

## Discipline Committee: Practice Statement

26 July 2017

The Acting Registrar, acting as Secretary of the Discipline Committee, publishes this statement on the operation, procedures, and practice of the Discipline Committee to provide information and guidance to students and Colleges. The statement reflects the current disciplinary arrangements, which are under review.

### DISCIPLINE COMMITTEE: PRACTICE STATEMENT

#### Introduction: the University disciplinary procedure

1. Any complaint by the Proctors, or by any other member or employee of the University, that a student member of the University has committed a breach of the disciplinary regulations of the University is considered by the University Advocate, who decides whether a charge shall be brought. (Complaints about breaches of College disciplinary regulations are solely a matter for the College concerned.)

2. If the complaint is of a minor matter, the case may be dealt with by the Discipline Board, which consists of a Chair, one senior member of the University, and one student member. The Discipline Board has power to impose fines not exceeding £175 and to order payment of compensation not exceeding £250.

3. If the University Advocate considers that the alleged breach is a serious one, the charge will be dealt with by the Discipline Committee. The Chair of this Committee is legally qualified or experienced judicially and may be a non-resident member of the University. The other members of the Committee are two senior members and two student members, but, if the person charged so requests, the Committee includes four senior members and no student members. Hearings are normally conducted in private, with only those present who are directly involved in the case or whose presence has been agreed with the Chair (see paragraph 28). The Committee has power to impose penalties of deprivation or suspension of membership of the University, deprivation or suspension of degree, rustication, and any other penalty which it considers lighter, including requesting the Vice-Chancellor to issue a revised class-list awarding a different class of degree than that initially awarded by the Examiners, and may order payment of compensation.

4. There is provision for appeals from decisions of the Discipline Committee to another panel, the Septemviri, which consists of seven senior members of the University. The Septemviri may quash the finding or vary the penalty within the limits of the powers of the Discipline Committee. The Discipline Committee itself acts as an appeal panel against decisions of the Discipline Board, and the Discipline Board can hear appeals against library fines, fines for matters against the regulations for motor vehicles, etc. The decision of each panel, when it is acting as an appeal panel, is final and therefore will include a Completion of Procedures letter, inviting the student to raise a complaint with the Office of the Independent Adjudicator if the student remains dissatisfied.

5. In all matters concerning the investigation of an alleged breach of the regulations and subsequent proceedings before a University disciplinary panel, the University shall be under a duty to act fairly.

6. The following makes reference to the person charged as the student but is intended to encompass a case in which a former student is charged with a breach which is alleged to have taken place during their time as a student.

#### Representation

7. A person appearing before a University disciplinary panel is allowed assistance and representation if they so wish, and may call witnesses.

8. The Faculty of Law operates a voluntary scheme whereby members of the Faculty offer free advice and representation. Students who wish to take advantage of this arrangement should consult the Secretary of the Faculty Board of Law, who maintains a list of officers willing to act in this way. Alternatively, students may wish to seek free advice and support from the Students' Unions' Advice Service or employ professional assistance at their own expense.

#### Statutory provisions for the Discipline Committee

9. The provisions for the University disciplinary panels can be found in *Statutes and Ordinances*:

- Statute D: Discipline ([http://www.admin.cam.ac.uk/univ/so/2016/statute\\_d-front.html](http://www.admin.cam.ac.uk/univ/so/2016/statute_d-front.html))
- Special Ordinances under Statute D ([http://www.admin.cam.ac.uk/univ/so/2016/special\\_d-front.html](http://www.admin.cam.ac.uk/univ/so/2016/special_d-front.html))
- Ordinances, Chapter II: Matriculation, Residence, Admission to Degrees, Discipline (Regulations and rules of procedure) (<http://www.admin.cam.ac.uk/univ/so/2016/chapter02-section19.html#heading2-15> and <http://www.admin.cam.ac.uk/univ/so/2016/chapter02-section20.html#heading2-24>)

#### Initiation of proceedings before the Discipline Committee

10. Any complaint by the Proctors, or by any other member or employee of the University, that a student member of the University has committed a breach of the disciplinary regulations is considered by the University Advocate. The Advocate is the independent prosecutor in relation to University discipline and connected functions. The Advocate is appointed by Grace on the nomination of the Council; there is provision for the appointment of one or more Deputy Advocates. Under the provisions of Statute D and Special Ordinances under Statute D, the University Advocate, or a Deputy Advocate, determines whether charges should be brought against a student, and before which disciplinary panel of the University.

11. The Proctors are the University's statutory officers with general responsibility for the maintenance of good order and discipline in the University; they have particular responsibility for upholding the general regulations for discipline laid down in University Ordinances (Chapter II: Matriculation, Residence, Admission to Degrees, Discipline).

*Misconduct in examinations and plagiarism*

12. Most, but by no means all, of the cases brought before the Discipline Committee concern alleged breaches of Regulation 7, which reads:

No candidate shall make use of unfair means in any University examination. Unfair means shall include plagiarism\* and, unless such possession is specifically authorized, the possession of any book, paper, or other material relevant to the examination. No member of the University shall assist a candidate to make use of such unfair means.

\* Plagiarism is defined as submitting as one's own work, irrespective of intent to deceive, that which derives in part or in its entirety from the work of others without due acknowledgement.

13. The Proctors have particular responsibilities in the supervision of examinations, and for investigating cases of alleged misconduct. The Examiners or Degree Committee are responsible for assessing the marks to be awarded for academic work submitted for examination and therefore have an interest in determining whether or not the work submitted is the student's own work. The Proctor or Chair of the Examiners or Degree Committee concerned may conduct an investigative meeting in accordance with paragraphs 17 and 19 below – involving the student, their Tutor and/or Graduate Supervisor, a Proctor (if convened by a Chair), and possibly Examiners – in order to consider whether or not a matter should be referred to the Advocate, and shall normally do so in all cases except those involving a complaint of harassment under Regulation 6 of the General Regulations for Discipline. In cases of alleged misconduct in an examination, it is conventionally the Senior Proctor who makes the formal complaint.

14. Regulation 7 refers to plagiarism as an example of unfair means in an examination. Attention is drawn to the Statement on Plagiarism issued by the General Board and to the related 'Rules for the Guidance of Candidates and for the Prevention of Misconduct in Examinations' issued by the Board of Examinations (Ordinances, Chapter I: the Chancellor and the Government of the University).

15. Detailed information and guidance on these matters can be found on the University website, in particular:

- Information on examinations (<http://www.cambridgestudents.cam.ac.uk/your-course/examinations>)
- Information on plagiarism (<http://www.plagiarism.admin.cam.ac.uk/>).

**The conduct of the investigative meeting by the University Advocate and others**

16. The Advocate may conduct an investigative meeting, in order to establish facts and information, to ensure that no misunderstandings or misapprehensions have arisen, and otherwise to determine whether there are grounds or reasons for proceeding against the student in one of the University disciplinary panels. The Advocate may convene such a meeting, even if an investigative meeting has already been conducted by the Proctor or the Chair of Examiners or Degree Committee.

17. Subject to paragraphs 18 and 19 below, the following principles govern the conduct of all investigative meetings:

- (i) The student involved is entitled to be accompanied by a supporter at the meeting. A supporter may be a Tutor, student representative, or a friend. Students are entitled to be accompanied by a legal representative at such meetings, in addition to bringing a supporter. It is strongly recommended that the student's Tutor or Graduate Supervisor be present to provide support, guidance, and advice (or other officer as deputy if the student's own Tutor or Supervisor is unavailable).
- (ii) Where the circumstances allow, in advance of the meeting the student will be notified in writing of the purpose and conduct of the meeting, those who may attend, and the way in which the information provided at the meeting will be used, with reference to this Statement. If no such written notice is possible, the student will be advised of these matters prior to the meeting taking place. Students will be reminded of these matters at the beginning of the meeting. Normally an investigative meeting will not take place unless the student's supporter (or a deputy) is able to attend.
- (iii) The student is not required to make any statements at an investigative meeting and is not required to admit to any charge put, but co-operation with the investigation is welcomed. Whilst the student's attendance is not compulsory, the student is normally expected to be present but need not attend in person and may do so by other means (including by phone or videoconference). A disciplinary panel may subsequently take into account in deciding on a penalty whether or not there was co-operation with the investigation and whether admissions to charges subsequently proved were made.
- (iv) Notes may be made in investigative meetings, which may be agreed by the parties concerned, or a note of dissent may be recorded; audio recordings of such meetings are not made. Any notes of such meetings may be produced, by either party, as evidence in a subsequent hearing of the Discipline Committee.

18. The Advocate shall normally conduct an investigative meeting in the case of complaints under Regulation 6 concerning harassment. It is strongly recommended that the student is accompanied by a supporter or legal representative at such a meeting.

19. In cases of suspected unfair means (other than plagiarism) in an examination under Regulation 7, the Proctors or the Chair of Examiners will usually aim to convene a meeting as soon as possible after the end of the relevant examination, often on the same day unless circumstances prevent this (for example, because the student has another examination later on the same day). In cases under Regulation 7, it is considered in the interests of all parties for the meeting to take place as soon as practicable and therefore the meeting will usually only be delayed in order to enable the attendance of the student's Tutor or Graduate Supervisor.

**Written notice of the charges**

20. If the Advocate decides that – in order to uphold discipline in the University, to protect the University's reputation, or to preserve the integrity of the examination system – a student is to be charged, written notice is given to the Registry. Under Special Ordinance, the Registry or, ordinarily, a deputy appointed by the Registry acts as the Secretary of the Discipline Committee. The Secretary is responsible for progressing the case before the Committee, in accordance with the regulations and rules of procedure set down in Ordinances.

21. The Secretary of the Committee will issue a written notice to the student charged, with copies sent to certain members of the student's College (the Head of College, the Graduate or Senior Tutor). The written notice will:

- (i) set out the charges, that is the complaint, against the student, as indicated by the Advocate;
- (ii) indicate when the Committee is likely to convene to hear the case;
- (iii) state the Chair of the Committee designated for the case.

22. The Secretary of the Committee will also draw attention to the provisions in the regulations whereby the person charged is entitled to (a) choose the general composition of the Committee (which can be four members of the Regent House, or two such members and two student members), (b) object, for good cause, to the proposed appointment of a member of the Committee, and (c) request that the Committee will sit in private. Members of the Committee will be selected at random from the relevant panels and will not have any material connection with the person charged, whether through their College, their Department, or their course of study.

### **Case management**

23. In most cases, the Chair of the Discipline Committee (acting under powers in Statute D and Special Ordinances under Statute D to make rules of procedure) will deal with a number of case management issues, either by holding a meeting or agreeing matters by correspondence.

24. Dealing with case management issues in advance of the hearing ensures the efficient dispatch of the work of the Committee, minimizes delay, and affords both sides – the Advocate and the student – the time to prepare their cases, according to an agreed case management framework. Specifically, the main purposes of case management enquiries are:

- to take – at the earliest practicable stage – the student's plea (if the student is willing or able to declare it), or if no plea can be taken, ascertain whether the student is likely to admit the charge or not;
- to identify, as early as possible, and agree on the real issue(s) in the case, ahead of the Committee hearing (especially where it is indicated that the student is not likely to admit the charge);
- identification of the evidence that is to be adduced, and to establish the timetable and arrangements for its disclosure;
- to establish what witnesses, if any, are to be called;
- to establish what must be done, by whom, and when;
- to find a date for the formal Committee hearing, with minimal delay;
- to consider any objections to potential membership of the Committee;
- to deal with any issues concerning the presence or absence of the student at the formal Committee hearing.

25. If a meeting is to be held, it will normally be scheduled to take place as soon as possible after the Advocate has given notice of the charges to the Registry and after the Secretary of the Committee has issued written notice to the student charged. It is strongly recommended that a student charged has in place the services of a representative, or the support of their College Tutor or Graduate Supervisor.

#### *26. Notes on the case management meeting or correspondence*

- The meeting will be conducted orally and in private. Correspondence will be copied only to the parties directly concerned with the case.
- The student charged is entitled to be present at a case management meeting, together with their Tutor or Graduate Supervisor, their Head of House, their representative, or any deputy of any of these persons. However, the attendance of these parties is not expected unless the Chair requests such attendance.
- Attendance by the following is highly desirable: the University Advocate, or Deputy Advocate; the student and any representative of the student (appointed representative from the Faculty of Law, the Students' Unions' Advice Service, or a Tutor or Graduate Supervisor).
- It is open to the student to decide for herself or himself whether to defend or admit the charges or to state the grounds for contesting the charges being brought. Students may be advised that credit is given for pleas admitting the charge, and the earlier the charge is admitted, the greater the credit which may be given.
- It is important to note that a case cannot be concluded (including penalty) at a case management meeting or by correspondence prior to the hearing, even if the student admits the charge. Plea bargaining does not take place at the hearing.
- The directions of the Chair on case management issues should be regarded as binding.

### **Discipline Committee: Formal hearing**

27. The Committee will normally sit in private. A decision on whether the Committee sits in public or in private is at the discretion of the Chair of the Committee, who will take into account the wishes of the student in reaching a decision.

28. If the Committee sits in private, the following are entitled to be present: the student, the student's Tutor or Graduate Supervisor (or a deputy appointed by the Tutor or Graduate Supervisor), the Head of the student's College (or a deputy appointed by the Head), the University Advocate, the complainant, and any person appointed to represent the student, the complainant, or the University Advocate. Whether the Committee sits in public or in private, the rules of procedure specifically provide for the Committee to proceed in the absence of any of the persons entitled to be present.

29. A student is expected to appear in person before the Discipline Committee. If attendance has not been excused in advance at the case management meeting, or no good reason for non-attendance is offered, the Committee will be at liberty to take that into account. It is recognized, however, that if, for example, the Committee meets outside Term, it may prove difficult for students to present themselves. In cases of non-attendance the Discipline Committee may adjourn the hearing or proceed in the student's absence.

30. In exceptional circumstances, non-attendance for no good reason may be regarded as a breach of the University's discipline in its own right and may be punishable by a fine, if the non-attendance is deemed intentionally to disrupt or impede the processes of the Committee. It should be noted that the imposition of a fine for such reasons might in itself become subject to an appeal to the Septemviri, or indeed may be subject to review by the Office of the Independent Adjudicator (OIA).

31. A student whose case is being heard or adjudicated upon by the Discipline Committee

- (i) will be given a reasonable opportunity of being heard by the Committee; and
- (ii) has the right to call witnesses and to question witnesses upon whose evidence the case against her or him is based.

32. The procedure of the Discipline Committee follows normal adversarial principles. These allow for the presentation of a prosecution case (by the Advocate) and a defence case, with presentation and scrutiny of evidence, and the examination and cross-examination of witnesses, including examination by the Committee itself. Where the charge is admitted, the Chair may vary the procedure and direct that the parties make brief expository statements and concentrate on representations they wish to make in mitigation and as to penalty.

33. The burden of proof set under the procedures for the Committee is a criminal standard – *viz.* the Committee shall not find a charge proved unless it is satisfied that a charge has been 'proved beyond reasonable doubt'.

34. The Committee may retire (i.e. the members remain whilst others withdraw) at any point in the hearing to consider the case. At the end of the hearing the Committee will generally reconvene and a decision will be announced as to whether the case has been proved, and as to penalties imposed. The Chair may however rule that the decision should be communicated by other means after the hearing has been concluded. The decision and the reasons for the decision will be communicated in writing to the student within seven calendar days of the decision being reached. Any penalty imposed has immediate effect – save that the Chair of the Discipline Committee and the Chair of the Septemviri each has the power to suspend the imposition of any penalty until the conclusion of the proceedings by the Septemviri of any appeal against a decision of the Discipline Committee.

### Penalties

35. The range of penalties available to the Discipline Committee is set out in *Statutes and Ordinances*, and includes: expulsion, or rustication; deprivation (or suspension) of degrees or membership of the University; deprivation (or suspension) of the right to use University premises or facilities; a fine, or an order to pay compensation; a lesser penalty; exceptionally, no penalty.

36. Where the student has been charged with misconduct in an examination, and such a case has been proved, the Committee may determine that a penalty be imposed in relation to the examination concerned, either in whole or in part. The effect of such a penalty may have an effect on the overall classification received by a student, for the whole examination concerned.

### Tariffs

37. There is no formal schedule of tariffs for breaches considered by the Discipline Committee. Evidence in mitigation is usually presented in cases before the Committee, even when the charge is not admitted, and this inevitably affects consideration of penalty. It is considered very important that the Committee should not feel shackled unnecessarily by the concept of tariffs for particular breaches, and should have maximum flexibility in considering all the relevant circumstances in the particular case. Details of precedents that have been published in the *Reporter* are available to members of the Committee and to the Advocate, the student, and the student's legal representative. These are ordinarily circulated a week or so before any sitting of the Committee, as part of a Secretary's bundle. Information about penalties imposed by the Committee is contained in the announcements of the Committee published in the *Reporter*.

### Appeal

38. The student will be advised of their rights to appeal from the decision of the Committee. This will be made clear at the conclusion of the Committee hearing, and it may be that the Chair will seek an indication from the student as to whether or not they wish to appeal. There is no obligation to indicate at the hearing whether an appeal is to be launched, but delay in knowing whether this is to be the case may affect the way in which the Committee's decision is enacted and in particular how any changes involving an amended class-list are to be effected.

39. The student will receive a reasoned decision concerning their case soon after the hearing of the Committee.

40. The Committee will issue a Notice to be published in the *Reporter* and elsewhere giving summary details of the case. By custom, such notices will not identify the student by name, College, or course of study.

### Decision record

41. The procedures of the Committee provide for a person whose case is adjudicated upon by the Discipline Committee to be given a copy of the minutes of the Committee, in addition to a reasoned decision in writing. The minutes of the Committee meeting may be agreed by the parties concerned, or a note of dissent may be recorded; audio recordings of such meetings are not made.

42. It is important to note that relevant parties, such as the Student Registry, will be properly informed about the Committee's decision in a particular case, and that appropriate endorsements may be made to the student's record which make clear the nature of the student's appearance before the Committee and the penalty imposed by the Committee, or makes appropriate references to material that may be consulted.

**Anonymity of the student charged**

43. The normal practice of the Committee has been to preserve the anonymity of students in relation to the Committee's Notices (in the *Reporter*) and any other announcements of its decisions. However, it is not obliged to do this and it may order the name of the student to be published if it considers that the justice of the case requires this. The University Council has taken the view that it is for the Committee itself to decide, on a case-by-case basis, whether to vary the custom of anonymity in its decisions.

44. In certain circumstances, however, it is necessary to publish in some form the name of a student where the penalty relates to the deprivation of a degree and/or deprivation of membership of the University. In such cases, and because the naming of the student concerned may be regarded as having some of the character of a penalty, the Committee will, at the time the penalty is imposed, inform the student of its determination that they will be named so that any observations may be made by the student or their representative. Potentially the matter might be the subject of an appeal (that is, for the Discipline Committee, to the Septemviri), or the action of the Committee might also be subject to review by the Office of the Independent Adjudicator (OIA).

45. Indirectly, the names of the students are implicitly published through the usual arrangements for the amendment of the class-list by the Vice-Chancellor in accordance with the penalty imposed by the Committee.