurisdiction decides to refer a case to the Court under section 15 the Clerk of that Court shall deliver to the Clerk four copies of:
- (1) all documents previously served on the student by the Proctors prior to the hearing before the Court of Summary Jurisdiction;
  - (2) a full note of the proceedings in that Court; and
  - (3) that Court's decision and its reasons for its decision.
- 4.2. The procedure for the conduct and hearing of the case shall be as set out in regulations 3.18, 3.26, and 3.29–3.30 above.

### **Part 5**

#### **Determination of Appeals from the Court of Summary Jurisdiction**

- 5.1. Unless regulation 5.2 below applies, written notice of any appeal to the Court against a decision of the Court of Summary Jurisdiction shall be lodged with the Clerk of the Court of Summary Jurisdiction not later than fourteen days from the date of that Court's written decision.
- 5.2. (1) A student who wishes to appeal after the expiry of the period of fourteen days referred to in regulation 5.1 above may apply to the Chairman for permission to do so by sending a letter to the Clerk giving reasons for the application and explaining the delay.
- (2) On receipt of the letter the Clerk shall forthwith send a copy of it to the Clerk to the Proctors inviting them to make representations in reply.
- (3) After taking into consideration any representations made by the Proctors, the Chairman or the Vice-Chairman may extend the time for appealing for such further period as he or she considers to be fair and reasonable.
- 5.3. Within seven days of receiving notice of the appeal the Clerk of the Court of Summary Jurisdiction shall deliver to the Clerk four copies of:
- (1) the notice of appeal;
  - (2) all documents previously served by either party on the other prior to the hearing before the Court of Summary Jurisdiction;
  - (3) a full note of the proceedings in that Court; and
  - (4) that Court's decision and its reasons for its decision.
- 5.4. Any appeal shall be by way of rehearing, and the procedure for the conduct and hearing of the appeal shall be as set out in regulations 3.16–3.26 and 3.29–3.30 above.
- 5.5. Pending the determination of an appeal under this Part, the Court may on the application of the appellant suspend or defer the operation of the order against which the appeal is brought.

### **Part 6**

#### **Ancillary Powers**

#### *Non-payment of fines and compensation*

- 6.1. If a student who is ordered to pay a fine or compensation by the Proctors, the Court of Summary Jurisdiction, the Disciplinary Court, or the Appeal Court under the provisions of Statute XI or any regulations made under it fails to do so within the time for making payment, the Proctors shall prepare and deliver to the Clerk a summons stating:
- (1) the date on which the order for payment was made;
  - (2) the amount of the payment;

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- (3) the date or dates by which payment should have been made;
  - (4) the amounts (if any) which have been paid and the date of payment; and
  - (5) the amount due.

6.2. The Clerk shall send to the student the summons, and the procedure for disposal of the summons shall be the procedure set out in Part 3 of these regulations so far as applicable.

6.3. If the Court is satisfied that any amount due has not been paid within time, it may, if it is just and reasonable in the circumstances to do so, rusticate the student who is in default.

6.4. A sentence of rustication shall take immediate effect or may be postponed or suspended on such terms as the Court thinks fit.

#### *Students convicted of serious criminal offences*

6.5. If the Proctors receive information that a student member has been convicted in a court of law in any jurisdiction of a serious criminal offence, they shall prepare and deliver to the Clerk a summons stating:

- (1) the date of the conviction;
- (2) the offence for which the student was convicted;
- (3) the court by which the student was convicted; and
- (4) the sentence imposed.

6.6. The summons shall have annexed to it a certificate of conviction or other official document confirming the accuracy of the particulars referred to in regulation 6.5 above.

6.7. The Clerk shall send to the student the summons and the document annexed to it under regulation 6.6 above, and the procedure for disposal of the summons shall be the procedure set out in Part 3 of these regulations so far as applicable.

6.8. The Court shall be entitled to take into account any credible written or oral evidence in determining whether the facts alleged in the summons are true.

6.9. If the Court is satisfied that the student has been convicted of an offence as alleged, it may, if it is just and reasonable to do so, expel the student from membership of the University.

6.10. A sentence of expulsion shall take immediate effect unless there are special circumstances justifying the postponement of the expulsion.

#### *Disruption of court proceedings*

6.11. If during the course of proceedings before the Court the conduct of any member of the University, whether as a party, as a witness, or otherwise, is disorderly or is otherwise in breach of section 2 or section 7, the Court shall direct the Clerk forthwith to record the conduct complained of, with full particulars.

6.12. If the member whose conduct is complained of is a student member, the Clerk shall send the record to the Proctors who shall prepare a summons to be sent by the Clerk to the student charged.

6.13. Part 3 of these regulations shall apply so far as appropriate to the disposal of the summons and, if the Court finds the complaint proved, it shall have the powers referred to in section 44 (2).

6.14. No member of the Court before whom the conduct alleged in the summons took place shall sit at the hearing of the complaint made in the summons.

6.15. If the member whose conduct is complained of is not a student member, the Clerk shall refer the complaint to the Registrar who shall investigate it under Statute XII or otherwise as he or she thinks fit.

### **Part 7**

#### **Appeals to the Appeal Court**

7.1. Written notice of an application for permission to appeal to the Appeal Court against conviction and/or sentence under the provisions of section 24 or of Part 6 of these regulations shall (unless the Appeal Court otherwise permits) be lodged with the Clerk not later than fourteen days from the date of the Court's written decision.

7.2. The Clerk shall forthwith send the application to the Appeal Court together with the following documents:

- (1) all documents previously served by either party on the other prior to the hearing before the Court and (where appropriate) documents served prior to the hearing before the Court of Summary Jurisdiction;
- (2) a full note of the proceedings in the Court and (where appropriate) of the proceedings in the Court of Summary Jurisdiction;
- (3) the Court's decision and its reasons for the decision and (where appropriate) the decision and reasons for decision of the Court of Summary Jurisdiction.

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## Council Regulations 36 of 2002

### REGULATIONS FOR THE VISITATORIAL BOARD MADE UNDER SECTION 22 OF STATUTE XII

*Made by Council on 24 July 2002*

#### The Visitatorial Board

1. In these regulations:
  - (1) references to sections are to sections of Statute XII unless otherwise stated;
  - (2) where notice has to be given a specified number of 'clear days' before a hearing, the day of receipt of the notice and the day of the hearing shall be excluded from the calculation;
  - (3) any notice sent by the secretary of the Visitatorial Board shall be deemed to arrive on the day after dispatch, unless the contrary is proved.
2. (1) The Visitatorial Board ('the board') shall be constituted in accordance with Part C of Statute XII.
  - (2) Members of the panel of twelve persons elected by Congregation shall:
    - (a) hold office for four years;
    - (b) be capable of re-election;
    - (c) be elected under the provisions of regulations for elections made under Statute IV.
3. The board shall consider any reference made to it under the provisions of section 16.
4. When a case is referred to the board by the Vice-Chancellor, the Registrar (or a person appointed by the Registrar to act on his or her behalf) shall select by lot four persons from all such members of the panel as are not ineligible to serve under the provisions of section 7 (3).
5. The four persons so selected shall serve as members of the board for the duration of its consideration of that case; save that if the selection by lot of the first three of such members results in all three of those members being persons of the same sex as the Chairman, and if the eligible members of the panel then remaining include a person or persons of the other sex, that person or a person selected by lot from amongst those persons (whichever shall be applicable) shall serve as the fourth member of the board.
6. If any of the four members of the board so selected for the consideration of a case is unable to serve, a further person shall be selected by the same procedure to replace the member who is unable to serve.
7. Once the board has begun to consider a case, the members of the board selected for the consideration of that case shall remain members of the board for the duration of the consideration whether or not their period of office as a member of the panel has expired in the interim.
8. The proceedings of the board in respect of any case referred to it shall be valid only if the Chairman and at least three other members have each attended all of the meetings at which that case was considered, and any member who has been unable to attend any such meeting shall cease to be member for the further consideration of the same case.
9. (1) If, through the unavailability of the Chairman or other members, the board is unable to comply with the provisions of regulation 8 above, the board shall thereupon be dissolved and a new board shall be constituted under the provisions of regulations 4–6 above for the purpose of considering the case afresh.
  - (2) No person, other than the Chairman, who has served on a board previously constituted to consider that case shall be eligible to serve on any further board constituted to consider that case.

#### Proceedings referred to the Board

10. In these regulations, all references to the Vice-Chancellor include any person appointed to exercise his or her functions under the provisions of section 25.
11. When the Vice-Chancellor has directed under section 19 (6) (d) that a charge or charges be referred to the board, he or she shall appoint under section 20 (2) a suitable person to formulate the charge or charges and to present the charge or charges before the board ('the presenter').
12. The Registrar shall act as secretary of the board or shall appoint a person to act on his or her behalf.
13. The board may direct that the charges against more than one person shall be heard together, due regard being given to the principles of justice and fairness.
14. No charge shall be determined without an oral hearing at which the person charged is entitled to be present.
15. The parties to a hearing by the board shall be:
  - (1) the person or persons charged ('the person charged');
  - (2) the presenter;
  - (3) such other person, if any, as the board may add, either on application or otherwise; reference to the person charged shall include, where the context so permits, reference to any such other person.
16. (1) Any person charged shall be entitled, at his or her own expense, to be represented by another person, who need not be legally qualified.
  - (2) When a person charged is so represented, references in these regulations to the person charged shall include, where the context so permits, that person's representative.



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## Preparation

17. The presenter (which expression may include a firm of solicitors or any person instructed to act on that person's behalf) shall:
- (1) notify the person charged in writing that the referral has been made and shall send to him or her a statement of the charge or charges together with any documents specified in the charge or charges; and
  - (2) notify the person charged of the date and time set for the hearing of the charge or charges.
18. The Chairman may make any interlocutory direction he or she considers necessary for the fair conduct of the hearing, including but not limited to any directions as to the hearing date, whether at the request of a party to the proceedings or otherwise.
19. The Chairman shall set the date, time, and place for the hearing, and may also set appropriate time limits for each stage (including a hearing), to the intent that any matters be heard and determined expeditiously.
20. If the Chairman considers it appropriate in all the circumstances of the case he or she may request the Vice-Chancellor to consider the suspension of the person charged under section 19 (4).
21. At least twenty-one clear days before the date set for the hearing, the presenter shall send the following to the secretary of the board and the person charged and to any other parties to the hearing:
- (1) the charge or charges;
  - (2) copies of any documents specified or referred to in the charge or charges;
  - (3) a list of witnesses to be called by the presenter;
  - (4) copies of statements contained in the witnesses' evidence.
22. (1) At least seven clear days before the date set for the hearing, the person charged shall forward to the presenter copies of any documents on which he or she wishes to rely, a list of his or her witnesses, and copies of their statements of evidence.
- (2) The presenter shall ensure that copies of all these are prepared and forwarded to the secretary to the board as soon as practicable.

## Hearing

23. (1) The jurisdiction and powers of the board shall not be restricted by the fact that the person charged has been, or is liable to be, prosecuted in a court of law in respect of any act or conduct which is the subject of proceedings before the board.
- (2) The board may postpone or adjourn a hearing, if it considers that appropriate, pending the outcome of any such proceedings.
24. (1) Subject to the consent of the board, both the presenter and the person charged may introduce new evidence at the hearing, save that in the case of the presenter such new evidence shall not be admitted except for good reason.
- (2) If new evidence is admitted, the hearing may be adjourned at the request of either party to enable the other party to consider the proposed testimony or further evidence in support of its response.
25. All hearings of or in connection with the proceedings before the board shall take place in private.
26. The board may proceed with a hearing in the absence of any of the persons entitled to be present, except where, in the case of a person charged, the board is of the opinion that the person's absence was due to circumstances beyond his or her control.
27. The Chairman may exclude any person from a hearing if in the opinion of the Chairman such exclusion is necessary for the maintenance of order.
28. (1) The parties to the proceedings shall be entitled to give evidence at the hearing, to make an opening statement, to call witnesses, and to question any witnesses.
- (2) Closing statements may be made by the presenter first and then any other parties, with the person charged being given the opportunity to speak last.
29. Without prejudice to the board's general power to regulate its own conduct, it shall specifically have the power to set limits on the evidence to be called for each side consistent with providing a fair opportunity for each party to present its relevant evidence whilst ensuring that the charges are heard and determined as expeditiously as is reasonably practicable.
30. The board shall have power to adjourn the proceedings from time to time as it sees fit.
31. The board may dismiss a charge for want of prosecution.
32. The board may remit any charge to the Vice-Chancellor for further consideration.
33. The board shall ensure that its secretary or some other appropriate person is present throughout the hearing so that a full and accurate record of the evidence may be taken.
34. (1) It is for the presenter to prove the charge or charges.
- (2) In determining whether the charge or charges or any of them are proved the board shall consider the evidence and decide whether on the balance of probabilities it considers that good cause for dismissal within the meaning of section 5 has been proved in respect of each charge before it.

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35. If the board decides that a charge has been proved, it shall give each party an opportunity, either orally or in writing at the option of the board, to address it on the question of penalty and/or mitigation prior to determining any recommendations that it may make to the Vice-Chancellor.
36. Evidence that a person has been convicted of any offence by or before any court of law, or that any court of law has found proved an offence with which a person was charged, shall, for the purpose of proving that the person committed the offence or was guilty of any act or conduct in respect of which he or she was so convicted or charged, be admissible in any proceedings before the board.
37. The board's decision shall be recorded in a document signed by the Chairman including:
- (1) the board's findings of fact regarding the charge or charges;
  - (2) the reasons for the board's decisions;
  - (3) the board's recommendations, if any, as to the appropriate penalty or penalties.
38. The secretary of the board shall ensure that a copy of the document is sent to the Vice-Chancellor, to the presenter, and to the person charged, and also that a copy of Statute XII and of the associated procedural regulations accompany the document sent to the person charged.
39. The Chairman may, by an appropriate certificate in writing, correct any accidental errors in documents recording the decisions of the board.
40. The person charged shall be notified of his or her right of appeal under Part H of Statute XII.
41. (1) Where any charge has been upheld and the board has recommended dismissal, the Vice-Chancellor may dismiss forthwith or upon such terms as he or she considers fit.
- (2) If the Vice-Chancellor decides not to dismiss, the actions he or she may take are as set out in section 24.
  - (3) Any warning given under section 24 (2) (c) shall be recorded in writing and shall remain live for two years.
  - (4) In all cases the Vice-Chancellor's decision shall be communicated to the person charged in writing and to Council.
42. No recommendation of the board shall be implemented until after any appeal has been determined.

## **Council Regulations 37 of 2002**

### **REGULATIONS FOR APPEALS TO THE APPEAL COURT**

*Made by Council on 24 July 2002*

#### **Part 1**

##### **Introduction**

- 1.1. These regulations apply to the conduct of all appeals to the Appeal Court as mentioned in section 27 (1) of Statute XI.
- 1.2. In these regulations the Appeal Court is called 'the Court'.
- 1.3. The Registrar or a person appointed by him or her shall act as secretary to the Court.
- 1.4. The Court shall be constituted in accordance with section 26 of Statute XI.
- 1.5. (1) If a member of the Court retires or dies or becomes incapable of acting during his or her term of office, the High Steward shall fill the vacancy arising by appointing another person who qualifies for membership under section 26 of Statute XI.
- (2) The person appointed shall hold office for the remainder of the term of appointment of the person whom he or she is replacing, and may be reappointed.
- 1.6. It shall be the duty of the Court to hear and determine all applications and appeals coming before it as expeditiously as is reasonably possible, having regard to the circumstances of each case and the requirements of justice and fairness.
- 1.7. Where an application or appeal is required under any statute or regulation to be made to the Court within a specified period, the Court may at its discretion on the written application of the proposed applicant or appellant extend that period for such time and on such terms as it considers to be fair and reasonable.
- 1.8. Any written application under regulation 1.7 above must be sent to the secretary, give the reason for the application, and explain the delay.
- 1.9. On receipt of the application the secretary shall forthwith send a copy of it to all other parties to the proceedings, and the Court shall not make a decision on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.
- 1.10. Applications for permission to appeal against a decision of the Disciplinary Court under section 24 of Statute XI, and notices of appeal served under Part H of Statute XII, Part B of Statute XIII, or section 5 of Statute XVII, shall be sent by the Registrar forthwith to both members of the Court and (if he or she is not the Registrar) its secretary, with a request to the Court to consider whether it wishes:
- (1) to act through one of its members sitting alone; and
  - (2) the High Steward to appoint assessors under section 28 of Statute XI.

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1.11. If the Court decides to act through one of its members sitting alone that member shall have all the powers to act which are vested in the Court by the statutes and these regulations, and references in these regulations to the Court shall include where the context admits references to that member.

1.12. If during the course of proceedings before both members of the Court one member retires, dies, or becomes incapable of acting or for any reason has to cease to act, the proceedings shall continue before the remaining member of the Court as if he or she had been appointed to sit alone, and regulation 1.11 above shall apply to that member.

1.13. If the Court wishes assessors to be appointed, its secretary shall forthwith convey that request to the High Steward.

1.14. If the Court at any time states that it does not wish assessors to be appointed, it may nevertheless at any later stage in the proceedings request the High Steward to make an appointment.

1.15. The Court may at any time discharge assessors appointed by the High Steward and at its discretion request different assessors to be appointed.

## **Part 2**

### **Applications for Permission to appeal under section 24 of Statute XI**

2.1. Applications for permission to appeal against a decision of the Disciplinary Court shall be determined without a hearing on the basis of the documents submitted to that Court under Part 5 of the Regulations for the Disciplinary Court and any further written submissions made by the applicant, unless the Court considers that in the interests of justice and fairness a hearing should take place.

2.2. The Court may request the applicant, the Proctors, and the Clerk to the Disciplinary Court to provide any further information relevant to the proposed appeal which it may require in determining whether permission to appeal should be granted.

2.3. If the Court decides that a hearing should take place, the secretary shall inform the applicant and the Proctors of the date and time when and the place in Oxford at which the application will be heard.

2.4. In deciding whether to give permission to appeal the Court shall have regard to all the circumstances of the case including:

- (1) the importance of the case to the appellant; and
- (2) whether the proposed appeal has reasonable prospects of success.

2.5. The Court shall send its decision with reasons in writing to the applicant, the Proctors, and the Clerk to the Disciplinary Court.

2.6. If the Court decides to give permission to appeal, the application shall be treated as a notice of appeal but the Court may request the applicant to submit written grounds for appeal or to give more particulars of grounds already stated, and may refuse to proceed further until the appellant has complied with its request.

## **Part 3**

### **Parties to Appeals and Representation**

3.1. The parties to an appeal against a decision of the Disciplinary Court shall be:

- (1) the appellant; and
- (2) the Proctors.

3.2. The parties to an appeal against a decision of the Visitation Board or any other appeal under Part H of Statute XII shall be:

- (1) the appellant; and
- (2) the University acting through the Registrar or a solicitor or another suitable person appointed by the Vice-Chancellor.

3.3. The parties to an appeal against a decision of the Medical Board under Part B of Statute XIII shall be:

- (1) the appellant; and
- (2) the Proctors.

3.4. The parties to an appeal against a decision of the Vice-Chancellor under section 5 of Statute XVII shall be:

- (1) the appellant; and
- (2) the University acting through the Registrar or a solicitor or another suitable person appointed by the Vice-Chancellor.

3.5. The Court may add any other person as a party to an appeal, either on the application of any person or if the Court itself thinks that it should do so.

3.6. Any party to any appeal shall be entitled to be represented by another person, who need not be legally qualified, at the hearing or at any other stage of the appeal.

3.7. A party who intends to be represented by another person shall as soon as possible inform the secretary of the name, address, and telephone number of the person appointed.

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## **Part 4**

### **Powers of the Court**

- 4.1. The powers of the Court in respect of appeals against decisions of the Disciplinary Court under Statute XI or the Medical Board under Part B of Statute XIII are specified in section 27 (3) of Statute XI.
- 4.2. (1) The powers of the Court in respect of appeals made against decisions of the Visitation Board and other appeals arising under Part H of Statute XII are specified in section 40 of that statute.
- (2) In these appeals the Court may make any of the orders mentioned in section 44 (3) of that statute.
- 4.3. The powers of the Court in respect of appeals against decisions of the Vice-Chancellor made under section 5 of Statute XVII are specified in section 6 of that statute and section 27 (3) of Statute XI.

## **Part 5**

### **Preparation for Hearing of Appeals**

- 5.1. The Court may itself or on the application of any party at any time give directions or make orders for the conduct of appeals as it considers appropriate, and it shall have power, on the application of the appellant, to suspend or vary in whole or in part the operation of the order, decision, or recommendation which is the subject of the appeal pending the determination of the appeal.
- 5.2. The Court shall appoint a date, time, and place in Oxford for the hearing of the appeal, but shall have power, if it judges this to be advisable, to adjourn a proposed hearing at any time before it has begun and substitute alternative arrangements for the hearing.
- 5.3. When a hearing has been arranged, the secretary of the Court shall send to each party, at least fourteen clear days before the date appointed for the hearing, notice of the date, time, and place of the hearing, and information on the right of representation by another person, on attendance, on the right to produce documents, and on the calling of evidence (where permitted by the statutes and these regulations).
- 5.4. (1) If any party wishes the Court to hear evidence or new evidence on the hearing of the appeal he or she must apply to the Court in writing for permission to call that evidence.
- (2) Any application must be accompanied by a written and signed statement of the witness whom it is proposed to call or (if that is not available) the best particulars of the evidence which the witness will give and an explanation for the absence of a written and signed statement.
- 5.5. Notice of any application made under regulation 5.1 or regulation 5.4 above shall be sent by the secretary to all other parties, and the Court shall not give a ruling on it until those parties have been given a reasonable opportunity to reply to it and any reply has been considered.
- 5.6. The documents for the hearing shall consist of:
- (1) the notice of appeal (or application for permission to appeal);
  - (2) the written decision which is the subject of the appeal and the reasons for that decision;
  - (3) the record of the proceedings below;
  - (4) the written statements of all persons who were called as witnesses;
  - (5) all other documents submitted to the tribunal or person whose decision is the subject of the appeal;
  - (6) any further documents, witness statements, or submissions requested or permitted by the Court to be considered on the appeal.
- 5.7. It shall be the duty of the secretary:
- (1) to prepare the bundle of the documents for the hearing for the use of the Court, consecutively page-numbered;
  - (2) to prepare an index of those documents, with the page-numbering, and to send a copy of that index to all parties to the appeal; and
  - (3) to supply any party who does not have a copy of any document with a copy of it.

## **Part 6**

### **Hearing of Appeals**

- 6.1. An appeal shall not be determined without an oral hearing at which the appellant and his or her representative, if any, are entitled to be present.
- 6.2. Any hearing of or in connection with an appeal against a decision of the Disciplinary Court under Statute XI or a decision of the Vice-Chancellor under Statute XVII shall be in public.
- 6.3. All other appeals shall be heard in private.
- 6.4. If it considers it appropriate to do so the Court may hear appeals by two or more appellants at the same hearing.
- 6.5. The Court may proceed with a hearing in the absence of any of the persons entitled to be present, except where, in the case of the appellant, it is of the opinion that his or her absence was due to circumstances beyond his or her control.

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- 6.6. The Court may exclude any person from a hearing if in the opinion of the Court such exclusion is necessary for the maintenance of order.
- 6.7. (1) Subject to the provisions of the Statutes and these regulations the Court shall determine its own procedure.  
(2) The Court may set time limits for each stage of the proceedings to ensure that any appeal shall be heard and determined as expeditiously as is reasonably practicable consonant with the principles of justice and fairness.
- 6.8. Each party to a hearing shall be entitled to make a statement and to address the Court and (where permitted) to call witnesses in the sequence which the Court directs.
- 6.9. The Court may adjourn a hearing from time to time, if it is fair and just to do so, on such terms as it thinks fit.
- 6.10. The secretary shall be present throughout the hearing and shall keep a sufficient record of the proceedings.

#### **Part 7**

##### **Disruption of Court Proceedings**

- 7.1. If during the course of proceedings before the Court the conduct of any member of the University, whether as a party, as a witness, or otherwise, is disorderly or is otherwise in breach of section 2 or section 7 of Statute XI, the Court shall direct the secretary forthwith to record the conduct complained of, with full particulars.
- 7.2. If the member whose conduct is complained of is a student member, the secretary shall send the record to the Proctors who shall prepare a summons to be issued in the Disciplinary Court and sent by the Clerk of that Court to the student charged.
- 7.3. Part 3 of the Regulations for the Disciplinary Court shall apply so far as appropriate to the disposal of the summons and, if the Disciplinary Court finds the complaint proved, it shall have the powers referred to in section 44 (2) of Statute XI.
- 7.4. If the member whose conduct is complained of is not a student member, the secretary shall refer the complaint to the Registrar who shall investigate it under Statute XII or otherwise as he or she thinks fit.

#### **Part 8**

##### **Decision**

- 8.1. The Court shall record its decision in writing and give reasons for its decision.
- 8.2. In the case of an appeal against a decision of the Disciplinary Court, the Court shall send its decision and reasons to the appellant, the Proctors, and the Clerk to the Disciplinary Court.
- 8.3. Decisions on appeals against decisions of the Visitation Board and other appeals arising under Part H of Statute XII shall be stated and communicated in accordance with the provisions of section 45 of that statute.
- 8.4. Decisions on appeals against decisions of the Vice-Chancellor under section 5 of Statute XVII shall be sent to the appellant, the Vice-Chancellor, and the person who represented the Vice-Chancellor at the hearing of the appeal.
- 8.5. The Court may by an appropriate certificate in writing correct any accidental errors in documents recording the decision of the Court.
- 8.6. Where a student member who has been convicted of an offence by the Disciplinary Court successfully appeals against that conviction (in whole or in part) the Court may order the University to pay some part or the whole of the costs incurred by him or her in connection with the proceedings, including the appeal, arising out of the charge.
- 8.7. Except in the case mentioned in regulation 8.6 above, the Court shall have no power to award costs.

#### **Council Regulations 38 of 2002**

##### **REGULATIONS FOR THE MEDICAL BOARD MADE UNDER SECTION 27 (5) OF STATUTE XII**

*Made by Council on 24 July 2002*

1. In these regulations:
- (1) references to sections are to sections of Statute XII unless otherwise stated;
  - (2) where notice has to be given a specified number of 'clear days' before a hearing, the day of receipt of the notice and the day of the hearing shall be excluded from the calculation;
  - (3) any notice sent by the secretary of a Medical Board shall be deemed to arrive on the day after dispatch, unless the contrary is proved.
2. When a Medical Board is appointed to determine a case referred to it under section 27, the appropriate officer for the purposes of Part E of that statute shall appoint a person to present the case to the board.
3. The Registrar shall act as secretary to the board or shall appoint a person to act on his or her behalf ('the secretary').
4. If after the start of proceedings a member of a board ceases to be available to serve as a member, the appropriate officer shall discharge the board and a new board shall be appointed in accordance with the provisions of section 27 (3).

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5. The parties to a hearing before a board shall be:

- (1) the person whose retirement on medical grounds is to be considered by the board ('the person concerned', which term shall include any person authorised to act on behalf of the person concerned, in addition to or instead of the person concerned, in accordance with section 27 (5));
- (2) the person presenting the case ('the presenter').

6. The person concerned shall be entitled, at his or her own expense, to be represented by another person, who need not be legally qualified, in connection with and at any hearing by the board.

### **Preparation**

7. The presenter shall notify the person concerned in writing that a referral has been made.

8. The Chairman shall appoint a date, time, and place for a hearing by the board, but shall have power, if he or she judges this to be advisable, to cancel a proposed hearing at any time before it has begun and substitute alternative arrangements for the hearing.

9. The secretary shall give to the person concerned at least twenty-one clear days' notice of the date and time appointed for the hearing by the board; such notice shall be in writing and shall be accompanied by a copy of Statute XII and of these regulations.

10. The presenter shall give to the person concerned and to the secretary at least fourteen clear days before the hearing a written statement of the case together with copies of any relevant medical and other evidence, copies of any other documents intended to be produced at the hearing, a list of the witnesses whom it is proposed to call, and statements of the evidence that they are expected to give.

11. The person concerned shall give to the secretary at least seven clear days before the hearing copies of any medical evidence that he or she intends to produce, a list of the witnesses that he or she intends to call, and statements of the evidence that they are expected to give.

### **Hearing**

12. Subject to the prior consent of the board, either party may introduce witnesses or documents notwithstanding the fact that the appropriate provisions in regulations 10 and 11 above have not been observed, but, if new witnesses or documents are introduced, the hearing may be adjourned at the request of either party to enable the other party to consider the proposed testimony or further evidence in support of its response.

13. (1) A case shall not be determined without an oral hearing at which the person concerned is entitled to be present.

(2) Any hearing of or in connection with any case before a board shall take place in private.

14. (1) The board may proceed with a hearing in the absence of any of the persons entitled to be present, except where, in the case of the person concerned, the board is of the opinion that his or her absence was due to circumstances beyond his or her control.

(2) The Chairman may exclude any person from a hearing if in the opinion of the Chairman such exclusion is necessary for the maintenance of order.

15. Each party to a hearing before a board shall be entitled to give evidence at the hearing and, either personally or through a representative, to make an opening statement, to call witnesses, to question any witness concerning any relevant evidence, and to address the board after the evidence has been heard.

16. (1) Subject to the provisions of Statute XII and of these regulations, a board shall determine its own procedures and may make such interlocutory orders for the conduct of the proceedings as it considers appropriate.

(2) The Chairman may set time limits for each stage of the proceedings, to the intent that the case shall be heard and determined by the board as expeditiously as is reasonably practicable and consistent with the principles of justice and fairness.

(3) Within the limits of that intent, any meeting of a board may nevertheless be postponed or adjourned at the discretion of the Chairman.

### **Determination**

17. A board shall not determine that any person to whom Statute XII applies shall be required to retire on medical grounds unless it is satisfied that the person's physical or mental incapacity has been established, and it shall apply the civil standard of proof, namely the balance of probabilities, in so satisfying itself.

18. The secretary shall be entitled to be present throughout the hearing and at any meeting of the board, and shall keep a sufficient record of the proceedings of the board.

19. The board's decision shall be recorded in a document signed by the Chairman which shall also contain:

- (1) the board's medical findings;
- (2) the board's other findings of fact; and
- (3) the reasons for the board's decision.

20. The secretary shall ensure that a copy of the document specified in regulation 19 above is sent to the person concerned, to his or her representative (if any), to the presenter, and to the Vice-Chancellor, and also that a copy of Part E of Statute XII and of the associated procedural regulations accompanies the copy of the document sent to the person concerned.

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21. The Chairman may, by an appropriate certificate in writing, correct any accidental errors in documents recording the decisions of the board.

### **Council Regulations 39 of 2002**

#### **REGULATIONS FOR THE MEDICAL BOARD MADE UNDER SECTION 20 (4) OF STATUTE XIII**

*Made by Council on 24 July 2002*

**1. In these regulations:**

- (1) references to sections are to sections of Statute XIII unless otherwise stated;
- (2) where notice has to be given a specified number of 'clear days' before a hearing, the day of receipt of the notice and the day of the hearing shall be excluded from the calculation;
- (3) any notice sent by the secretary of a Medical Board shall be deemed to arrive on the day after dispatch, unless the contrary is proved.

2. When a Medical Board is appointed to determine a case referred to it under section 19, the Registrar shall appoint a person to act as secretary to the board ('the secretary') and shall appoint a person to present the case ('the presenter').

3. The student member concerned ('the student') shall be entitled, at his or her own expense, to be represented by another person, who need not be legally qualified, in connection with and at any hearing by the board.

### **Preparation**

4. The secretary shall notify the student that the referral has been made.

5. The Chairman shall appoint a date, time, and place for a hearing by the board, but shall have power, if he or she judges this to be advisable, to cancel a proposed hearing at any time before it has begun and substitute alternative arrangements for the hearing.

6. (1) The secretary shall give to the student at least fourteen clear days' notice of the date and time appointed for the hearing by the board.

(2) Notice shall be in writing and shall be accompanied by a copy of Statute XII and these regulations.

7. The presenter shall give to the student and to the secretary at least fourteen clear days before the hearing the original statement of the case together with copies of any relevant medical and other evidence, copies of any other documents intended to be produced at the hearing, a list of the witnesses whom it is proposed to call, and statements of the evidence they are expected to give.

8. The student shall give to the secretary at least seven clear days before the hearing copies of any medical evidence that he or she intends to produce, a list of witnesses that he or she intends to call, and statements of the evidence that they are expected to give.

### **Hearing**

9. Subject to the prior consent of the board, either party may introduce witnesses or documents notwithstanding the fact that the appropriate provisions in regulations 7 and 8 above have not been observed, but, if new witnesses or documents are introduced, the hearing may be adjourned at the request of either party to enable the other party to consider the proposed testimony or further evidence in support of its response.

10. The case shall not be determined without a hearing at which the person concerned is entitled to be present.

11. Any hearing of or in connection with any case before the board shall be held in private.

12. (1) The board may proceed with the hearing in the absence of any of the persons entitled to be present, except where, in the case of the student, the board is of the opinion that his or her absence was due to circumstances beyond his or her control.

(2) The Chairman may exclude any person from a hearing if in the opinion of the Chairman such exclusion is necessary for the maintenance of order.

13. Each party to the hearing shall be entitled to give evidence at the hearing and, either personally or through a representative, to make an opening statement, to call witnesses, to question any witnesses concerning any relevant evidence, and to address the board after the evidence has been heard.

14. (1) Subject to the provisions of Statute XIII and of these regulations, the board shall determine its own procedures and shall make such interlocutory orders for the conduct of the proceedings as it considers appropriate.

(2) The Chairman may set time limits for each stage of the proceedings, to the intent that the case shall be heard and determined by the board as expeditiously as is reasonably practicable consonant with the principles of justice and fairness.

(3) Within the limits of that intent, any meeting of a board may nevertheless be postponed or adjourned at the discretion of the Chairman.

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## Determination

15. The board may not make an order under section 20 (3) (a), (b), or (c) unless it is satisfied that the physical or mental incapacity of the person concerned has been established, and it shall apply the civil standard of proof, namely the balance of probabilities, in so satisfying itself.
16. The secretary shall be entitled to be present throughout the hearing and shall keep a sufficient record of the proceedings.
17. The board's decision shall be recorded in a document signed by the Chairman which shall include:
  - (1) the board's medical findings;
  - (2) the board's other findings of fact; and
  - (3) the reasons for the board's decision.
18. The secretary shall ensure that a copy of the document is sent to the student, to his or her representative (if any), and to the presenter, and shall ensure that a copy of sections 26–9 of Statute XI and the accompanying regulations are sent to the student.
19. The Chairman may, by an appropriate certificate in writing, correct any accidental errors in documents recording the decisions of the board.

## Council Regulations 40 of 2002

### REGULATIONS FOR THE GRIEVANCE COMMITTEE MADE UNDER SECTION 34 OF STATUTE XII

*Made by Council on 24 July 2002*

1. When reference has been made to the Grievance Committee under section 32 of Statute XII the chairman of the committee shall invite the aggrieved person, and any person against whom the grievance lies, to submit a written statement to the committee.
2. The grievance shall not be disposed of without an oral hearing at which the aggrieved person, and any person against whom the grievance lies, shall be entitled to be heard and, at his or her own expense in each case, to be accompanied by a friend or representative.
3. After due consideration, the Grievance Committee shall inform Council of its decision under the provisions of section 35 of Statute XII.

## Council Regulations 41 of 2002

### REGULATIONS FOR THE APPOINTMENT OF ALTERNATES MADE UNDER SECTION 7 (3) OF STATUTE XII

*Made by Council on 24 July 2002*

1. Where any person, including the holder of any specified office of the University, is designated to perform any duties or exercise any power under Statute XII, and that person is, for the purposes of that statute, involved in the matter or matters in question, the Vice-Chancellor may, either on application or of his or her own motion, appoint an alternate to act in that person's place.
2. No appointment under regulation 1 above shall be effective unless it is made in writing and a copy is delivered to the Registrar, who shall ensure that notice of the appointment is given as soon as practicable to any other persons or bodies involved.
3. When the person referred to in regulation 1 above is the Vice-Chancellor, the appointment under that regulation shall be made by the Chancellor.

## Council Regulations 42 of 2002

### REGULATIONS FOR THE CONSTITUTION, DUTIES, AND POWERS OF THE RULES COMMITTEE

*Made by Council on 24 July 2002*

1. The Rules Committee shall consist of:
  - (1) the Senior Proctor (or in his or her absence the Junior Proctor), who shall act as chairman;
  - (2), (3) the two Proctors-elect;
  - (4), (5) two college deans elected by the Conference of Colleges;
  - (6) a member of Congregation appointed by Council;
  - (7), (8) two student members (who must at the time they take up office have been matriculated for at least three terms) elected by the Council of the Oxford University Student Union from among its members;
  - (9), (10) two student members (who must at the time they take up office have been matriculated for at least three terms) appointed by the Executive of the Oxford University Student Union not necessarily from among its members;



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- (11), (12) two student members appointed by the Graduate Committee of the Oxford University Student Union from among its members.
  2. The members under regulation 1 (4)–(6) above shall hold office for three years, and shall not be eligible for reappointment or re-election until the expiry of three years from the date on which their period of office expires.
  3. The members under regulation 1 (7)–(12) above shall hold office for one year and shall not be eligible for reappointment or re-election under (7)–(12).
  4. (1) If a member under regulation 1 (4)–(12) above dies or resigns or leaves the University during his or her period of office, his or her place shall either be filled for the remainder of his or her period of office by the body which appointed or elected him or her or (if that body so decides) be left vacant.  
(2) If he or she dies or resigns or leaves the University before the expiry of one-half of his or her period of office, the provisions concerning re-eligibility shall apply to his or her successor as if his or her successor had served for a full period; otherwise those provisions shall not apply.
  5. Except in the case of casual vacancies, the members under regulation 1 (4)–(12) above shall take up office on the first day of Michaelmas Term.
  6. The Rules Committee shall make regulations for the conduct of student members governing such matters as it thinks fit, except that it shall not make regulations in relation to:
    - (1) the matters covered by section 2 of Statute XI; or
    - (2) the dress of student members; or
    - (3) conduct in examinations.
  7. The Rules Committee may make or amend regulations whenever it is necessary to do so, including regulations confirming a rule made by the Proctors under section 5 of Statute XI.
  8. (1) The Rules Committee shall in each Hilary Term review the regulations of the committee in force and shall before the end of each Hilary Full Term make any amendments or new regulations it considers necessary.  
(2) Any such amendments or new regulations shall be published as having effect from the beginning of the following Michaelmas Full Term.
  9. The Proctors shall arrange for all the regulations of the committee to be printed, and for copies to be sent to each college for distribution to all student members on first coming into residence.
  10. (1) Any six members shall constitute a quorum for meetings of the Rules Committee.  
(2) In the case of equality of votes at any meeting at which not all members are present, the matter shall be adjourned until a further meeting.  
(3) If at this further meeting the voting is still equal, or if there is an equality of votes at a meeting at which all members are present, the Chairman shall have a casting vote.

## **ICTC Regulations 1 of 2002**

### **REGULATIONS RELATING TO THE USE OF INFORMATION TECHNOLOGY FACILITIES**

*Made by the ICTC on 6 June 2002*

*Approved by Council on 24 July 2002*

1. In these regulations, unless the context requires otherwise, ‘college’ means any college, society, or Permanent Private Hall or any other institution designated by Council by regulation as being permitted to present candidates for matriculation.
2. University IT and network facilities are provided for use in accordance with the following policy set by Council:
  - (1) The University provides computer facilities and access to its computer networks only for purposes directly connected with the work of the University and the colleges and with the normal academic activities of their members.
  - (2) Individuals have no right to use university facilities for any other purpose.
  - (3) The University reserves the right to exercise control over all activities employing its computer facilities, including examining the content of users’ data, such as e-mail, where that is necessary:
    - (a) for the proper regulation of the University’s facilities;
    - (b) in connection with properly authorised investigations in relation to breaches or alleged breaches of provisions in the University’s statutes and regulations, including these regulations; or
    - (c) to meet legal requirements.
  - (4) Such action will be undertaken only in accordance with these regulations.
3. These regulations govern all use of university IT and network facilities, whether accessed by university property or otherwise.

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4. Use is subject at all times to such monitoring as may be necessary for the proper management of the network, or as may be specifically authorised in accordance with these regulations.
  5. (1) Persons may make use of university facilities only with proper authorisation.  
(2) 'Proper authorisation' in this context means prior authorisation by the appropriate officer, who shall be the Director of Oxford University Computing Services ('OUCS') or his or her nominated deputy in the case of services under the supervision of OUCS, or the nominated college or departmental officer in the case of services provided by a college or department.  
(3) Any authorisation is subject to compliance with the University's statutes and regulations, including these regulations, and will be considered to be terminated by any breach or attempted breach of these regulations.
  6. (1) Authorisation will be specific to an individual.  
(2) Any password, authorisation code, etc. given to a user will be for his or her use only, and must be kept secure and not disclosed to or used by any other person.
  7. Users are not permitted to use university IT or network facilities for any of the following:
    - (1) any unlawful activity;
    - (2) the creation, transmission, storage, downloading, or display of any offensive, obscene, indecent, or menacing images, data, or other material, or any data capable of being resolved into such images or material, except in the case of the use of the facilities for properly supervised research purposes when that use is lawful and when the user has obtained prior written authority for the particular activity from the head of his or her department or the chairman of his or her faculty board (or, if the user is the head of a department or the chairman of a faculty board, from the head of his or her division);
    - (3) the creation or transmission of material which is designed or likely to cause annoyance, inconvenience, or needless anxiety or to harass another person;
    - (4) the creation or transmission of defamatory material about any individual or organisation;
    - (5) the sending of any e-mail that does not correctly identify the sender of that e-mail or attempts to disguise the identity of the computer from which it was sent;
    - (6) the sending of any message appearing to originate from another person, or otherwise attempting to impersonate another person;
    - (7) the transmission, without proper authorisation, of e-mail to a large number of recipients, unless those recipients have indicated an interest in receiving such e-mail, or the sending or forwarding of e-mail which is intended to encourage the propagation of copies of itself;
    - (8) the creation or transmission of or access to material in such a way as to infringe a copyright, moral right, trade mark, or other intellectual property right;
    - (9) private profit, except to the extent authorised under the user's conditions of employment or other agreement with the University or a college; or commercial purposes without specific authorisation;
    - (10) gaining or attempting to gain unauthorised access to any facility or service within or outside the University, or making any attempt to disrupt or impair such a service;
    - (11) the deliberate or reckless undertaking of activities such as may result in any of the following:
      - (a) the waste of staff effort or network resources, including time on any system accessible via the university network;
      - (b) the corruption or disruption of other users' data;
      - (c) the violation of the privacy of other users;
      - (d) the disruption of the work of other users;
      - (e) the introduction or transmission of a virus into the network;
    - (12) activities not directly connected with employment, study, or research in the University or the colleges (excluding reasonable and limited use for social and recreational purposes where not in breach of these regulations or otherwise forbidden) without proper authorisation.
  8. Software and computer-readable datasets made available on the university network may be used only subject to the relevant licensing conditions, and, where applicable, to the Code of Conduct published by the Combined Higher Education Software Team ('CHEST').
  9. Users shall treat as confidential any information which may become available to them through the use of such facilities and which is not clearly intended for unrestricted dissemination; such information shall not be copied, modified, disseminated, or used either in whole or in part without the permission of the person or body entitled to give it.
  10. (1) No user may use IT facilities to hold or process data relating to a living individual save in accordance with the provisions of current data protection legislation (which in most cases will require the prior consent of the individual or individuals whose data are to be processed).

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- (2) Any person wishing to use IT facilities for such processing is required to inform the University Data Protection Officer in advance and to comply with any guidance given concerning the manner in which the processing may be carried out.
11. Any person responsible for the administration of any university or college computer or network system, or otherwise having access to data on such a system, shall comply with the provisions of the 'Statement of IT Security and Privacy Policy', as published by the ICT Committee from time to time.
12. Users shall at all times endeavour to comply with guidance issued from time to time by OUCS to assist with the management and efficient use of the network.
13. Connection of computers, whether college, departmental, or privately owned, to the university network is subject to the following additional conditions:
- (1) (a) Computers connected to the university network may use only network identifiers which follow the University's naming convention, and are registered with OUCS.  
(b) In particular all such names must be within the domain .ox.ac.uk.  
(c) Any exception to this must be authorised by the Director of OUCS, and may be subject to payment of a licence fee.
  - (2) (a) The administrators of computers connected to the university network are responsible for ensuring their security against unauthorised access, participation in 'denial of service' attacks, etc.  
(b) The University may temporarily bar access to any computer or sub-network that appears to pose a danger to the security or integrity of any system or network, either within or outside Oxford, or which, through a security breach, may bring disrepute to the University.
  - (3) (a) Providers of any service must take all reasonable steps to ensure that that service does not cause an excessive amount of traffic on the University's internal network or its external network links.  
(b) The University may bar access at any time to computers which appear to cause unreasonable consumption of network resources.
  - (4) (a) Hosting Web pages on computers connected to the university network is permitted subject to the knowledge and consent of the department or college responsible for the local resources, but providers of any such Web pages must endeavour to comply with guidelines published by OUCS or other relevant authorities.  
(b) It is not permitted to offer commercial services through Web pages supported through the university network, or to provide 'home-page' facilities for any commercial organisation, except with the permission of the Director of OUCS; this permission may require the payment of a licence fee.
  - (5) Participation in distributed file-sharing networks is not permitted, except in the case of the use of the facilities for properly authorised academic purposes when that use is lawful and when the user:  
(a) in the case of services under the supervision of OUCS, has demonstrated to the satisfaction of the Director of OUCS or his or her nominated deputy that the user has obtained prior written authority for the particular activity from the head of his or her department or the chairman of his or her faculty board; or  
(b) in the case of services provided by a college or department, has demonstrated to the satisfaction of the nominated college or departmental officer that the user has obtained prior written authority for the particular activity from the head of that college or department.
  - (6) (a) No computer connected to the university network may be used to give any person who is not a member or employee of the University or its colleges access to any network services outside the department or college where that computer is situated.  
(b) Certain exceptions may be made, for example, for members of other UK universities, official visitors to a department or college, or those paying a licence fee.  
(c) Areas of doubt should be discussed with the Registration Manager at OUCS.
14. (1) If a user is thought to be in breach of any of the University's statutes or regulations, including these regulations, he or she shall be reported to the appropriate officer who may recommend to the appropriate university or college authority that proceedings be instituted under either or both of university and college disciplinary procedures.  
(2) Access to facilities may be withdrawn under section 46 of Statute XI pending a determination, or may be made subject to such conditions as the Proctors or the Registrar (as the case may be) shall think proper in the circumstances.

#### **Examining Users' Data**

15. All staff of an IT facility who are given privileged access to information available through that facility must respect the privacy and security of any information, not clearly intended for unrestricted dissemination, that becomes known to them by any means, deliberate or accidental.
16. (1) System Administrators (i.e. those responsible for the management, operation, or maintenance of computer systems) have the right to access users' files and examine network traffic, but only if necessary in pursuit of their role as System Administrators.  
(2) They must endeavour to avoid specifically examining the contents of users' files without proper authorisation.

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17. (1) If it is necessary for a System Administrator to inspect the contents of a user's files, the procedure set out in paragraphs (2)–(5) below must be followed.
- (2) Normally, the user's permission should be sought.
- (3) Should such access be necessary without seeking the user's permission, it should, wherever possible, be approved by an appropriate authority prior to inspection.
- (4) If it has not been possible to obtain prior permission, any access should be reported to the user or to an appropriate authority as soon as possible.
- (5) For the purposes of these regulations 'appropriate authority' is defined as follows:
- (a) in the case of any university-owned system, whether central or departmental: if the files belong to a student member, the Proctors; if the files belong to any member of the University other than a student member, the Registrar or his or her nominee; or, if the files belong to an employee who is not a member of the University, the head of the department, college, or other unit to which the employee is responsible, or the head's delegated representative;
- (b) in the case of a departmental system, either those named in (a) above, or, in all circumstances, the head of department or his or her delegated representative;
- (c) in the case of a college system, the head of the college or his or her delegated representative.

### **Libraries Curators Regulations 1 of 2002**

#### **REGULATIONS RELATING TO THE USE OF THE FACILITIES OF THE OXFORD UNIVERSITY LIBRARY SERVICES**

*Made by the Curators of the University Libraries on 10 June 2002*

*Approved by Council on 24 July 2002*

#### **Application**

1. These regulations shall apply to all facilities within the Oxford University Library Services.
2. In these regulations 'material' means any material owned by or in the possession or custody of a library.

#### **Admission**

3. A person may use a library only after being formally registered as a reader in it.
4. Readers may bring visitors into a library only with the express permission of library staff.
5. The only animals which readers may bring into a library are guide dogs.
6. Readers are responsible for keeping libraries informed of changes of address and of other personal data kept by the libraries.

#### **Use of Library Material**

7. Readers may take material from the shelves, call it up from bookstacks, or borrow it only in accordance with library procedures.
8. Readers are responsible for material or equipment issued to them until they have returned it in accordance with library procedures, and must at all times protect material or equipment issued to them and not expose it to hazardous conditions.
9. Readers must use only library-approved facilities to photocopy, photograph, or scan material in the library.
10. Readers must not write in, mark, or otherwise deface or damage library material or equipment in any way.
11. Readers must return promptly any library material or equipment issued to them if they are instructed to do so.
12. Readers must treat as confidential any information which may become available to them through the use of library facilities and which is not clearly intended for unrestricted dissemination; such information must not be copied, modified, disseminated, or used either in whole or in part without the permission of the library or other person or body entitled to give it.

#### **Use of Facilities**

13. Readers must not engage in conduct which damages or is likely to damage any part of a library or any library material or equipment.
14. Readers must not engage in conduct which infringes in any way the regulations of the University governing the use of the property of or in the possession or custody of the University, or the facilities and services provided by or on behalf of the University, including the Regulations relating to the Use of Information Technology Facilities.
15. Readers may use portable computers or other electrical equipment of their own only in accordance with the instructions of library staff.
16. Readers may make copies from library material only as allowed by the Copyright, Designs and Patents Act 1988 as amended by subsequent legislation.

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17. Readers must not pass to another person any library material or equipment issued to them.
  18. Readers must not pass their Readers' or University Cards, or other items issued to them by a library, to another person for library use, or use them for the benefit of another person.

### **Behaviour in a Library**

19. Readers must not smoke in any part of a library.
20. Readers must not eat or chew anything (including sweets or gum) or drink anything (including water) in any part of a library, except where there is an area specifically set aside for that purpose.
21. Readers must not use mobile telephones, radios, cassette recorders, cameras, or similar equipment in a library, even with headphones, unless specific provision has been made for such use.
22. Readers must observe all regulations and instructions relating to the introduction, deposit, and inspection of bags and cases.
23. Readers must familiarise themselves with and observe the regulations and procedures of each library they use, and must leave the library immediately in the event of a fire alarm or if instructed to do so in any other emergency.
24. Readers must leave library premises by the stated closing time unless permission for after-hours access has been granted.
25. Readers must leave a library or any part of a library immediately if a member of staff instructs them to do so, including occasions on which emergency evacuation instructions are given.
26. Readers must carry their Readers' or University Cards with them at all times in a library and show their cards if a member of staff instructs them to do so.
27. Readers must follow all other reasonable instructions of library staff.
28. Readers must not hold conversations or engage in other conduct in a library which causes or is likely to cause inconvenience, annoyance, or offence to other readers or members of staff.
29. When using a computer or other equipment readers must do so as quietly as possible so as to avoid causing disturbance to others.
30. Readers must show due regard for their own safety and that of other readers and staff.

### **Discipline**

31. By registering in a library readers undertake to observe library regulations; and by continuing to use the library they signify that they continue to accept those regulations and any duly published changes to them.
32. (1) Readers will be charged the cost to a library, including administrative costs, of the repair or replacement of any material or equipment which is lost, damaged, or defaced while they are responsible for it.  
(2) Readers must pay promptly any fines imposed on them by a library under any regulations which are made from time to time, in accordance with section 3 of Statute XI, by the body or person having charge of that library.  
(3) Readers will also be subject to disciplinary or other proceedings under the University's statutes and regulations.
33. If a reader removes or attempts to remove library material or equipment from a library without authorisation, the reader is committing an offence and may incur penalties as allowed by the University's statutes and regulations.
34. If a reader embarks upon actions which cause or are likely to cause damage to property or inconvenience to other users, the reader may be excluded from a library or libraries under the provisions of section 46 of Statute XI.
35. Readers may incur fines and/or loss of privileges if they return later than the due date material or equipment borrowed from a library.
36. An intentional or reckless breach of library regulations may be reported to the Proctors under section 2 (2) of Statute XI and may result in disciplinary action.

## **Rules Committee Regulations 1 of 2002**

### **REGULATIONS FOR THE ACTIVITIES AND CONDUCT OF STUDENT MEMBERS**

*Made by the Proctors on 5 July 2002, subject to confirmation by the*

*Rules Committee under section 5 of Statute XI*

*Published by Council on 24 July 2002*

#### **Part 1**

#### **Clubs, Societies, and Publications**

1.1. Student members of the University who form a club or society, or an organisation for whatever purpose (including one for the publication of a journal, newspaper, or magazine), and who wish to use the name and/or Arms of the University in its title (or in the title of a journal, newspaper, or magazine), shall:

- (1) register with the Proctors;

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- (2) obtain the consent of the Vice-Chancellor; and
  - (3) sign the University's standard form of trademark licence.
- 1.2. The Vice-Chancellor will not consider applications for the use of the name and/or Arms of the University until the club, society, or organisation has been registered with the Proctors for two consecutive terms, and consent may be withdrawn as he or she thinks fit.
- 1.3. A club, society, or organisation which does not wish to use the name of the University in its title may also register with the Proctors if it conforms with regulations 1.8–1.10 below.
- 1.4. The Proctors may not unreasonably withhold or withdraw registration.
- 1.5. (1) Failure to comply with these regulations may result in the club, society, or organisation being deregistered and/or fined an amount not exceeding £500 by the Proctors.
- (2) Paragraph (1) of this regulation shall also apply to any club, society, or organisation not currently registered with the Proctors but which has been so registered during any of the preceding three terms.
- 1.6. No student member of the governing committee of a club, society, or organisation shall in organising or sanctioning an event or function, or otherwise, encourage or incite a breach of Statute XI or any regulation made under it.
- 1.7. (1) Each club, society, or organisation which registers with the Proctors shall be designated, as the Proctors see fit, to be:
- (a) a non-sports club, society, or organisation ('non-sports club'); or
  - (b) a club, society, or organisation for sport ('sports club'); or
  - (c) an organisation for the publication of a journal, newspaper, or magazine, whether in hard copy or electronic format ('publication').
- (2) Each such non-sports club and publication shall register with the Proctors through the Clerk to the Proctors, and each such sports club shall register with the Proctors through the Head of the Sports Department.
- (3) In this regulation, 'non-sports club', 'sports club', and 'publication' mean the members of the club, society, or organisation concerned.

#### *Non-sports clubs*

- 1.8. (1) Each non-sports club which registers with the Proctors shall:
- (a) establish a constitution and deposit a copy of it with the Proctors;
  - (b) act in accordance with the constitution established under (a) above;
  - (c) advise the Proctors promptly of any changes in the constitution established under (a) above;
  - (d) notify to the Proctors not later than the end of the second week of every Full Term the programme of meetings and speakers which has been arranged for that term (e.g. by sending them a copy of its term-card);
  - (e) appoint a president (or similar principal officer) who shall be a student member or a member of one of the other institutions listed in (l) below attending the institution for the purpose of undertaking a course of study (subject in the latter case to the member's signing, on election to office, an undertaking to abide by the provisions of these regulations and to accept the authority of the Proctors on club matters);
  - (f) appoint a secretary who shall be a student member or a member of one of the other institutions listed in (l) below attending the institution for the purpose of undertaking a course of study (subject in the latter case to the member's signing, on election to office, an undertaking to abide by the provisions of these regulations and to accept the authority of the Proctors on club matters) and who shall keep a proper record of its activities;
  - (g) appoint a treasurer who shall be a student member or a member of one of the other institutions listed in (l) below attending the institution for the purpose of undertaking a course of study (subject in the latter case to the member's signing, on election to office, an undertaking to abide by the provisions of these regulations and to accept the authority of the Proctors on club matters) and who shall keep a proper record of its financial transactions which shall be available for inspection at the request of the Senior Member appointed under (i) below or the Proctors; and shall forward to the Proctors by the end of the second week of each Full Term a copy of the accounts for the preceding term signed by the Senior Member for retention on the Proctors' files;
  - (h) not appoint several individuals jointly to hold any of the offices specified in (e), (f), and (g) nor allow any individual to hold more than one of these offices at a time;
  - (i) appoint a member of Congregation as Senior Member who shall, by virtue of holding that office, be a member of the non-sports club's committee;
  - (j) notify to the Proctors by the end of the second week of each Full Term the names of the members of its committee;
  - (k) notify the Proctors immediately of any changes in holders of the offices specified in (e), (f), and (g);
  - (l) admit to membership only members of the University, those whose names are on the Register of Visiting Students, and, at the discretion of its committee, members of Ruskin College, of Plater College, of Ripon College, Cuddesdon, and of the Oxford Institute of Legal Practice, and members of the Westminster Institute of Oxford

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Brookes University who are registered to read for degrees or other qualifications validated by the University of Oxford;

(m) admit to membership, if it so wishes, other persons not being members of the University, or one of the institutions listed in (l) above, on condition that non-university members shall not constitute more than one-fifth of the total membership;

(n) if having a turnover in excess of £15,000 in the preceding year, or if owing to a change in the nature or scale of its activities confidently expecting to have such a turnover in the current year, submit its accounts for audit by auditors approved in advance by the Proctors; accounts shall be ready for audit within four months of the end of its financial year and the costs of the audit shall be borne by the non-sports club; if requested by the auditors the non-sports club shall submit accounts and related material as a basis for a review of accounting procedures, the cost likewise to be borne by the non-sports club;

(o) maintain a register of current members who shall elect or appoint the officers (including those specified in (e), (f), and (g)) and who shall have ultimate responsibility for the activities of the non-sports club; this register must be made available for inspection by the Proctors on request;

(p) notify the Proctors if the non-sports club ceases to operate or is to be disbanded, and at the same time submit a final statement of accounts.

(2) Each officer of a non-sports club must, on relinquishing his or her appointment, promptly hand to his or her successor in office (or to another member of the club nominated by its committee) all official documents and records belonging to the club, together with (on request from the club's committee) any other property of the club which may be in his or her possession, and must complete any requirements to transfer authority relating to control of the club's bank account, building society account, or other financial affairs.

(3) In exceptional circumstances, at the request of a non-sports club, the Proctors shall have discretion to dispense from any of the requirements in (e)–(j) and (l)–(n) of paragraph (1) above, subject to such terms and conditions as they may from time to time see fit to impose.

#### *Sports clubs*

1.9. (1) Each sports club which registers with the Proctors shall:

(a) establish a constitution and deposit a copy of it with the Director of Sport; this constitution must include provisions approved by the Proctors on advice from the Area Safety Officer (Sport) relating to safety and insurance matters and must provide for the sports club to appoint a president (or similar principal officer), a secretary, and a treasurer as required by regulation 1.8 (1) (e), (f), (g), and (h) above; must provide for the club to admit members as in regulation 1.8 (1) (l) and (m) above; must maintain a register of members as required by regulation 1.8 (1) (o) above; and must provide for the club to be run by a committee on which members of the University, both student and other, are in a majority;

(b) act in accordance with the constitution established under (a) above;

(c) advise the Proctors promptly, through the Director of Sport, of any changes in the constitution established under (a) above;

(d) be designated or redesignated by the Proctors, as they see fit after consulting the Sports Strategy Committee, to be a 'foundation sport', 'development sport', 'established sport', or 'recognised sport';

(e) appoint to its committee a Senior Member (who shall be a person who is a member of Congregation) through whom the club is accountable to the Proctors: in the case of a sports club designated by the Proctors to be a 'recognised sport' in accordance with (d) above, the Senior Member shall be the Director of Sport by virtue of his or her office, who shall be formally responsible for the affairs of each recognised sports club;

(f) unless designated by the Proctors to be a 'recognised sport' in accordance with (d) above, present to the Proctors, through the Director of Sport, annual accounts together with a copy of the club's current constitution and list of officers (such accounts to be submitted not later than four months after the end of the financial year to which they relate), subject to the following conditions:

(i) during the first year of registration, a club may be required by the Proctors to submit termly accounts;

(ii) if having a turnover in excess of £30,000 in the preceding year, or if owing to a change in the nature or scale of its activities confidently expecting to have such a turnover in the current year, a sports club must submit its accounts for audit by auditors approved in advance by the Proctors;

(iii) accounts shall be ready for audit within four months of the end of its financial year and the costs of the audit shall be borne by the sports club; if requested by the auditors, the sports club shall submit accounts and related material as the basis for a review of accounting procedures, the costs likewise to be borne by the sports club;

(g) ensure that all paid and unpaid club administrative and coaching appointments are ratified by the Sports Strategy Committee and that all coaches are accredited where appropriate by the relevant national governing body.

(2) Each officer of a sports club must, on relinquishing his or her appointment, promptly hand to his or her successor in office (or to another member of the club nominated by its committee) all official documents and records

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belonging to the club, together with (on request from the club's committee) any other property of the club which may be in his or her possession, and must complete any requirements to transfer authority relating to control of the club's bank account, building society account, or any other financial affairs.

(3) Any registered sports club may apply to the Proctors, through the Sports Strategy Committee, for permission to co-operate in the establishment of a federal structure or representative team.

(4) There shall be only one registered club for each sport, with the possibility of the club being federal in nature.

(5) In exceptional circumstances, at the request of a sports club submitted through the Director of Sport, the Proctors shall have discretion to dispense from the requirements of any of (a)–(g) of paragraph (1) above, subject to such terms and conditions as they may from time to time see fit to impose.

#### *Publications*

1.10. (1) A publication which registers with the Proctors shall:

(a) notify to the Proctors by the end of the second week of each Full Term the names of its editor or editors and the names of any other persons who have agreed to assume financial responsibility, and shall promptly notify to the Proctors any changes in its editor or editors;

(b) appoint a member of Congregation as its Senior Member who shall be kept informed of the activities of the publication;

(c) keep a proper record of its financial transactions which shall be available for inspection at the request of the Senior Member or the Proctors; and forward to the Proctors by the end of the second week of each Full Term a copy of the accounts for the preceding term signed by the Senior Member for retention on the Proctors' files;

(d) inform the Proctors when publication ceases and in doing so present a financial statement; and

(e) in the event of having a turnover in excess of £15,000 in the preceding year, or if owing to a change in the nature or scale of its activities confidently expecting to have such a turnover in the current year, shall submit its accounts for audit by auditors approved in advance by the Proctors; accounts shall be ready for audit within four months of the end of the financial year of the publication; if requested by the auditors, the publication shall submit accounts and related materials as a basis for accounting procedures, the cost likewise to be borne by the publication.

(2) In exceptional circumstances, at the request of a publication, the Proctors shall have discretion to dispense from the requirements of (b) and (c) of paragraph (1) above, subject to such terms and conditions as they may from time to time see fit to impose.

### **Part 2**

#### **Motor Vehicles**

2.1. No student member shall park a motor vehicle on any land of the University without the express permission of the person or body which has charge of that land.

2.2. A motor vehicle parked without such permission may be wheel-clamped or towed away, and a penalty charge may be incurred.

### **Part 3**

#### **Defacement of Property and Unauthorised Advertisements**

3.1. No student member shall intentionally or recklessly and without lawful authority, within six miles of Carfax:

(1) deface any building, wall, fence, or other structure by inscribing on it any writing or posting on or attaching to it any bill;

(2) display any advertising material in a public place.

### **Part 4**

#### **Behaviour after Examinations**

4.1. No student member shall, at any time between the hours of 12.15 and 1 p.m. or 5.15 and 6 p.m., or between fifteen minutes before and thirty minutes after the scheduled time for the completion of a Public Examination of the University for ten or more candidates, remain within one mile of any place where such an examination is being or has just been held, in such a way as to cause or be likely to cause obstruction of a public thoroughfare, after having been requested by one or more of the Proctors, the Marshal, or their staff to disperse.

4.2. (1) No student member shall, in any place or thoroughfare to which members of the general public have access within six miles of Carfax, throw, pour, apply, or use any thing or substance in a way which is intended, or is likely, to cause injury to any person, or damage to, or defacement or destruction of, any property.

(2) No student member shall be in possession of any thing or substance with intention to commit an offence under paragraph (1) above.



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## Part 5

### Overseas Activities

- 5.1. (1) No student member shall participate in any sports tours which involve overseas travel during Full Term or the Thursday and Friday immediately preceding Full Term without the prior permission of:
- (a) the Senior Tutor of that member's college, society, Permanent Private Hall, or other institution designated by Council by regulation as being permitted to present candidates for matriculation; and
  - (b) the Proctors.
- (2) The written permission of the Senior Tutor shall accompany any request to the Proctors.
- 5.2. No student member shall participate in any activity overseas organised by a club, society, or organisation registered with the Proctors, whether during term-time or vacation, unless the plans for that activity have been notified at least one calendar month in advance of the date of departure from the United Kingdom to (in the case of sports clubs) the Director of Sport or (in the case of non-sports clubs and publications) the University Marshal.
- 5.3. Each student member participating in such activities overseas shall observe any conditions imposed by the Proctors on the recommendation as the case may be of the Director of Sport or the University Marshal, e.g. relating to the deposit of contact addresses, fulfilment of health, safety, and insurance requirements, and stipulation of coaches, trainers, or Senior Members to accompany the trip.

## Part 6

### Rowing on the River

- 6.1. No student member (other than a student member currently in residence at All Souls College, Kellogg College, Linacre College, Nuffield College, St Antony's College, St Cross College, Templeton College, or Wolfson College) shall participate in rowing on the river between the hours of 8.30 a.m. and 1 p.m. from Monday to Friday inclusive during Full Term without the prior permission of the Proctors.
- 6.2. No student member shall knowingly breach any regulation or instruction made by or on the authority of the Director of Sport or the Area Safety Officer (Sport), by Oxford University Rowing Clubs with the consent of the Proctors, or by a responsible external body such as the National Rivers Authority, relating to safety on the river.
- 6.3. The organisers of any rowing competition for any college, society, Permanent Private Hall, or other designated institution (or between a number of such foundations) which is to be held within six miles of Carfax shall submit to the Proctors not less than twenty-one days before the date of the proposed competition an Event Plan and Risk Assessment, and shall observe such conditions relating to the running of the competition as may be specified by the Proctors (who shall take advice from the University Marshal and the Area Safety Officer (Sport)).

## Proctors' Regulations 1 of 2002

### DISCIPLINARY REGULATIONS FOR CANDIDATES IN EXAMINATIONS

*Made by the Proctors on 5 July 2002*

*Approved by Council on 24 July 2002*

1. These regulations are made by the Proctors in the exercise of their powers under section 20 of Statute IX and are also designated by Council as disciplinary regulations under section 6 (2) of Statute XI.
2. In these regulations:
  - (1) 'examination' includes where the context so permits the submission and assessment of a thesis, dissertation, essay, practical work, or other coursework which is not undertaken in formal examination conditions but counts towards or constitutes the work for a degree or other academic award; and
  - (2) 'examination room' means any room designated by the University's Clerk of the Schools or approved by the Proctors as a place for one or more candidates to take an examination.
3. No candidate shall cheat or act dishonestly, or attempt to do so, in any way, whether before, during, or after an examination, so as to obtain or seek to obtain an unfair advantage in an examination.
4. No candidate shall present for an examination as his or her own work any part or the substance of any part of another person's work.
5. In any written work passages quoted or closely paraphrased from another person's work must be identified as quotations or paraphrases, and the source of the quoted or paraphrased material must be acknowledged.
6. No person shall dishonestly give help to a candidate before, during, or after an examination so as to give, or attempt to give, that candidate an unfair advantage in an examination.
7. No candidate shall take, or attempt to take, into an examination room any unauthorised material or equipment relevant to the examination nor use or attempt to use it.
8. No candidate shall copy from the script of another candidate or in any other way dishonestly receive help from another person in an examination.

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9. Candidates may not communicate with any person other than an invigilator during an examination.
  10. No candidate may leave or re-enter an examination room unless permitted by an invigilator.
  11. No candidate shall enter an examination room more than thirty minutes after an examination has started except with the permission of the Proctors or an invigilator.
  12. No candidate shall, unless permitted by the Proctors or an invigilator, leave an examination room:
    - (1) within thirty minutes of the beginning of an examination; or
    - (2) within thirty minutes of the time at which it is due to end.
  13. No candidate may smoke in an examination room or in any building in which an examination is being held, or behave in any other way which distracts or is likely to distract other candidates.
  14. Candidates may not use paper in an examination except that which is provided for them.
  15. At the end of each examination candidates must hand back to an invigilator all the paper provided for writing their answers, including paper used for rough drafts and paper which has not been used.
  16. Unless regulation 17 below applies, all articles or equipment to be used in an examination must be carried into the examination room in a transparent bag.
  17. Candidates must offer non-transparent bags for inspection and, unless special permission is given by an invigilator, must deposit them at the place designated for the deposit of bags and other personal belongings.
  18. No candidate shall take a mobile telephone into an examination room.
  19. Candidates must present themselves for examinations in full academic dress.
  20. Candidates must follow the directions of the invigilators and the Proctors during an examination, including a direction to leave the examination room and the building in which the examination is being held.