



## Senate

<b>Paper title</b>	<b>Code of Student Discipline</b>
<b>Outcome requested</b>	The Senate is asked to <b>approve</b> the revised Code.
<b>Points to note and further information</b>	<p>The Appeal Policy and Academic Misconduct Policy were amended in 2019 to bring them into the new Queen Mary house style (typeface and layout); a small number of amendments to improve the policies were introduced at the same time. The same review process has been applied to the remaining casework policies in 2020, including the Code of Student Discipline. The changes are primarily cosmetic rather than substantive.</p> <p>Specific changes:</p> <ol style="list-style-type: none"> <li>1. Addition of a new outcome that can require a student to complete training or awareness activities even where a case is not proven, with no implications as to the student’s guilt or innocence (¶150 and ¶177). This is intended as a means of ensuring that action can be taken even where no formal misconduct is proven, for example undertaking consent training.</li> <li>2. Clarification that a student may bring a maximum of two additional people with them to a Panel hearing; the previous text was unclear as whether the two people included the student or not (¶169).</li> <li>3. Clarification that within the Code the term ‘Vice-Principals’ also refers to Deputy Vice-Principals – the latter roles did not exist when the Code was first written.</li> <li>4. An expanded section (¶178) on the disclosure of outcomes, including provision for disclosing elements of the outcome to parties other than the responding student (for, eg, allegations of sexual misconduct where there is a legitimate interest in reporting student knowing aspects of the outcome).</li> <li>5. Adopted the revised Queen Mary visual style.</li> <li>6. Added internal and external links where appropriate.</li> <li>7. Removed gendered language (his/her &gt; their, etc).</li> <li>8. Changed ‘QMUL’ to ‘Queen Mary’ throughout.</li> </ol> <p>The full Policy is appended, with the amendments shown in track changes and explained with comments (changes of QMUL&gt; Queen Mary and s/he &gt; appear frequently and have not been tracked, to make the document more legible).</p>
<b>Questions to consider</b>	Is the Senate satisfied that the changes are appropriate?

<b>Regulatory/statutory reference points</b>	<a href="#">OfS conditions of registration</a> , notably sections B, E, and F. OIA Good Practice Framework: <a href="#">Disciplinary procedures</a> QAA: UK Quality Code for Higher Education > Advice and Guidance > <a href="#">Concerns, complaints and appeals</a>
<b>Strategy and risk</b>	
<b>Reporting/consideration route for the paper</b>	Considered and approved by the EQSB (13 May 2020). Senate to approve.
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# Code of Student Discipline

## Regulations for the management of student misconduct

### Scope

1. The purpose of this Code is to enable Queen Mary to fulfil its obligations relating to the care of, and responsibility for, staff and students, and the public, and to protect its reputation.
2. The Code of Student Discipline applies to any person defined as a student or associate student of Queen Mary in accordance with Ordinance C1. This includes students who are interrupting study, or resitting out of attendance but remain registered with Queen Mary.
3. The Code of Student Discipline applies to any action of misconduct whether it takes place on or off Queen Mary premises. The Code also applies to actions that are electronic and occur via electronic means such as (but not limited to) the internet, email, social media sites, chat rooms or text messages.

### Definitions

4. In this Code:
  - a. **Misconduct** means the improper interference in any way with the proper functioning or activities of Queen Mary, or those who study or work at Queen Mary, or members of the public, or action which otherwise damages Queen Mary.
  - b. References to **Queen Mary**, to **Queen Mary activities, premises** and **facilities** and to any **office** or **committee membership** includes 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 their programme of study or by virtue of their status at Queen Mary.
  - c. **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.
  - d. **Institutional level** refers to processes operated by the centre of Queen Mary; normally these are more serious cases of misconduct.
  - e. **School/Institute/Directorate level** refers to processes operated by a student's academic School/Institute or a Professional Service department such as Student **and Academic** Services or Estates and Facilities.
  - f. **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.
  - g. **Exclusion** means selective restriction on attendance at, or access to, Queen Mary or prohibition on exercising the functions or duties of any office or committee membership at Queen Mary or the Students' Union. The precise nature of an exclusion order will be made to the student in writing.
  - h. **Suspension** means the total prohibition on attendance at, or access to, Queen Mary and to any participation in Queen Mary activities, but at Queen Mary's absolute discretion it may be qualified for example to permit a student to attend an examination.

- i. **Expulsion** means the immediate termination of a student's registration.
- j. **Formal body** means any committee of Queen Mary, normally constituted by Senate, or Council, but also including School/Institute committee structures.

### General principles underlying the Code of Student Discipline

5. Anyone who is accused of misconduct under the Code of Discipline is presumed innocent until guilt is determined.
6. It is the responsibility of Queen Mary 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.
7. Allegations of misconduct and other formal notifications will be provided in writing, normally by email.
8. Students will be afforded an opportunity to respond to an allegation of misconduct before a decision is made, except where suspension pending investigation is required.
9. At all stages of the process students may be represented or accompanied by a person of their choosing.
10. If the President and Principal, or a named officer, believes that a criminal offence has been committed they may refer the case to the Police.
11. No person who has had any significant prior involvement in a case will consider an allegation of misconduct under this Code.
12. Students shall receive a fair and impartial hearing.
13. 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.
14. 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.
15. A student against whom an allegation 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 Queen Mary will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment.
16. An annual report on Disciplinary cases, which does not identify individual students, will be submitted to Senate for consideration.

## Examples of misconduct

17. Examples of actions and behaviours that will usually be considered misconduct include, but are not limited to, the following ~~actions and behaviours~~:
- a. any breach of a Queen Mary rule, regulation, policy, or code of practice approved by Council or its delegated authority.
  - b. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of Queen Mary, whether on Queen Mary premises or elsewhere.
  - c. obstruction of, or improper interference with, the functions, duties or activities of any student, member of Queen Mary staff or any visitor to Queen Mary.
  - d. violent, indecent, disorderly, intimidating or offensive behaviour or language whilst on Queen Mary premises or engaged in any Queen Mary activity (including field trips, placements or sporting activities), or directed at any student, member of staff or visitor to Queen Mary or other member of Queen Mary. This shall include oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging. It shall also include words or actions related to gender, sexuality, race, religion, disability, or age.
  - e. violent, indecent, disorderly, intimidating or offensive behaviour or language, as set out in [d] above, including words or actions focusing on sex, sexuality, race, religion, disability or age which could constitute harassment.
  - f. sexual misconduct which includes (but is not limited to) the following, within or outside a sexual or romantic relationship, including where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions: sexual intercourse or engaging in a sexual act without consent; attempt to engage in sexual intercourse or a sexual act without consent; sharing private sexual materials of another person without consent; kissing or touching inappropriately without consent; inappropriately showing sexual organs to another person; repeatedly contacting or following another person without good reason; making unwanted remarks of a sexual nature. For the avoidance of doubt, in this paragraph, 'without consent' includes purported consent obtained by force, intimidation, manipulation or coercion.
  - g. fraud, deceit, deception or dishonesty in relation to Queen Mary, members of its staff, or in connection with holding any office of Queen Mary or being a student of Queen Mary.
  - h. action causing, or likely to cause, injury, or action impairing, or likely to impair, health and safety.
  - i. any breach of the provisions of Queen Mary's Freedom of Speech Policy, or any other action or activity which fails to respect the lawful rights of others to freedom of belief or freedom of speech.
  - j. cheating or plagiarism in coursework or examinations, or research misconduct including advertising on essay production websites 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.
  - k. theft of, damage to, or defacement of, Queen Mary property or the property of staff or other students of Queen Mary, caused intentionally or recklessly.
  - l. vexatious or malicious complaints, or unsupported allegations made about a member of staff, student or other member of Queen Mary.
  - m. misuse, or unauthorised use, of Queen Mary premises or items of property.

- n. misuse of computers, including: downloading, or publishing material that encourages violence or extreme behaviour towards people or property.
- o. behaviour which brings, or is likely to bring, Queen Mary into disrepute.
- p. failure to disclose name and personal details to a member of Queen Mary staff where it is reasonable and lawful to require that such information be given.
- q. 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.
- r. 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:
  - i. took place on Queen Mary premises; or
  - ii. affected or concerned staff or other students of Queen Mary; or
  - iii. damages the good name of Queen Mary; or
  - iv. itself constitutes misconduct under the terms of the Code; or
  - v. is an offence of dishonesty, where the student holds an office of responsibility at Queen Mary; or
  - vi. is such as to render the student unfit to remain a member of Queen Mary community or to practice a profession to which their course is designed to lead, or if Queen Mary repeated would pose a threat to staff or other students, or threaten the discipline and good order of Queen Mary.
- s. 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 [r] above.

## Relationship of the Code to other regulations, policies and procedures

### Professional Capability and Fitness to Practise Regulations

18. Queen Mary 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. Allegations 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.
19. 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.

### [Other Queen Mary regulations](#)

20. Allegations of breaches of other Queen Mary regulations, for example Halls of Residence Regulations, The Library Code of Conduct, and ITS Policies, particularly DG29 Acceptable Use of IT, 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](#)

21. Allegations 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 allegations for consideration under this code where the misconduct is more serious.

### **Misconduct that is also a criminal offence**

22. The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in court:
- a. in cases where the alleged misconduct could constitute a criminal offence Queen Mary will usually consider the case under this Code with a view to determining if the alleged misconduct has occurred in accordance with paragraph 17 [a] – [s]. Any decision of the alleged victim not to report to the Police or to press charges, any decision of the Police not to investigate or prosecute, or any eventual not-guilty verdict, will not prohibit Queen Mary from following this Code and taking action as it sees fit. Queen Mary can make no determination with regard to offences under the criminal law, and decides misconduct issues on the balance of probabilities as set out in general principle 6 above.
  - b. if the alleged misconduct has been reported to the Police, usually no further action (other than suspension, exclusion or instruction restricting activity) will take place under this Code until the outcome of the Police investigation or criminal proceeding is known. However Queen Mary reserves its rights to take further action under this Code where it considers this to be appropriate.
  - c. the student under investigation will keep Queen Mary informed of any developments in the Police investigation or criminal proceedings. Once the outcome is known, a Vice-Principal will review the case and determine whether further action under the Code of Student Discipline should be taken.
  - d. 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.
  - e. staff dealing with the incident should clearly document their involvement and any decisions made, and bear in mind that any notes made or documents created could be requested by the Police as a part of a criminal investigation.
  - f. where one student has made allegations against another student, both must be treated fairly and Queen Mary will take into account the interests and welfare of both, particularly when considering suspension, exclusion or instruction restricting activity. Queen Mary will also consider any support arrangements that need to be put in place for the students involved, such as counselling sessions or academic adjustments.
23. 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 they were the person convicted.

24. 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 President and Principal.

## Student disciplinary procedure

### Suspension, exclusion and instruction restricting activity pending investigation

25. Queen Mary may suspend, exclude or instruct restriction of activity for any student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation.
26. In such circumstances, suspension, exclusion or instruction restricting activity pending investigation are not penalties, and will not be used as such. The purpose is to enable Queen Mary 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.
27. Where immediate suspension, exclusion or instruction restricting activity is a proportionate step to take 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.
28. Suspension will generally only be used where exclusion from specified activities or facilities would be inappropriate. Exclusion will generally only be used where an instruction restricting activity would be inappropriate.
29. When a student is suspended pending investigation an investigation will take place as outlined in this code. It is expected that investigations will be conducted promptly and normally within 25 working days.
30. A student who has been suspended, excluded or received an instruction restricting activity may make representations against the decision to the President and Principal in writing. The President and Principal will consider such representations and respond in writing.
31. 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 President and Principal who will respond in writing.
32. **At institutional level** a Vice-Principal has the authority to suspend, exclude or instruct a restriction of activity pending hearing. The Academic Registrar has the authority to exclude or instruct a restriction of activity following consultation with the Vice-Principal.
33. **At school/institute level** a Head of School/~~institute~~, Institute Director has the authority to exclude a student from facilities and activities or instruct a restriction of activity pending investigation.
34. The President of the Students' Union has the authority to exclude a student from facilities and activities or instruct a restriction of activity pending investigation where this is provided for in the applicable regulations.
35. **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.



## Misconduct investigation

36. Allegations of misconduct may be made in writing, by post, email or other documented means to the Head of School, Institute Director, Director of Professional Service, or to the Academic Registrar.
37. The Academic Registrar, Head of School, Institute Director, or Director of Professional Service is responsible for conducting an investigation into the misconduct as appropriate.
38. 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.
39. At any point during the course of an investigation the Academic Registrar, Head of School, Institute Director, or Director of Professional Service may suspend, exclude or restrict activity pending hearing in accordance with their relevant authority to act in this regard.
40. An investigation will be completed as soon as possible and will normally take no longer than 25 working days.
41. 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 their 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.
42. The Investigating Officer keeps notes of meetings held with witnesses and the student.
43. 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. The safety of a witness is likely to be a concern where the alleged offence involves some form of violent behaviour, threat, or injury to another.

## School/institute-level

44. At any time during the investigation, or hearing, the Head of School/Institute Director may decide to refer the matter to the Academic Registrar for consideration at Institutional level.
45. Once the investigation is complete, the Head of School/~~or~~ Institute Director either:
  - a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the student's record.
  - b. **Decides that the case should be heard.**

## Hearing at school/institute level

46. A hearing at School/Institute level will normally take place within 40 working days of an allegation of misconduct. The Head of School or Institute Director shall notify the student of the hearing in writing giving at least three working days' notice.
47. The student shall be provided with copies of all documents that will be considered for the allegation of misconduct.
48. The Head of School/Institute Director hears the case by himself/herself alone but will be assisted by another staff member who should take notes of the hearing.

48-49. The hearing is held in private. The following stages shall normally be followed:

- a. the Head of School/Institute questions the student about the allegation(s).
- b. the student or their representative responds to the allegation(s) and questions.
- c. the Head of School/Institute Director decides the outcome of the disciplinary hearing in private.

50. Irrespective of the outcome, the Head of School/Institute Director may require that the student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the student's guilt or innocence.

49-51. The student shall be 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 shall be provided within five working days.

#### Decisions at school/institute level

50-52. Once the hearing is completed, the Head of School/Institute Director either:

- a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the student's record.
- 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

51-53. If the Head of School or Institute Director 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.

**Commented [SH1]:** New – intended to permit requirement to undertake, eg. consent training even where cases do not result in proven misconduct.

- 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 Queen Mary.
- j. Exclusion from prescribed departmental or Students' Union and/or Queen Mary 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.

**52-54.** In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given.

**53-55.** 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.

#### At institutional level

**54-56.** Once the investigation into the allegation of misconduct is completed, the Academic Registrar, after consultation with the Vice-Principal, either:

- a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the student's record.
- b. **Decides that the allegation 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.
- c. **Refers the matter to the Professional Capability Committee.**
- d. **Refers the matter to a Student Disciplinary Committee.**

#### Student Disciplinary Committee

**55-57.** 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.
- d. an independent legal adviser may support the Committee when required.

**56-58.** A non-voting secretary shall be appointed to the 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.

57-59. A Queen Mary representative shall present the case to the Committee on behalf of Queen Mary. This will normally be the named investigator.

58-60. 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.

59-61. 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

60-62. The Student Disciplinary Committee meets as soon as reasonably practical to consider an allegation referred to it and normally within 40 working days of an allegation of misconduct. This meeting is called a hearing.

61-63. 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.

62-64. The hearing will take place in the absence of the student should they not attend, not respond, or provide good reason for not attending.

63-65. The student is required to inform the secretary of any documents that they intend 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 their 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.

64-66. The hearing is held in private. Only the individuals party to the case and the Committee attend the hearing.

65-67. 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. Their rulings on matters of procedure are final. The Chair of the Committee may take whatever action they feel 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.

66-68. 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

67-69. The student may be represented, or assisted by a person of their choosing. **A maximum of two individuals are permitted to accompany a student at the meeting or hearing. (a maximum of two people will be permitted).**

68-70. At the commencement of the proceedings the Chair will:

- a. inform the student and/or their representative of the names of the members of the Committee and the secretary.

**Commented [SH2]:** Clarification that this is the student +2, not the student +1.

- b. indicate the Queen Mary representative who will present the facts in possession of Queen Mary.
- c. check that the student and/or their representative have copies of all the documentation supplied to the Committee.
- d. 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.

69-71. The Chair will read the allegation and will then ask whether the student admits to the offence or not.

70-72. The Queen Mary representative will be asked to present the facts in the possession of Queen Mary and call any witnesses who may be examined by both sides. The Committee and the student may ask the Queen Mary representative questions.

71-73. The student or their representative is invited to present their case. If any witnesses are called they may be examined by both sides. The Committee may ask questions, as may the Queen Mary representative.

72-74. At the conclusion of the evidence both the Queen Mary representative and the student may address the Panel. The Queen Mary representative will address the Committee first followed by the student.

73-75. The Queen Mary representative together with the student and their 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.

74-76. The Committee may either:

- a. **dismiss the allegation of misconduct**, in which case the matter is closed and no record of the allegation is retained on the student's record.
- b. **decide that the allegation 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.

77. Irrespective of the outcome, the Committee may require that the student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the student's guilt or innocence.

78. 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. 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. The outcome of a hearing, together with the rationale, may be provided to a complainant where appropriate. This information is particularly relevant where a complainant has reported an issue relating to behaviour or

**Commented [SH3]:** New – intended to permit requirement to undertake, eg, consent training even where cases do not result in proven misconduct.

sexual misconduct; the outcome may be required to ensure the implementation of any undertakings, or for health and safety more generally.

**Commented [SH4]:** New, to deal with cases including those concerned with academic misconduct where there may be a need to inform a complainant of certain aspects of a disciplinary outcome.

#### Penalties that may be imposed by a Student Disciplinary Committee

~~75-79.~~ When allegations of misconduct are upheld, the following penalties may 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 some service to the Queen Mary and/or QMSU community, the nature and timing of the service to be determined by the President and Principal or Committee as appropriate.
- j. prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.
- k. exclusion from prescribed departmental, Students' Union and/or Queen Mary 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.
- l. suspension from Queen Mary 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 Queen Mary or making use of any Queen Mary facilities or participating in any Queen Mary activities.
- m. recommendation to the President and Principal that the student's registration be terminated and the student expelled from Queen Mary. The President and Principal considers the recommendation and either supports the recommendation or imposes an alternative penalty.

~~76-80.~~ In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be imposed.

~~77-81.~~ 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. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

## Appeal Process

~~78-82~~ A student may appeal a decision arising from the Code of Student Discipline using the process set out in the [Queen Mary Appeal Regulations](#). This includes the right to appeal any penalty imposed.

~~79-83~~ Where all stages of Queen Mary'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](#).

## Appendix 1 - Responsibility and authority

1. The President and Principal is responsible to the Council for the management of Queen Mary, which includes student conduct and discipline.
2. The President and Principal normally delegates authority for student discipline and the operation of this Code to other members of Queen Mary.
3. The President and Principal's delegations are detailed below. In all cases, the Principal may assume responsibility to undertake any of the actions delegated to another.
4. Where a delegated office holder is unable to act, their deputy, or the person acting in the office or the office holder's nominee will act in their place.
5. At institutional level the President and Principal delegates responsibility to a Vice-Principal (~~including Deputy Vice-Principals~~) 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.
6. At institutional level the President and Principal delegates responsibility for organising an investigation into the alleged misconduct to the Academic Registrar, or their nominee.
7. At school/institute/directorate level the President and Principal delegates responsibility to the Head of School, or Institute Director for all authorised actions under the Code of Student Discipline for students in their department.
8. 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.

**Commented [SH5]:** Deputy Vice-Principal is a new post, which it is appropriate to include specifically here though it was already covered by the provisions of (4).