

19. DISCIPLINARY ORDINANCE

The Disciplinary Tribunal

- 19.1** There shall be a Disciplinary Tribunal (constituted in accordance with Statute 25 Section 16 of the Statutes of the University after the Chair of Council has consulted the Chair of the Academic Assembly on the question of who should be appointed under the provisions of Statute 25.16(a) and (b)). The duty of the Disciplinary Committee shall be to implement a proper hearing of charges brought under Statute 25 Section 15 of the Statutes of the University in accordance with the provisions of Statute 25 Section 17 of the Statutes of the University.
- 19.2** The Disciplinary Tribunal shall discharge its duty by conducting itself in such a way, subject to the specific provisions of these Ordinances, that a proper enquiry is made into each and every claim brought under Statute 25 Section 15 of the Statutes of the University taking into account all relevant and proper rules of natural justice so that a proper conclusion may be reached.
- 19.3** Any Disciplinary Tribunal may be assisted in all its functions (including any private deliberations of the Disciplinary Tribunal) by a legal adviser and/or another professional adviser appointed by the Deputy Vice-Chancellor or a Pro-Vice-Chancellor at the request of the Chair of the Disciplinary Committee provided that such adviser -
- (i) shall have no vote on any Disciplinary Tribunal;
 - (ii) shall not speak at any hearing of the Disciplinary Tribunal unless invited to speak by the Chair of the Disciplinary Tribunal.
- 19.4** Once a member of the Disciplinary Tribunal is involved in an enquiry into an alleged breach of a disciplinary rule he or she shall (unless unable to do so for medical reasons) continue to complete the enquiry even though his or her nomination period by Council or Senate may have ended or even though he or she may no longer be a member of the University.
- 19.5** The quorum for any meeting of the Disciplinary Tribunal must be all the persons mentioned in Statute 25 Section 16 of the Statutes of the University.
- 19.6** All members of the Disciplinary Tribunal taking a decision under this Ordinance must have been present at each and every earlier meeting of the Disciplinary Tribunal at which charges alleged against the member of the academic staff have been under consideration.

Start of the Hearing

- 19.7** After receipt of the papers to which reference is made in Statute 25 Section 15(4)(a) of the Statutes of the University the Disciplinary Tribunal shall meet and shall consider how the charges may be best investigated and dealt with at the hearing. The Disciplinary Tribunal shall have an absolute discretion to ask the officer in charge of the proceedings to obtain
- (a) statements in writing from any relevant witnesses;
 - (b) a general statement as to any relevant background;
 - (c) details of such other evidence as may be available.

The Disciplinary Tribunal shall fix a provisional timetable for such matters as have to be dealt with prior to any oral hearing in a reasonable and expeditious manner with the object of making sure that the oral hearing of the charges takes place as quickly as is possible and reasonable. The Disciplinary Tribunal may fix time limits for any step which needs to be taken before the oral hearing and the consequences of not complying with such time limits.

A copy of all statements and details provided to the Disciplinary Tribunal by the officer in charge of the proceedings shall be copied and sent to the member of the academic staff who is the subject of the charges at least fourteen complete days before any oral hearing starts together with copies of all other, written, photographic or other evidence which can be copied and which the Disciplinary Tribunal proposes to consider at such hearing and a list of the witnesses whom the Disciplinary Tribunal wishes to give oral evidence.

The Disciplinary Tribunal shall send to the officer in charge of the proceedings copies of all notifications sent to the member of the academic staff.

- 19.8** The Disciplinary Tribunal shall in writing notify the member of the academic staff that he or she shall attend an oral hearing on a date and at a time and place to be specified by the Disciplinary Tribunal, at which the member of the academic staff shall be entitled to be present with or without witnesses and with or without one friend whether legally qualified or not ('a friend'). The date of the hearing shall be not less than fourteen complete days from the sending of notification by the Disciplinary Tribunal to the member of the academic staff.

At the hearing the member of the academic staff or a friend may speak and ask questions of any person called to give relevant evidence to the Disciplinary Tribunal about the charges ('the evidence').

- 19.9** The Disciplinary Tribunal at any oral hearing held in accordance with the provisions of paragraph 19.8, shall allow the member of the academic staff (or a friend) and the officer in charge of the proceedings in the presence of each other to ask questions of witnesses and to speak on the charges and on the evidence in any general or particular way save if the Disciplinary Tribunal at its absolute discretion considers that any

matter raised is irrelevant to the charges being considered by the Disciplinary Tribunal on the charges or on the evidence.

- 19.10** The member of the academic staff will have the right to be assisted by a friend and the member of the academic staff or the friend will have the right to speak before the Disciplinary Tribunal during the oral hearing and, in the event of any finding against the member of the academic staff, in mitigation after the finding has been announced.
- 19.11** The arrangements for the manner of exercising any rights of speaking and asking questions provided for in these paragraphs shall be at the discretion of the Disciplinary Tribunal save that the member of the academic staff or a friend shall have the right to address the Disciplinary Tribunal on the charge or charges last.
- 19.12** The Disciplinary Tribunal shall have power:
- (i) to ask questions of all witnesses (including the member of the academic staff); and
 - (ii) to examine any written, photographic, electronic or other form of record belonging to the University at any time provided that the member of the academic staff and the officer in charge of the proceedings shall be told what has been examined and have an opportunity to make examination themselves.
- 19.13** The Disciplinary Tribunal may at its discretion, having if thought fit taken legal advice, accept forms of evidence other than written or verbal statements of witnesses if the Disciplinary Tribunal is satisfied as to the admissibility of such evidence on a reasonable basis having regard to the exigencies of any particular situation.
- 19.14** The Disciplinary Tribunal may at its own absolute discretion adjourn matters related to its enquiry and may proceed in the absence of the member of the academic staff who fails to attend a meeting of the Disciplinary Tribunal having received proper notice of the date, time and place of the meeting unless the member of the academic staff has made a prior written request for a postponement of the oral hearing for reasons which shall have been stated in the request and which are considered satisfactory by the Disciplinary Tribunal.
- 19.15** The Disciplinary Tribunal may dismiss any charge or charges at its absolute discretion on application by or on behalf of the member of the academic staff if the officer in charge of the proceedings has not dealt with the charge or charges in a way which the Disciplinary Tribunal considers to be reasonable.
- 19.16** The Disciplinary Tribunal may at its absolute discretion at any time prior to the conclusion of the oral hearing remit the charge or charges to the Vice-Chancellor for further consideration or for the correction of errors.

Conclusion of the Hearing

- 19.17** At the conclusion of its enquiry the Disciplinary Tribunal (with the assistance of its adviser(s) if appointed) shall consider in private what it has read, heard and seen in

relation to the charges and to the evidence and shall produce in writing a report ('the Disciplinary Report') containing:

- (i) an index of the written papers and other evidence received by the Disciplinary Tribunal in relation to the allegations and a list of the names of those persons who gave oral evidence to the Disciplinary Tribunal;
- (ii) the facts which it has found to be proved which are relevant to the allegations;
- (iii) the charges which it has found to be proved because of the findings of fact in (ii);
- (iv) a statement as to any mitigating or serious features found to be present;
- (v) a penalty for confirmation by the appropriate officer in respect of the charges found to have been proved.

19.18 The Disciplinary Tribunal shall serve a copy of the Disciplinary Report on the member of the academic staff, the officer in charge of the proceedings and on the Vice-Chancellor.

Penalties

19.19 If the Disciplinary Tribunal find the charge or charges to have been proved against a member of the academic staff it shall have power to give an absolute remission or to deal with matters in accordance with Statute 25 Section 19 of the Statutes of the University.

If the Tribunal finds no charges proved against the member of the academic staff or awards an absolute remission no record of the hearing is to be kept in any file or record relating to the member of academic staff.

Evidence

19.20 The Disciplinary Tribunal shall cause a substantial note to be taken in writing of (or alternatively a complete tape recording from which a transcript can be produced):

- (a) all evidence and arguments presented to it by the member of the academic staff and any witnesses not previously in written form; and
- (b) all procedural or other interim decisions.

Arrangements for the note shall be made in accordance with Statute 9 Section 2.

Notices

19.21 Where any notice required by these Ordinances to be sent to a member of the academic staff is sent by registered or first class recorded delivery post to the address of the member of the academic staff as registered with the Director of Human Resources, it may be presumed to have been received by the member of the academic

staff two days after being sent, unless there is evidence that, through no intent on the member of the academic staff's part, the notice was not in fact received within the two days.

Approved by Council
1 August 2016