



Senate

Paper Title	Code of Student Discipline
Outcome requested	Senate is asked to approve some amendments to the Code of Discipline.
Executive summary	<p>The amendments to the Code of Student Discipline have been made following recommendations made by the Office of the Independent Adjudicator. Senate is asked to note that the Code of Student Discipline will be reviewed further during 2015-16.</p> <p>The OIA made the following recommendations:</p> <ol style="list-style-type: none">1. that at Student Disciplinary Committee hearings the roles of presenter and secretary are taken by different individuals in order to avoid the perception of bias <p><i>Paragraphs 83 and 84 now set out the roles of the secretary and the QMUL representative who presents the case.</i></p> <ol style="list-style-type: none">2. that the role of investigator including the obtaining of witness statements in disciplinary cases is taken by a member of ARCS to ensure independence; <p><i>Paragraph 56 has been added to address this point.</i></p> <ol style="list-style-type: none">3. that the College clarifies the timescale in the procedure for disciplinary hearings by stating an exact number of working days for each stage; <p><i>Paragraphs 59, 65, 75 and 87 have been inserted/amended to address this point.</i></p> <ol style="list-style-type: none">4. that the College includes in its grounds of appeal a right to appeal penalty; <p><i>Paragraph 108 has been amended to include this as a ground of appeal for Disciplinary cases. The appeal regulations will be amended accordingly.</i></p> <ol style="list-style-type: none">5. the Code clarifies the procedure to be applied to the investigation of a disciplinary matter where a student has been suspended. <p><i>Paragraph 42 amended to clarify that where a student is suspended an investigation will be conducted as outlined under</i></p>

	<i>paragraph 55.</i>
Regulatory/statutory reference points and links to QM strategy	QMUL is obliged to comply with recommendations of the OIA.
Reporting/consideration route for the paper	
Timing	
Authors	Luke Vulpiani, Assistant Academic Registrar (Student Casework)
Sponsor (if applicable)	

Code of Student Discipline

Regulations for the management of student misconduct

General Definitions

1. In this Code:
 - [a] **Misconduct** means the improper interference in any way with the proper functioning or activities of QMUL, or those who study or work at QMUL, or members of the public, or action which otherwise damages QMUL.
 - [b] Unless the contrary appears from the context, words implying the singular include the plural and vice versa.
 - [c] Unless the contrary appears from the context, reference to a specific office-holder means that where such an office-holder is unable to act, his/her deputy, the person acting in the office or the office holder's nominee will act in his/her place.
 - [d] References to QMUL, to **QMUL activities, premises and facilities** and to any **office** or **committee membership** include the Students' Union and any premises of the University of London (including intercollegiate halls of residence) or other college of the University of London, or any educational institution or facility at which the student is properly present in connection with his/her programme of study or by virtue of his/her status at QMUL.
 - [e] **Students** refers to those persons defined as such in Ordinance D1.
 - [f] **Foundation Year One (F1) Doctor** refers to a member of NHS staff who is undertaking Foundation Year One and is a member of a Foundation School.
 - [g] **Central level** refers to processes operated by the centre of the QMUL; normally these are more serious cases of misconduct.
 - [h] **School/Institute/Directorate level** refers to processes operated by a student's academic school/institute or a Professional Services service department such as Student Services or Estates and Facilities, or organisational unit of the QMUL.
 - [j] **Suspension** refers to the total prohibition on attendance at, or access to, the College and on any participation in QMUL activities, but at QMUL's absolute discretion it may be qualified for example to permit a student to attend an examination.

[k] **Exclusion** refers to the prohibition of access to and/or use of specified QMUL facilities and premises.

[l] **Instruction restricting activity** refers to an instruction to refrain from contact with specified individuals or undertaking a particular activity.

[m] **Primary medical or dental qualification** refers awards that lead to a licence to practise medicine or dentistry: MBBS and BDS.

Scope

2. The Code of Student Discipline applies to any person defined as a student or associate student of QMUL in accordance with Ordinance D1. This includes students who are interrupting study or resitting out of attendance but remain registered with QMUL.
3. The Code of Student Discipline applies to any action of misconduct whether it takes place on or off QMUL's premises. The Code also applies to actions that are electronic and occur via electronic means such as the internet, email, social media, or other communication technology such as mobile phones.

Responsibility and authority

4. The Principal is responsible to the Council for the management of QMUL, which includes student conduct and discipline.
5. The Principal normally delegates his/her authority for making decisions that discharge his/her responsibility for student discipline and the operation of this Code to other officers or members of staff of QMUL.
6. The Principal's delegations are as detailed below. In all cases, the Principal may assume responsibility to undertake any of the actions delegated to another.
7. **At central level** the Principal delegates his/her responsibility to a Vice Principal for all actions that may be undertaken under the Code of Student Discipline, except approving expulsion of a student on the recommendation of a Student Disciplinary Committee or Fitness to Practise Committee.
8. **At central level** the Principal delegates his/her responsibility for organising an investigation into the alleged misconduct, which may involve undertaking a preliminary interview, to the Academic Registrar and Council Secretary.
9. **At school/institute/directorate level** the Principal delegates his/her responsibility to heads of academic departments and schools for all authorised actions under the Code of Student Discipline for students in their department.
10. **At school level (medicine and dentistry)** the Principal delegates his/her responsibility to the Dean of Education or designated individual in the School of Medicine and Dentistry for all authorised actions under the Code of Student Discipline for students in the School.

11. **At professional services directorate level** the responsibilities and authorities of the Director of a professional services department are those which are approved by the appropriate authority and detailed in the relevant regulations eg Halls of Residence Regulations, Library Regulations etc.

Purpose of the Code of Student Discipline

12. The purpose of this Code is to enable QMUL to fulfil its obligations relating to the care of, and responsibility for, staff and students, and the public, and to protect its reputation.
13. The Code aims to provide consistency across QMUL in the management of student conduct.

General Principles Underlying the Code of Student Discipline

14. The following principles apply to the operation of the Code of Student Discipline:
15. All aspects of this Code are to be consistent with the QMUL Equal Opportunities Policy Statement.
16. Anyone who is accused of misconduct under the terms of this Code is presumed innocent until guilt is determined.
17. Students may be represented or accompanied by any person of their choosing. Normally, a maximum of two individuals are permitted to accompany a student at the meeting or hearing.
18. If the Principal, or a named officer, believes that a criminal offence has been committed s/he may refer the case to the Police (see paragraph 52).
19. No person who has had any significant prior involvement in a given case will be involved in considering a complaint of misconduct under this Code.
20. Students are given notice in writing of allegations of misconduct made about them, and there are specified minimum timeframes after which the hearing can take place once notice of it has been given to allow the student time to prepare his/her defence.
21. Students receive a fair and impartial hearing.
22. All formal notices to students are made in writing, normally via email, although these may be handed to the student personally by a member of QMUL staff; delivered to the student's room in a hall of residence; or by post.
23. If a student, having been given proper notice, fails to attend a meeting or hearing under this Code without a reasonable explanation, the meeting or hearing may proceed as planned. In the event that the student is not able to attend a meeting or hearing, for good reason, it may be rearranged.

24. There will be a proportionate outcome to any complaint of misconduct that is proved.
25. A student against whom a complaint of misconduct is made may be subject to this Code even if it can be shown that the alleged misconduct is due to reasons of incapacity such as a serious emotional or psychiatric condition. In such cases the College will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment.
26. An annual report on Disciplinary cases, which does not identify individual students, is submitted to Senate for consideration.

Definition of Misconduct

27. In this Code, misconduct means the improper interference in any way with the proper functioning or activities of QMUL, or those who study or work at QMUL, or members of the public, or action which otherwise damages QMUL.
28. The following are actions and behaviour that are normally considered to be misconduct:
 - [a] Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of QMUL, whether on QMUL premises or elsewhere.
 - [b] Obstruction of, or improper interference with, the functions, duties or activities of any student, member of staff of the College or any visitor to the QMUL
 - [c] Violent, indecent, disorderly, intimidating or offensive behaviour or language (whether expressed orally, in writing or published electronically, including on social networking web sites) whilst on QMUL premises or engaged in any QMUL activity (including field trips, placements or sporting activities), or directed at any student, member of staff or visitor to QMUL or other member of QMUL.
 - [d] Violent, indecent, disorderly, intimidating or offensive behaviour or language, as set out in above, including words or actions focusing on sex, sexuality, race, religion, disability or age which could constitute harassment.
 - [e] Fraud, deceit, deception or dishonesty in relation to QMUL, members of its staff, or in connection with holding any office of QMUL or being a student of QMUL.
 - [f] Action causing, or likely to cause, injury or action impairing, or likely to impair, health and safety.
 - [g] Any breach of the provisions of the QMUL's Freedom of Expression Policy, or any other action or activity which fails to respect the lawful rights of others to freedom of belief or freedom of speech.

- [h] Any breach of QMUL rule, regulation, policy or code of practice. A QMUL rule, regulation, policy or code of practice includes, for this purpose, one which has been approved by the Council or the designated body.
- [i] Cheating or plagiarism in course work or examinations, including advertising on essay production web sites or seeking help with assessment in any other unauthorised manner, notwithstanding that the conduct in question is covered by, or has been dealt with under, other regulations.
- [j] Theft of, damage to, or defacement of, QMUL property or the property of staff or other students of QMUL, caused intentionally or recklessly.
- [k] Vexatious or malicious complaints and making unsupported allegations about a member of staff, student or other member of QMUL
- [l] Misuse, or unauthorised use, of QMUL premises or items of property, or computer misuse, or attempted misuse. This includes downloading electronic material and publishing material that encourages violence or extreme behaviour towards people or property.
- [m] Behaviour which brings, or is likely to bring, QMUL into disrepute.
- [n] Failure to disclose name and personal details to an officer or employee of QMUL in circumstances where it is reasonable and lawful to require that such information be given.
- [o] Failure to comply with a previously-imposed penalty under this Code or requirements put in place during the pre-hearing stages or the disciplinary procedure.
- [p] Conduct which constitutes a criminal offence in the United Kingdom, or which would, if committed in the United Kingdom, constitute such an offence, where that conduct:
- took place on QMUL premises; or
 - affected or concerned staff or other students of QMUL; or
 - damages the good name of QMUL; or
 - itself constitutes misconduct under the terms of the Code; or
 - is an offence of dishonesty, where the student holds an office of responsibility at QMUL; or
 - is such as to render the student unfit to remain a member of QMUL community or to practice a profession to which his/her course is designed to lead, or if repeated would pose a threat to staff or other students, or threaten the discipline and good order of QMUL.
- [q] Conviction of an offence within the United Kingdom, or elsewhere if the conduct in question would have constituted an offence in the United Kingdom, where the conduct in question falls within any of the six provisions in paragraph [p] above.

Relationship of the Code to Other Regulations, Policies and Procedures

Professional Capability and Fitness to Practise Regulations

29. QMUL has a responsibility to ensure that those students who graduate from a primary medical or dental qualification are fit to practise. This responsibility extends to Foundation Year One (F1) Doctors. Students registered on programmes leading to a primary medical or dental qualification are subject both to the Code of Student Discipline and any other codes and policies that inform their professional conduct. Complaints of misconduct about students registered on such programmes may also give rise to concerns about a student's fitness to practise and are reported to the Professional Capability Committee in all cases.
30. In applying the Code of Student Discipline, account is not taken of fitness to practise. The outcome is reported to the Professional Capability Committee which may wish to take appropriate action in its own right, including referral to the Fitness to Practise Committee. Where the misconduct has been proven through the Student Disciplinary Regulations, the Professional Capability Committee and/or Fitness to Practise Committee do not rehear the case but consider capability and fitness to practise in the light of the misconduct and outcome of the disciplinary procedures.
31. In all cases, actions taken under the Assessment Offences Regulations, where the offence is proven, are reported to the Professional Capability Committee.

Other College Regulations

Allegations of breaches of other QMUL regulations, for example Halls of Residence Regulations, Library Regulations and Computing Regulations, are normally dealt with in accordance with those regulations. Repeated or more serious misconduct or breaches of these regulations may also be dealt with under this Code.

Students' Union Disciplinary Procedures

32. Complaints of misconduct in relation to Students' Union affairs that fall within the remit of the Students' Union Disciplinary Procedures are dealt with by the Students' Union. The Students' Union may also refer complaints for consideration under this code where the misconduct is more serious.

Burden and Standard of Proof

33. It is the responsibility of QMUL to establish that misconduct has occurred. The standard of proof required is the balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred.

Penalties for Misconduct

34. When determining the penalty to be applied consideration will be given to:
- [a] The seriousness of the misconduct.
 - [b] The student's previous disciplinary record.
 - [c] The conduct of the student following the misconduct.
 - [d] If the misconduct has been admitted.
 - [e] Any mitigating factors as applicable

Suspension, Exclusion and Instruction Restricting Activity Pending Hearing

35. QMUL may suspend, exclude or instruct restriction of activity pending hearing for any student who is the subject of a complaint of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation.
36. The Professional Capability and Fitness to Practise Regulations also provide for suspension, exclusion or instruction restricting activity pending hearing where one of these actions has not occurred under the Code of Student Discipline.
37. **Suspension** means the total prohibition on attendance at, or access to, QMUL and on any participation in QMUL activities, but at QMUL's absolute discretion it may be qualified for example to permit a student to attend an examination.
38. **Exclusion** means selective restriction on attendance at or access to QMUL or prohibition on exercising the functions or duties of any office or committee membership at QMUL or the Students' Union. The precise nature of an exclusion order will be made to the student in writing.
39. **Instruction restricting activity** means a requirement that a student refrain from contact with a specified individual or undertaking a specific form of action. The precise nature of the instruction restricting activity will be made to the student in writing.
40. Suspension is only to be used where exclusion from specified activities or facilities would be inappropriate. Exclusion is only to be used where an instruction restricting activity would be inappropriate.
41. Suspension, exclusion or instruction restricting activity pending hearing are not penalties, and will not be used as such. Their purpose is to enable QMUL to exercise its duty of care to staff and students while an investigation takes place. The reasons for any decision to suspend or exclude a student will be recorded and will be made available to the student along with details about the length of the suspension/exclusion/restriction of activity.
42. When a student is suspended the investigation will take place as outlined under
Code of Student Discipline: Regulations for the Management of Student Misconduct

paragraph 55 below. It is expected that investigations will be conducted promptly and normally within 25 working days.

43. A student who has been suspended, excluded or received an instruction restricting activity may make representations against the decision to the Principal who will respond in writing.
44. Where immediate suspension, exclusion or instruction restricting activity is necessary to preserve good order or to protect staff or students from harm, it may be imposed with immediate effect. In such cases, the student may make representations against the decision within five days of its notification.
45. A student may request a review of a suspension, exclusion or instruction restricting activity should new information come to light. In such circumstances, the student makes the request to the Vice Principal who will respond in writing.

Authority to act

46. **At central level** a Vice Principal has the authority to suspend, exclude or instruct a restriction of activity pending hearing.
47. **At central level** the Academic Secretary has the authority to exclude or instruct a restriction of activity pending hearing, following consultation with the Vice Principal.
48. **At school/institute level** a Head of school/institute¹, or the Dean of Education has the authority to exclude a student from faculty facilities and activities or instruct a restriction of activity pending hearing.
49. **At professional services directorate Level** a Director, has the authority to exclude or instruct a restriction of activity pending hearing where this is provided for in the applicable regulations.
50. **For students registered for a primary medical or dental qualification** the Professional Capability Committee, or Chair acting on its behalf in urgent circumstances, has the authority to suspend, exclude, or instruct an activity pending hearing in the prescribed circumstances.

Misconduct that is also a Criminal Offence

51. The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in court:
 - [a] If the offence under the criminal law is judged to be less serious because it would not lead to a custodial sentence, the police do not wish to investigate it or the student does not wish to press criminal charges, action under this Code may continue, but at any time the Principal may defer such action pending police action or prosecution.

¹ Head of Department includes Head of School, Head of Institute, Head/Director of Professional Service Directorate or President of Students' Union

- [b] In the case of all other offences under the criminal law, no action (other than suspension, exclusion or instruction restricting activity) may be taken under this Code unless the matter has been reported to the police and either prosecuted, or a decision not to prosecute has been taken at which time the Vice Principal may decide whether disciplinary action under the Code of Student Discipline should continue or be taken.
- [c] If a student has been sentenced by a court in relation to the same matter, the penalty imposed by the court will be taken into consideration in determining a penalty under this Code.
52. When action is taken for misconduct, following conviction, the conviction will be taken as evidence that the misconduct has occurred, and will be open to challenge only to the extent that the student disputes that s/he was the person convicted.
53. The registration of a student who is convicted in a criminal court and sentenced to a term of imprisonment of one year or more will be terminated, and the student may be re-admitted only with the permission of the Principal.

Student Disciplinary Procedure

Making an allegation of misconduct

54. All allegations of misconduct should be made in writing, by post, email or other documented means to the Head of School/Institute, Director of Professional Service (is this as per Library/accommodation regs?), Dean for Education or to the Academic Registrar and Council Secretary.

Investigations into alleged misconduct

55. The Academic Registrar, Head of School/Institute, or Dean for Education conducts those investigations that he/she considers necessary.
56. An independent investigating officer may be appointed to undertake the investigation. The investigating officer should have no involvement with the allegation of misconduct. Where appropriate this will be a member of ARCS. In such cases, the student is notified of the name of the investigator.
57. At any point during the course of an investigation into an allegation of misconduct the Academic Registrar, Head of School/Institute/Directorate or the Dean of Education may suspend, exclude or restrict activity pending hearing in accordance with their relevant authority to act in this regard.
58. At any point during the course of an investigation into an allegation of misconduct a Head of School/Institute/Directorate or Dean for Education may refer the case to the Academic Registrar for consideration at institutional level.
59. An investigation will be completed as soon as possible and will normally take no longer than 25 working days.

60. An investigation will normally involve the following stages:
- [a] Notification to the student of the allegation made against him/her and provision of a copy of the Code of Student Discipline.
 - [b] Request for written statements from those involved in the case and collection of any other factual evidence.
 - [c] Where appropriate interviews may be conducted with the relevant individuals and witnesses.
 - [d] Interview with the student against whom the allegation of misconduct has been made to provide him/her with an opportunity to put his/her case. Where an interview is not possible in person, a written statement may be requested.
 - [e] A written report of the investigation and the details of evidence gathered.
61. The Academic Registrar, Head of Department, Dean for Education, or appointed investigating officer keeps notes of meetings held with witnesses and the student.
62. In all cases, witnesses' evidence and/or statements are made available to the student, unless there is a concern for the safety of a witness.²

School/Institute Level

First stage decisions at school/institute level

63. At any time during the investigation, the Head of School/Institute or Dean for Education may decide to refer matter to the Academic Registrar or Council Secretary for consideration at College level.
64. Once the complaint investigation is complete, the Head of School/Institute or Dean for Education either:
- [a] **Dismisses the complaint** of misconduct, in which case the matter is closed and no record is retained of the complaint.
 - [b] **Decides that the case should be heard**

Hearing at School/ Institute level

65. A hearing at School/Institute level will normally take place within 40 working days of an allegation of misconduct. The Head of School/Institute or Dean for Education notifies the student in writing giving at least three working days' notice. The student is provided with copies of all documents that will be considered for the allegation of misconduct.
66. The Head of School/Institute hears the case by himself/herself but may be assisted by another staff member. The student may be accompanied or represented by any person of his/her choosing. The hearing is held in private.

² The safety of a witness is likely to be a concern where the alleged offence involves some form of violent behaviour or injury to another.

The following stages are normally followed:

- [a] The Head of School/Institute questions the student about the allegations.
 - [b] The student or his/her representative responds to the allegations and questions.
 - [c] The Head of School/Institute or Dean for Education decides the outcome of the disciplinary hearing in private.
67. The student is notified of the outcome and decision, normally, within three working days of the date of the hearing. A written notification of the outcome that records the decision, the reason(s) for the decision and the student's right of appeal is provided within five working days.

Decisions at School/Institute level

68. At any time during the hearing the Head of School/Institute or Dean for Education may decide to refer to the matter to the Academic Registrar and Council Secretary so that it may be considered at central level.
69. Once the hearing is completed, the Head of School/Institute or Dean for Education either:
- [a] **Dismisses the complaint** of misconduct, in which case the matter is closed and no record is retained of the complaint.
 - [b] **Decides that the misconduct is proven but should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, takes informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - [c] **Decides that the misconduct is proven and imposes one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - [d] **Refers the matter to the Academic Registrar** for consideration at central level.
 - [e] **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations.

Penalties that may be imposed at School/Institute level

70. When the Head of School/Institute or Dean for Education decides that the misconduct is proven, one or more of the following penalties may be imposed:
- [a] A reprimand which is a formal penalty for the misconduct.
 - [b] The requirement to apologise in specified terms to one or more named persons by a specified date.

- [c] A formal instruction restricting activity for a specified period.
 - [d] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - [e] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - [f] A fine not exceeding £100.
 - [g] Compensation in respect of damage to property at the value of the damage where its value is no more than £250.
 - [h] Compensation in respect of injury to a person not exceeding £250.
 - [i] Prohibition from holding any office, or any particular office, including committee membership of any body or society of QMUL.
 - [j] Exclusion from prescribed departmental or Students' Union and/or QMUL facilities, including Student Services and IT Services, for a period of no more than one calendar year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
71. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given by the individual or body imposing the penalty.
72. Any fine or penalty imposed will take account of the student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The student may be permitted to make the payment in prescribed instalments.
73. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

At central level

74. Once the investigation into the allegation of misconduct is completed, the Academic Registrar, after consultation with the Vice Principal, either:
- [a] **Dismisses the complaint** of misconduct, in which case the matter is closed and no record is retained of the complaint.
 - [b] **Decides that the complaint should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, take informal action by way of caution or otherwise as recommended by the Vice Principal. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - [c] **Refers the matter to the Vice Principal** for a hearing by the Vice Principal.
 - [d] **Refers the matter to the Professional Capability Committee**

- [e] **Refers the matter to a Student Disciplinary Committee** eg where the allegation is serious and if proven likely to require a higher level penalty.

Hearing by the Vice Principal

75. A hearing at School/Institute level will normally take place within 40 working days of an allegation of misconduct. The Academic Registrar notifies the student in writing by letter, email, or other documented means of the hearing, giving at least three days' notice. The student is provided with copies of all relevant documents that relate to the allegation of misconduct and investigation where he/she has not already received them.
76. The Vice Principal hears the case by himself/herself but may be assisted by another staff member. The Academic Registrar, acts as secretary to the hearing. The student may be accompanied or represented by any person of his/her choosing. The hearing is held in private. The following stages are normally followed:
- [a] The Vice Principal questions the student about the allegations.
 - [b] The student or his/her representative responds to the allegations and questions.
 - [c] The Vice Principal decides the outcome of the disciplinary hearing in private.
 - [d] The student is notified of the outcome and decision, normally, within three days of the date of the hearing or final meeting with the student. This is put in writing within seven days. The written notification of the outcome records the decision, the reasons for it and the student's right of appeal.

Decisions by the Vice Principal

77. Once the hearing is completed, the Vice Principal either:
- [a] **Dismisses the complaint** of misconduct, in which case the matter is closed and no record is retained of the complaint.
 - [b] **Decides that the misconduct is proven but should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, take informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - [c] **Decides that the misconduct is proven and imposes one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - [d] **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations.
 - [e] **Refers the matter to the Student Disciplinary Committee.**

Code of Student Discipline: Regulations for the Management of Student Misconduct

Penalties that may be imposed by the Vice Principal following a hearing

78. When the Vice Principal decides that the misconduct is proven, one or more of the following penalties may also be imposed:
- [a] A reprimand which is a formal penalty for the misconduct.
 - [b] The requirement to apologise in specified terms to one or more named persons by a specified date.
 - [c] A formal instruction restricting activity for a specified period.
 - [d] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - [e] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - [f] A fine not exceeding £500.
 - [g] Compensation in respect of damage to property at the value of the damage where its value is no more than £1000.
 - [h] Compensation in respect of injury to a person not exceeding £1,000.
 - [i] Prohibition from holding any office, or any particular office, including committee membership in any body or society in the College.
 - [j] Exclusion from prescribed departmental or Students' Union and/or QMUL facilities, including Student Services and IT Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
 - [k] Suspension from QMUL for a period of up to three calendar months. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering the College or making use of any QMUL facilities or participating in any QMUL and/or University of London? activities.
79. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given by the individual or body imposing the penalty.
80. Any fine penalty imposed will take account of the student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The student may be permitted to make the payment in prescribed instalments.
81. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

The Student Disciplinary Committee (The Committee)

The Student Disciplinary Committee Constitution

82. The constitution of the Student Disciplinary Committee is as follows:
- [a] A Vice-Principal, who chairs the Committee.
 - [b] A member of academic staff drawn from the membership of Senate.
 - [c] the President of the Students' Union or one of the Sabbatical Officers.
83. A non-voting secretary shall be appointed to the Student Disciplinary Committee. The secretary's role is to take notes of the meeting and advise on the implementation of the Code and/or Academic Regulations. The secretary remains present throughout the hearing and deliberations but has no role in the decision-making of the committee.
84. A QMUL representative will present the case to the Committee on behalf of QMUL. This will normally be the named investigator.
85. No person who has any close personal connections with the student due to appear before the Committee, or with the alleged misconduct, is eligible for appointment to the Committee.
86. The absence of one member of the Committee does not prevent the hearing taking place, or invalidate its outcome. The Chair of the Committee may, at any time between the initial appointments and the date of the hearing, appoint a replacement member, should any of the initial members be unable to attend the hearing.

Student Disciplinary Committee Hearing Procedure

87. The Student Disciplinary Committee meets as soon as reasonably practical to consider a complaint referred to it and normally within 40 working days of an allegation of misconduct. This meeting is called a hearing.
88. At least ten calendar days before the date of the hearing the secretary to the Committee sends the student a copy of these regulations, together with copies of all relevant documents to be presented at the hearing.
89. The student is required to inform the secretary of any documents that s/he intends to present or refer to at the hearing and to provide copies of them at least five calendar days before the date of the hearing. The Chair of the Committee may, at his/her discretion, allow the student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.
90. The hearing is held in private. Only the individuals party to the case and the Committee attend the hearing.
91. The Chair of the Committee is responsible for the conduct of the hearing and does so in accordance with the process set out below and the provisions of this

Code. His/her rulings on matters of procedure are final. The Chair of the Committee may take whatever action he/she feels is appropriate in order to ensure the availability of all relevant facts and to facilitate a fair hearing and outcome. Any matter relating to the hearing not covered by this Code will be decided by the Committee, whose decision will be final.

92. If a person is asked to appear as a witness, but is unwilling or unable for good reason, to attend a hearing, a written statement may be provided. Copies of any such statements are provided to the student. In circumstances where a witness is likely to be in distress, the Committee may permit the witness to be accompanied by another person, who will not participate in the proceedings in any way.

Order of proceedings

93. The student may be represented, or assisted by a person of his/her choosing (a maximum of two people will be permitted).
94. At the commencement of the proceedings the Chair will:
- Inform the student and/or their representative of the names of the members of the Committee and the secretary.
 - Indicate the QMUL representative who will present the facts in possession of QMUL.
 - Check that the student and/or their representative have copies of all the documentation supplied to the Committee.
 - Inform the student and/or their representative of their right to examine any documents, reports or written statements used in the case and of the Panel's right to examine any written reports or documents introduced by the candidate and of the right of either side to call witnesses who may be examined by both sides.
95. The Chair will read the allegation and will then ask whether the student admits to the offence or not.
96. The QMUL representative will be asked to present the facts in the possession of QMUL and call any witnesses who may be examined by both sides. The Committee and the student may ask the QMUL representative questions.
97. The student or his/her representative is invited to present his/her case. If any witnesses are called they may be examined by both sides. The Committee may ask questions, as may the QMUL representative.
98. At the conclusion of the evidence both the QMUL representative and the student may address the Panel. The QMUL representative will address the Committee first followed by the student.
99. The QMUL representative and the student and his/her representative will be asked to leave the room while the Committee deliberate on the outcome. The Committee should tell the student if it will be possible for them to make a decision

and inform them of the outcome on the day of the hearing.

100. The Committee may either:

- [a] **Dismiss the complaint** of misconduct, in which case the matter is closed and no record is retained on the student file.
- [b] **Decide that the complaint should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, take informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
- [c] **Decide that the misconduct is proven and impose one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.

101. The student is notified of the outcome and decision, either in person by the committee, or within three working days of the date of the hearing. The decision will be formally put in writing within five working days. The letter will record the decision of the Committee, the reasons for the decision, any penalty that is applied and the student's right of appeal.

Penalties that may be imposed only at College level by a Student Disciplinary Committee

102. When allegations of misconduct are upheld, the following penalties may also be imposed by a Student Disciplinary Committee:

- [a] A reprimand which is a formal penalty for the misconduct.
- [b] The requirement to apologise in specified terms to one or more named persons by a specified date.
- [c] A formal instruction restricting activity for a specified period.
- [d] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
- [e] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
- [f] A fine not exceeding £1000.
- [g] Compensation in respect of damage to property at the value of the damage with no upper limit.
- [h] Compensation in respect of injury to a person not exceeding £2,000.
- [i] A requirement to undertake community service, the nature and timing of the service to be determined by the Principal or Committee as appropriate.
- [j] Prohibition from holding any office, or any particular office, including committee membership of any body or society of QMUL.

[k] Exclusion from prescribed departmental or Students' Union and/or QMUL facilities, including the Student Services and IT Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.

[l] Suspension from QMUL for a period of up to one year. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering QMUL or making use of any QMUL facilities or participating in any QMUL activities.

[m] Recommendation to the Principal that the student's registration be terminated and the student excluded from QMUL.

103. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given by the individual or body imposing the penalty.

104. Any fine imposed will take account of the student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The student may be permitted to make the payment in prescribed instalments.

105. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

106. A student whose registration at QMUL has been terminated is required to vacate any College-owned or College-managed residential accommodation.

Exclusion from the College

107. Where a Student Disciplinary Committee recommends to the Principal that the student's registration be terminated and the student be excluded from QMUL, the Principal considers the recommendation and either supports the recommendation or imposes an alternative penalty.

Appeal Process

108. A student may appeal a decision arising from the Code of Student Disciplinary Procedure using the process set out in the QMUL Appeal Regulations. This includes the right to appeal the penalty imposed.

109. Where all stages of QMUL's appeal regulations have been exhausted, the student is issued with a completion of procedures letter and may request a review by the Office of the Independent Adjudicator for Higher Education.

Equality Impact Assessment

Is there any aspect of the policy, procedure or practice that is likely to have an adverse effect on any students from the protected equality groups (age, race/ethnicity, gender/sex, disability, sexual orientation or religion and belief)? No, the regulations are intended to be applied to all

students equally. The regulations will enable the College to promote a positive environment for all students by providing a mechanism for dealing with instances of harassment should they arise. Students with disabilities may require specific support to access the Code of Student Discipline or when involved in disciplinary procedures.

What mechanisms are in place to monitor the application of this policy across students from all protected equality groups? An annual report is produced which provides summary statistics on demographic information about students (gender, age, ethnicity, department) subject to action under these regulations. This will enable the College to identify any trends in its application.

Can the above differences be justified? Not applicable as there are no differences.

How does the policy support the student experience and the College's management of its academic standards? The policy supports the student experience by enabling misconduct to be dealt with in an appropriate manner and promoting good conduct on campus.

How is this policy helping to:

[a] Raise achievement levels and promote equality of opportunity?

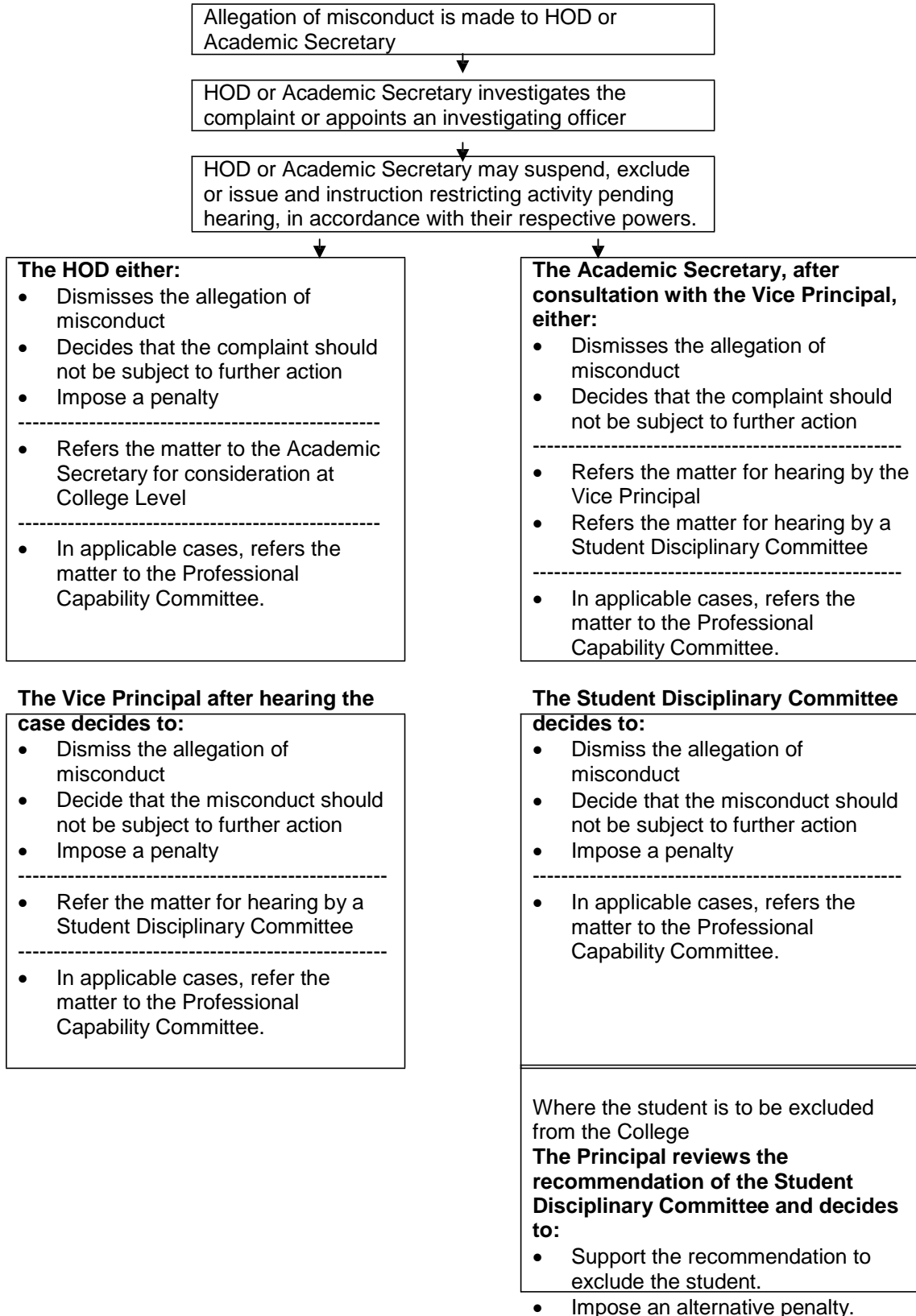
[b] Promote dignity, courtesy and respect within study?

[c] Prevent or deal with discrimination?

(if not applicable, please explain why)

The Code of Student Discipline enables the College to address potential barriers to achievement and/or equality of opportunity and promotes dignity, courtesy and respect within the College by providing a structured process by which allegations of misconduct by students can be dealt with. In many cases, experience has shown that the nature of the misconduct, if not addressed by the College, has the potential to impact negatively on this.

Flow Chart of the Student Disciplinary Procedure



APPENDIX 2

Summary of Penalties that may be imposed at each level of authority

Head of Department and SMD Dean for Education
<p>[a] A reprimand which is a formal penalty for the misconduct.</p> <p>[b] The requirement to apologise in specified terms to one or more named persons by a specified date.</p> <p>[c] A formal instruction restricting activity for a specified period.</p> <p>[d] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.</p> <p>[e] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.</p> <p>[f] A fine not exceeding £100.</p> <p>[g] Compensation in respect of damage to property at the value of the damage where its value is no more than £250.</p> <p>[h] Compensation in respect of injury to a person not exceeding £250.</p> <p>[i] Prohibition from holding any office, or any particular office, including committee membership in any body or society in the College.</p> <p>[j] Exclusion from prescribed departmental or Students' Union and/or College facilities, including the Library and Computing Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.</p>
Vice Principal Hearing
<p>[a] A reprimand which is a formal penalty for the misconduct.</p> <p>[b] The requirement to apologise in specified terms to one or more named persons by a specified date.</p> <p>[c] A formal instruction restricting activity for a specified period.</p> <p>[k] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.</p> <p>[l] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.</p> <p>[d] A fine not exceeding £500.</p> <p>[e] Compensation in respect of damage to property at the value of the damage where its value is no more than £1000.</p> <p>[f] Compensation in respect of injury to a person not exceeding £1,000.</p>

- [g] Prohibition from holding any office, or any particular office, including committee membership in any body or society in the College.
- [h] Exclusion from prescribed departmental or Students' Union and/or College facilities, including the Library and Computing Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
- [i] Suspension from the College for a period of up to three calendar months. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering the College or making use of any College facilities or participating in any College and/or University activities.

Student Disciplinary Committee

- [a] A reprimand which is a formal penalty for the misconduct.
- [b] The requirement to apologise in specified terms to one or more named persons by a specified date.
- [c] A formal instruction restricting activity for a specified period.
- [m] A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
- [n] A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
- [d] A fine not exceeding £1000.
- [e] Compensation in respect of damage to property at the value of the damage with no upper limit.
- [f] Compensation in respect of injury to a person not exceeding £2,000.
- [g] A requirement to undertake community service, the nature and timing of the service to be determined by the Principal or Committee as appropriate.
- [h] Prohibition from holding any office, or any particular office, including committee membership in any body or society in the College.
- [i] Exclusion from prescribed departmental or Students' Union and/or College facilities, including the Library and Computing Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
- [j] Suspension from the College for a period of up to one year. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering the College or making use of any College facilities or participating in any College and/or University activities.
- [k] Termination of the student's registration at the College.