



Senate

Paper Title	Student casework policies
Outcome requested	To approve the following policies: <ul style="list-style-type: none">• Academic Misconduct Policy• Appeal Policy• Code of Student Discipline• Student Complaints Policy
Points for Senate members to note and further information	Cover sheets are enclosed for each policy. Please see below for further details.
Questions for Senate to consider	
Regulatory/statutory reference points	
Strategy and risk	
Reporting/consideration route for the paper	
Authors	Haylee Fuller, Head of Appeals, Complaints & Conduct Office
Sponsor	Professor Stephanie Marshall, Vice-Principal (Education) and Chair of EQSB

Senate 08.06.2023
Paper Code: SE2022.54a



Senate

Paper title	Academic Misconduct Policy
Outcome requested	The Senate is asked to approve the Academic Misconduct Policy.
Points for Senate members to note and further information	<p>The Queen Mary Academic Misconduct Policy has been revised for the upcoming academic year, as outlined below:</p> <ol style="list-style-type: none"> 1. Minor additions to the list of actions that may constitute academic misconduct. 2. Amendment of Paragraph 10: proportionality in referral of cases to ACCO. Allows schools and institutes to consider the seriousness of the misconduct, level of study, and assessment weighting in the context of the programme specifications (previous criteria based solely on assessment weighting, with no flexibility). 3. Amendment of the appeal procedure to align with OIA Good Practice Framework. The appeal stage is now incorporated directly into the Academic Misconduct Policy. 4. Addition of Appendix 5 outlining the harmonised penalties applicable to TNE China programmes (previously contained in the Academic Regulations)
Questions to consider	Is the Senate satisfied that the changes are appropriate?
Regulatory/statutory reference points	<p>General:</p> <ol style="list-style-type: none"> 1. QAA Academic Integrity Charter for UK Higher Education 2. QAA Assessing with Integrity in Digital Delivery 3. QAA UK Quality Code for Higher Education, Advice and Guidance: Assessment <p>Amendment 1: Office of the Independent Adjudicator Good Practice Framework (Academic disciplinary) 34. Definitions of academic misconduct. QAA Briefing Paper on artificial intelligence and academic integrity</p> <p>Amendment 2: Office of the Independent Adjudicator Good Practice Framework (Academic disciplinary) Proportionality & timeliness, allow for cases to be resolved as early as possible if the student admits to a minor offence.</p> <p>Amendment 3: Office of the Independent Adjudicator Good Practice Framework (Appeals & Complaints) 16. States that it is good practice for disciplinary procedures to include a separate appeal route, rather than using the academic appeal process. Office of the Independent Adjudicator Good Practice Framework (Principles): Flexible, proportionate & timely: no more than three stages, normally takes less than 90 calendar days to complete the process.</p>
Strategy and risk	<p>Aligns with the OfS conditions of continuing registration, notably C2</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
Reporting/consideration route	Consideration and approval by EQSB (24/5/2023), Senate to consider and approve.
Author	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
Sponsor	Professor Stephanie Marshall, Vice-Principal (Education) and Chair EQSB.

Academic Misconduct Policy

Scope

1. Academic misconduct is cheating (or attempted cheating) that occurs in relation to any assessment, which could include drafts submitted in preparation for the submission of any assessment. Such behaviour runs contrary to Queen Mary's stated core values, with particular reference to its commitment to act with integrity and the highest ethical standards.
2. Allegations of any of the following will be dealt with under the Academic Misconduct Policy:
 - i. breach of any section of the Academic Regulations relating to the conduct of assessment.
 - ii. misconduct relating to an invigilated examination or in-class test:
 - a. unauthorised access to an examination paper or venue before an examination.
 - b. forgery of an examination timetable produced by Queen Mary.
 - c. removal of a question paper, answer script, or other examination stationery from an examination venue.
 - d. causing a disturbance during an examination, either physically, verbally, or through an electronic device.
 - e. refusal to cooperate with an invigilator, or to follow an invigilator's instructions.
 - f. possession of unauthorised material while under examination conditions, or leaving unauthorised material in an examination venue (including cloakrooms and toilets).
 - g. access, possession, or use of unauthorised material on a computer, mobile telephone, or other electronic device during an examination.
 - h. communication with another candidate while under examination conditions.
 - i. copying, or attempting to copy, the work of another candidate.
 - j. having writing on the body in an examination venue.
 - iii. [plagiarism](#) (including self-plagiarism).
 - iv. fraudulent reporting of source material.
 - v. fraudulent reporting of experimental results, research, or other investigative work.
 - vi. [collusion](#).
 - vii. use, or attempted use, of a ghost-writing service [or third-party](#) for any part of assessment.
 - viii. impersonation of another student in an examination or assessment, or the employment of an impersonator in an examination or assessment.
 - ix. [Unauthorised or unacknowledged text manipulation which undermines the integrity of an assessment \(including the use of paraphrasing software, generative artificial intelligence or machine translation such that the work submitted cannot be considered wholly the student's own\)](#).
 - xiii. [This list is non-exhaustive, and any other activity which undermines the integrity of an assessment and/or attempts to gain undue advantage in an assessment may also be considered academic misconduct.](#)
3. The Academic Misconduct Policy applies to all students, irrespective of cohort. It is normal practice that penalties for second or subsequent instances of academic misconduct are escalated.
4. There is no statute of limitations on application of the Academic Misconduct Policy. The Policy may be applied retrospectively if a graduate is alleged to have committed academic misconduct while studying at Queen Mary. Under certain circumstances this may result in the revocation or reclassification of an award.

Terminology

5. In the Academic Misconduct Policy:

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- i. 'Head of School' (HoS) refers to the relevant Head of School or Director of Institute.
 - ii. 'Academic Misconduct Officer' (AMO) refers to the person nominated by a Head of School or a Director of Institute to oversee issues of academic misconduct in their school or institute. The Academic Misconduct Officer or equivalent is responsible for all aspects of the academic misconduct process within a school or institute, which includes but is not limited to all aspects of school/institute level investigations and all school/institute level penalty decisions. The Academic Misconduct Officer is also responsible for deciding if allegations can be classified as technical offences, as well as the decision to refer allegations to the Appeals, Complaints and Conduct Office.
 - iii. 'Chair of the Academic Misconduct Panel' refers also to Deputy Chairs of the Academic Misconduct Panel.
 - iv. 'Technical offence' refers to any allegation of misconduct where the HoS/AMO determines that the student attempted to acknowledge their sources fully and/or comply with the regulations for assessment but a minor oversight or error has given cause for concern. In other words, a technical offence is one where the HoS/AMO is satisfied that the threshold for a formal allegation of academic misconduct has not been met. The discretion to determine that an allegation should be treated as a technical offence rests entirely with the HoS/AMO, and can be applied to any allegation, irrespective of the weighting of the assessment and the student's record.
6. Queen Mary defines 'plagiarism' as presenting someone else's work as one's own, irrespective of intention. Close paraphrasing; copying from the work of another person, including another student; using the ideas of another person without proper acknowledgement; and repeating work that you have previously submitted – at Queen Mary or at another institution – without properly referencing yourself (known as 'self-plagiarism') also constitute plagiarism.
7. Queen Mary defines 'collusion' as any illegitimate cooperation between students in the preparation or production of submitted work, irrespective of intention. Unless such joint work is explicitly permitted by the relevant assessment guidance, students are obliged to ensure that any work submitted for individual assessment is entirely their own. Legitimate academic cooperation between students, such as study groups, is not considered to be collusion.

Allegations of academic misconduct

8. Where a member of staff suspects that academic misconduct may have been committed they will report this to the HoS/AMO; this applies to any assessment other than invigilated examinations. In the case of invigilated examinations, reports are made directly to the Appeals, Complaints and Conduct Office by the relevant examination staff.
9. If upon receiving a report of academic misconduct not involving a postgraduate research student the HoS/AMO is satisfied that a technical offence has occurred (as per paragraph 18) then appropriate action will be taken within the school or institute. A technical offence can be applied to any assessment, irrespective of the weighting of the assessment or the student's previous academic misconduct record.

10. If it has been decided that the allegation should not be treated as a technical offence, ~~and if the element of assessment in which the academic misconduct is alleged to have occurred counts for 31 per cent or more of the module mark and/or the student has committed academic misconduct previously,~~ the HoS/AMO ~~will determine whether the case should be~~ ~~will~~ referred ~~the case~~ to the Appeals, Complaints and Conduct Office, ~~or resolved by the School or Institute. A case will normally be referred to the Appeals, Complaints and Conduct Office where:~~

- i. ~~the student has a prior offence of academic misconduct on their record,~~
- ii. ~~the nature of the allegation suggests a deliberate act (for example, ghost writing, impersonation, fraudulent/falsified elements),~~
- iii. ~~the assessment makes a substantial contribution to the student's progression and/or award (taking into account the level of study, assessment weighting and/or programme specifications),~~

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iv. the appropriate penalty, in accordance with university guidance, exceeds the scope of the school or institute (as per paragraph 19).

10. It is important to note that the preliminary investigation into the matter will take place with the school or institute, which will provide all of the evidence collected to the Appeals, Complaints and Conduct Office.

11. Any allegation of academic misconduct against a postgraduate research student must be referred to the Appeals, Complaints and Conduct Office.
12. The Appeals, Complaints and Conduct Office will review the veracity of any third-party reports it receives from other students or from outside Queen Mary that address matters of academic misconduct. The process that will be followed upon receipt of such reports of academic misconduct is set out in [Appendix 3](#).
13. In all cases the investigating officer will notify the student of any allegation to be taken forward and provide copies of all evidence submitted in support of the allegation. The student will be invited to admit or deny the allegation, and to submit evidence and make representations in response to the allegation.
14. A student who fails to respond to this notification within seven calendar days of the allegation or to make alternative arrangements will be considered not to have denied the academic misconduct. Evidence and representations made beyond this point by the student will not be considered without good reason for the late submission.
15. The investigating officer will also gather other evidence as part of the investigation. This may include analysis of documentation, interviewing the student, and other relevant enquiries. A school may test on subject knowledge by an oral assessment; this will be conducted by two members of academic staff. The process to be followed in the conduct of oral examinations is set out in [Appendix 4](#).
16. If the investigating officer finds that there is no case to answer, they will notify the student that the matter is closed. Where the Appeals, Complaints and Conduct Office is the investigating body it will also report this to the Chair of the relevant Subject Examination Board.
17. If the investigating officer finds that there is a case to answer then the next steps will vary depending on whether the case was investigated by the school/institute or by the Appeals, Complaints and Conduct Office.

Investigations by a school or institute

18. If the HoS/AMO determines that the student attempted to acknowledge their sources fully and/or comply with the regulations for assessment but a minor oversight or error has given cause for concern this will be deemed a technical offence. The HoS/AMO may decide either that no further action will be taken or require submission of a corrected version of the assessment. A technical offence can be applied to any assessment, irrespective of both the weighting and the student's record, i.e. a technical offence can be considered for second or subsequent allegations of academic misconduct.
19. If the HoS/AMO is satisfied that misconduct has been committed they will impose one of the following penalties, considering all evidence and any mitigating factors:
 - i. a formal reprimand.
 - ii. failure (a mark of zero) in the element of assessment in which misconduct occurred, with a resubmission of the element permitted with the same attempt at the module. This will not

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count as an additional attempt, but the mark for the resubmitted element will be capped to the minimum pass mark.

- iii. failure with a mark of zero for the relevant element of assessment, with no right to resubmit¹.

20. The HoS/AMO will notify the student of the outcome of the case.

Investigations by the Appeals, Complaints and Conduct Office

- 21. If the Appeals, Complaints and Conduct Office finds evidence of potential academic misconduct, it will notify the student to that effect.
- 22. If a student admits or does not deny an allegation of academic misconduct, the case will be considered by a Chair alone rather than the full Panel. Furthermore, such cases may also be considered by any of the Acting Chairs appointed by the Principal for the 2022 calendar year only. If a student denies the allegation, their case may be considered by a Chair alone, but not an Acting Chair, by agreement with the student. Any Chair may choose to refer a case to a full Panel at any time.
- 23. Any allegation of academic misconduct made against a postgraduate research student will be referred to a full Panel, irrespective of the student's response to the allegation. In cases where the subject matter requires expert opinion, the Appeals, Complaints and Conduct Office may consult outside bodies or persons where appropriate.

Academic Misconduct Panel

- 24. The Academic Misconduct Panel is responsible for determining whether academic misconduct has been committed, and for determining penalties. The Panel comprises:
 - i. a Chair, or Deputy Chair.
 - ii. a member of academic staff from a department cognate to that of the student (normally from the same Faculty).
 - iii. a further member of academic staff, not necessarily from a cognate department.
 - iv. a student member, normally the President of the Queen Mary Students' Union (or nominee).
- 25. The Chair and Deputy Chair(s) will be appointed by the Senate to hold office for terms of three years. If, for any reason, the Chair or Deputy Chair is unable to act, the Principal will appoint an Acting Chair. For the 2022 calendar year only, the Principal has approved the consideration of Acting Chairs to support the timely consideration of cases.
- 26. The other academic members of the Panel will be drawn from the membership of the Senate and from other academic staff appointed as members of the Panel by the Senate for terms of three years.
- 27. The quorum for a meeting of the Panel is 75 per cent (three members).
- 28. The Academic Misconduct Panel (or Chair, where acting alone) will consider the allegation and the evidence, determine – on balance of probabilities – whether misconduct has occurred, and determine an outcome. The full procedures for a Panel meeting are outlined in [Appendix 2](#).
- 29. The student may be assisted or represented by any one person. Both the student and the Appeals, Complaints and Conduct Office may submit written evidence and call witnesses. If the Panel determines that academic misconduct has been committed, the student has the right to address the Panel in mitigation.

¹ In some circumstances this may result in failure of the module as a whole, with no right of resit. The HoS/AMO will consider whether this is a proportionate penalty, where that is the case.

30. The Appeals, Complaints and Conduct Office will nominate a member of staff as Secretary to the Panel. The Secretary is responsible for advising the Panel on the regulations.
31. If a student has been given at least five working days' notice of a meeting of the Panel and fails to attend without providing a reasonable explanation in advance, the hearing will proceed as planned in the student's absence. If the student cannot attend for good reason the Panel will be rearranged.
32. If a Panel is divided on a decision to be taken, the Chair will have a second and casting vote to determine the outcome.

Penalties

33. If it is determined that academic misconduct has been committed, the Chair or the Panel will impose one or more of the following penalties:
 - i. a formal reprimand.
 - ii. capping to the minimum pass mark for the assessment in which misconduct occurred.
 - iii. failure (a mark of zero) in the element of assessment in which misconduct occurred, with a resubmission of the element permitted with the same attempt at the module. This will not count as an additional attempt, but the mark for the resubmitted element will be capped to the minimum pass mark.
 - iv. capping to the minimum pass mark for the module in which misconduct occurred.
 - v. failure (a mark of zero) in the module of which the assessment forms a part, with the maximum mark on any resit or retake limited to the minimum pass mark.
 - vi. failure (a mark of zero) in the module of which the assessment forms a part, with no permission to resit or retake the module.
 - vii. capping to the minimum pass mark for all modules taken (and yet to be taken) in the current academic year. Any module marks below the minimum pass mark will stand.

The following penalties can only be applied after a full meeting of the Academic Misconduct Panel:

- viii. For postgraduate research students only: a requirement that the student rectify any material that is deemed to have breached the Academic Misconduct Policy within a specified timeframe, which is to be determined in consultation with the student's supervisor/s and the relevant Faculty Deputy Dean for Research.
 - ix. a recommendation to the Principal that the student be suspended from the programme for a period of up to one academic year; where it is deemed appropriate, the Chair of the Panel may also recommend that the student receive marks of zero in all modules taken during the academic year in which the misconduct occurred.
 - x. a recommendation to the Principal that the student be expelled from Queen Mary; where it is deemed appropriate, the Chair of the Panel may also recommend that the student receive marks of zero in all modules taken during the academic year in which the misconduct occurred.
34. For the purposes of the Academic Misconduct Policy, each Section of each Part of the MBBS programme and of Parts 3-5 of the BDS programme will count as a module.
 35. Where a penalty involves failure in a module but a resit or retake is permitted the reattempt will be at the next normally available opportunity.
 36. Where a penalty involves the reworking or resubmission of an element of assessment, this will take place within the current academic year. If the student does not resubmit then a mark of zero will be given for the element of assessment.
 37. Where a penalty involves failure in one or more modules and resits are permitted, a school/institute may choose to retain any coursework marks achieved in the academic year of the academic misconduct, except in elements where misconduct occurred. Schools/institutes may require a student

to resubmit some or all coursework if this is deemed academically appropriate; this may also depend on whether the reassessment is formative rather than summative, or synoptic rather than standard.

Appeal process

38. A student may appeal a decision arising from the Academic Misconduct Policy ~~using the process set out in the Queen Mary Appeal Policy~~. This includes the right to appeal any penalty imposed. ~~The appeal will be considered by an Appeal Chair.~~
39. ~~An Academic Misconduct Appeal must be submitted on the proper form and must include explicit reasons for the appeal. The appeal must be received by the Appeals, Complaints and Conduct Office within 14 calendar days of the date of the Academic Misconduct outcome letter. The Head of the Appeals, Complaints & Conduct Office has discretion to allow and consider later requests where a student demonstrates good reason for the delay.~~
40. ~~New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.~~
41. ~~The appeal process will involve a review of the existing casefile by the Appeal Chair to determine whether:~~
- ~~i. the procedures were followed appropriately, and/or,~~
 - ~~ii. the outcome was reasonable in light of the available evidence.~~
42. ~~If it is determined that the case was not handled in accordance with the procedures and/or that the outcome was not reasonable in light of the available evidence, the Appeal Chair may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Academic Misconduct Policy.~~
43. ~~The student will be informed of the outcome of an appeal in a Completion of Procedures letter. This is the final stage in Queen Mary's internal Academic Misconduct procedures.~~
- 38-44. ~~An Academic Misconduct Appeal will normally be concluded within 28 calendar days of receipt. The student will normally be notified if consideration of their appeal is likely to take longer than this.~~

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Office of the Independent Adjudicator for Higher Education

45. ~~The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.~~
46. ~~A student not satisfied with the outcome of Queen Mary's internal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures and is in possession of a Completion of Procedures letter.~~
47. ~~The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.~~
48. ~~Information on submitting a complaint to the OIA will be included in the Completion of Procedures letter issued to the student. Information is also available on the OIA website.~~
39. ~~A student who has exhausted all stages of Queen Mary's Appeal Policy will be issued with a Completion of Procedures letter, and may be eligible to request a review by the Office of the Independent Adjudicator for Higher Education (OIA). The Appeal Policy and the Completion of Procedures letter contain additional details on the OIA.~~

Reporting

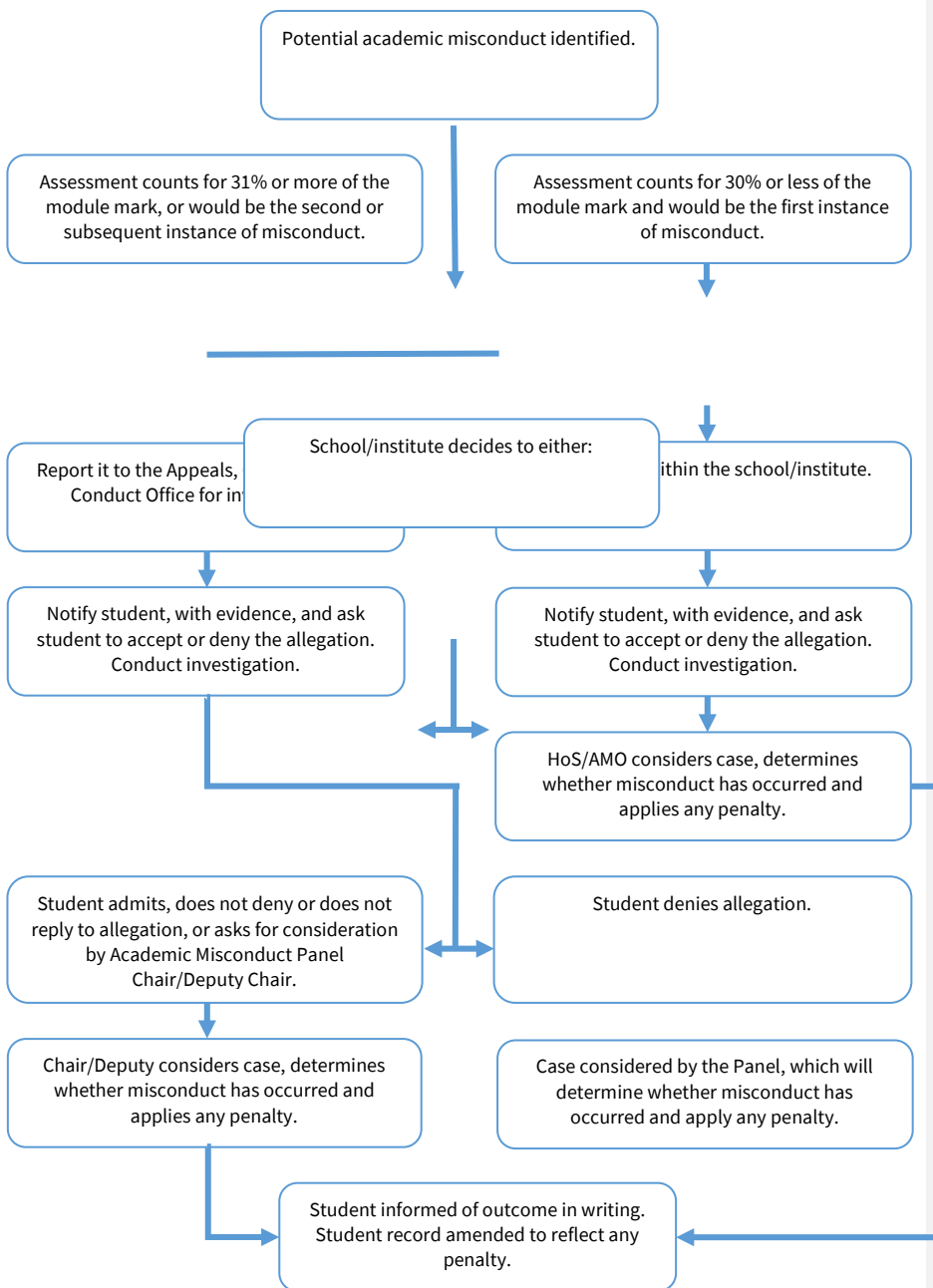
40-49. Academic misconduct penalties will be reported to the Professional Capability Committee and, where it is a stipulated requirement, to other professional bodies that accredit awards.

41-50. All allegations of academic misconduct dealt with by a HoS/AMO must be reported to the Appeals, Complaints and Conduct Office.

42-51. The Appeals, Complaints and Conduct Office will present an annual report to the Senate on all cases of academic misconduct, however resolved.

This version of the Academic Misconduct Policy was approved by Senate on 16 June 2022

Appendix 1: Academic misconduct procedure



Appendix 2: Academic Misconduct Panel Procedure

Scope

1. These are the procedures for a full meeting of the Academic Misconduct Panel. ↓

Procedure

2. At the start of the meeting, the Chair will:
 - i. introduce the student (and/or their representative) and the members of the Panel.
 - ii. indicate the Queen Mary representative, who will present the facts in the possession of Queen Mary.
 - iii. check that the student (and/or their representative) has copies of all the documentation supplied to the Panel.
 - iv. inform the student (and/or their representative) and the Panel of their right to examine any documents, reports or written statements used in the case by any of the parties, and their right to call witnesses, who may be examined by any of the parties.
3. The Chair will read the allegation and ask whether the student admits to the allegation or not.
4. If the student admits to the allegation, the Panel will proceed to consider its findings. The student (and/or their representative) will be informed that they will be able to address the Panel after it has considered its findings and before it considers its decision. The Queen Mary representative, the student, and (where relevant) the student's representative must leave the room while the Panel considers its findings. Continue to paragraph 8 of this document.

OR

If the student denies the allegation then the Queen Mary representative will be asked to present the facts in the possession of Queen Mary and to call any witnesses, who may be examined by any party.
5. The student will be asked to give their evidence. If they call any witnesses they may be examined by any party.
6. After both the Queen Mary representative and the student have given evidence, each party may address the Panel. The Queen Mary representative will address the Panel first, followed by the student.
7. The Queen Mary representative, the student, and (where relevant) the student's representative must leave the room while the Panel decides whether academic misconduct has been committed. The Secretary may also be asked to leave the room, at the discretion of the Chair. The Panel must reach its decision without adjournment if possible, and must give reasons for its decision. No penalty is issued at this stage.
8. Once the Panel has decided whether academic misconduct was committed, the Queen Mary representative and the student (and/or their representative) will be recalled for the decision.
9. If the Panel finds that no academic misconduct was committed, the Chair will inform the student and all parties may leave.
10. If the Panel finds that academic misconduct was committed the following procedures will follow:

- i. if the student admitted academic misconduct, the Chair will invite them to explain the circumstances of their actions.
 - ii. the Chair will invite the Queen Mary representative to address the Panel on the penalty to be applied.
 - iii. the Chair will next invite the student to address the Panel on the penalty to be applied.
 - iv. witnesses cannot be called at this stage, but written statements may be submitted to the Panel with a copy given to all parties.
11. The Chair will ask the Queen Mary representative and the student (and/or their representative) to leave the room while the Panel determines the penalty. The Secretary will provide the Panel with the information required under section 12 below.
12. When determining the penalty, the Panel will consider all relevant information, including:
 - i. the relation of the module(s) in question to the structure of the programme for which the student is registered (in cases where the penalty is applied to the module)
 - ii. the effect that failing the module would have on the student (if applicable)
 - iii. the arrangements for resitting the module (if applicable)
13. The Chair will recall the Queen Mary representative and the student (and/or their representative).
14. The Chair of the Panel will announce the penalty decided on by the Panel and the reasons for the penalty. The penalty will be read verbatim, as it appears in the Academic Misconduct Policy.
15. The student will be informed of their right to appeal against the penalty in accordance with the Appeal Policy.
16. The meeting of the Academic Misconduct Panel will be closed.

Appendix 3: Third-party reports

Third-party reports of academic misconduct

1. The Appeals, Complaints and Conduct Office will review the veracity of any third-party report of academic misconduct it receives from other students or from outside Queen Mary. Any such report will be acknowledged by the Appeals, Complaints and Conduct Office. The Appeals, Complaints and Conduct Office will request evidence of the report of academic misconduct if evidence has not been provided.
2. In order to protect the confidentiality of its students, any third party reporting an allegation of academic misconduct will receive no other acknowledgement of any action or otherwise taken by Queen Mary.

Appendix 4: Oral examinations

Oral examination process

1. A school/institute may test the subject knowledge of a student suspected of academic misconduct by oral examination if it is deemed appropriate by the HoS/AMO.
2. An oral examination will be conducted in accordance with the following process:
 - a. The oral examination must be conducted by two members of academic staff; a third person may be present to take notes. Where possible, the academic member of staff who first raised the allegation or the module organiser will be one of the two academic staff members.
 - b. The student suspected of academic misconduct must be given at least three working days' notice of the meeting.
 - c. The notification of the meeting must include the following information:
 - i. The time/day/date of the meeting.
 - ii. The location of the meeting (in-person or remote).
 - iii. Copies of all evidence to be considered in the meeting.
 - iv. A statement on the reasons for the suspicion of academic misconduct.
 - v. A statement that the student will be expected to defend their work and that they should prepare appropriately.
 - vi. A statement informing the student that they may be accompanied by one person of their choosing, making clear to the student that this person is not there to represent or defend the student since the purpose of the oral examination is to test the student's knowledge.
 - d. The third person present at the oral examination will take notes.
 - e. At the conclusion of the oral examination, the two members of academic staff will summarise their academic opinion of the student's responses, including a statement on whether or not they believe the suspicion should be forwarded to either the school/institute's HOS/AMO or the Appeals, Complaints and Conduct Office for further investigation. Both the notes and the statements by the two academic staff members will be sent to the relevant HoS/AMO.
 - f. If the conclusion of the oral examination is that the matter should be referred for further investigation, the school/institute must advise the student as soon as possible that the matter will be taken forward by the appropriate process.
 - g. If the conclusion of the oral examination is that the suspicion of academic misconduct is unfounded, the school/institute must advise the student as soon as possible that the

matter has been resolved and that the assessment in question will be marked in the usual way.

Appendix 5: Transnational Education Programmes

Transnational Education Programmes

1. The “harmonised penalties” outlined below apply to academic misconduct found to occur in the course of collaborative programmes between Queen Mary and:
 - i. Nanchang University
 - ii. Queen Mary School Hainan
 - iii. Northwestern Polytechnical University
 - iv. Beijing University of Posts and Telecommunications
2. For the avoidance of doubt, the “harmonised penalties” replace those outlined in Paragraph 33 for students on these programmes.
3. Harmonised Penalties:
 - i. A formal warning
 - ii. A requirement that the student resubmit the relevant piece(s) of assessment by a specified deadline with no cap on the mark that may be obtained.
 - iii. A requirement that the student resubmit the relevant piece(s) of assessment by a specified deadline with the resubmission mark capped at the minimum pass mark.
 - iv. A mark of 0 for the relevant piece(s) of assessment, but if the module is failed the student may reattempt at the next opportunity.
 - v. A mark of 0 in the module of which the assessment forms a part, with the module mark capped on any reattempt at the minimum pass mark.
 - vi. The overall classification of Honours to be reduced by one grade with an explanation to be provided as to why the calculated mark does not match the Honours awarded.
 - viii. Recommendation to the Steering Committee¹⁰ that the student be expelled from the two universities. The Steering Committee decision must be ratified by the Principal/President of both universities before the student can be expelled.
4. QM penalties where the mark is capped mean that for the UK transcript and Honours calculation the mark is limited to 40% on the UK scale (60% on the CN scale) but the mark recorded by BUPT will be the uncapped mark as BUPT does not use capping of marks.
5. Where the penalty involves failure in the module the student may reattempt but, unless specified in the harmonised penalties, must miss the next opportunity, if the next opportunity is held in less than six months, and except for students spending the final year in London where examinations are held annually.
- g-6. Penalty vii. will only be applied for exam offences where the QMUL standard penalty of failure of all modules would mean dismissal by BUPT as the students cannot fail more than 30 credits under BUPT regulations.

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Senate

Paper title	Appeal Policy
Outcome requested	The Senate is asked to approve the Appeal Policy.
Points for Senate members to note and further information	The Queen Mary Appeal Policy has been revised for the upcoming academic year, as outlined below: <ol style="list-style-type: none"> 1. Minor amendments to remove references to Academic Misconduct and Student Discipline, in line with respective amendments to those policies. 2. Minor amendment to submission timeframes: appeals should be submitted within 21 days and attach all evidence (previously appeals should be submitted in 14 days with evidence submitted separately up to 7 days later). 3.
Questions to consider	Is the Senate satisfied that the changes are appropriate?
Regulatory/statutory reference points	General: <ol style="list-style-type: none"> 1. OfS Regulatory Framework C2 2. QAA UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals <p>Amendment 1: Office of the Independent Adjudicator Good Practice Framework (Appeals & Complaints) 16. States that it is good practice for disciplinary procedures to include a separate appeal route, rather than using the academic appeal process. Office of the Independent Adjudicator Good Practice Framework (Principles): Flexible, proportionate & timely: no more than three stages to each procedure, normally takes less than 90 calendar days to complete the process.</p>
Strategy and risk	Aligns with the OfS conditions of continuing registration, notably C2 Aligns with the Queen Mary Strategy 2030 Aligns with the Office of the Independent Adjudicator Good Practice Framework
Reporting/consideration route	Consideration and approval by EQSB (24/5/2023), Senate to consider and approve.
Author	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
Sponsor	Professor Stephanie Marshall, Vice-Principal (Education) and Chair EQSB.

Appeal Policy

Scope

1. The Appeal Policy provides a single process for students who wish to appeal against outcomes arising from the following procedures:
 - ~~i.~~—decisions of examination boards or research degree examination panels on assessment, progression, or award.
 - ~~ii.~~—
 - ~~iii.i.~~ [the Academic Misconduct Policy.](#)
 - ~~iv.ii.~~ decisions to terminate the registration of a student (including research students).
 - ~~v.iii.~~ [the Fitness to Practise and Professional Capability Regulations.](#)
 - ~~vi.~~ [the Code of Student Discipline.](#)
 - ~~vii.iv.~~ disciplinary action taken under the [Library Regulations.](#)
 - ~~viii.v.~~ disciplinary action taken under the [Halls of Residence Regulations.](#)
 - ~~ix.vi.~~ decisions on student bursaries, scholarships, and grants where these are administered by Queen Mary.
2. Any challenge to a fee status decision should be raised before a student enrolls and in accordance with the relevant Admissions procedure. If a student has enrolled and they wish to appeal against their fee status, the appeal must be submitted within 14 days of enrolment, or by no later than 31 October for students joining courses that start in September; a student should contact the Appeals, Complaints and Conduct Office if they require clarification on whether or not their fee status appeal would be submitted within the required deadlines (appeals@qmul.ac.uk). Fee status appeals must be submitted according to these deadlines in the academic year the student first enrolled; appeals in subsequent years cannot be considered. Fee status appeals will only be considered on the grounds that there has been a procedural error in reaching the original decision, or where new, material information is presented that could not reasonably have been made available during the original fee status assessment carried out by the Admissions Office. All appeals against a fee status decision will proceed directly to Final Review. The Final Review will be decided by an appropriate person from within Admissions who has had no previous involvement with the case.
3. The Appeal Policy applies to all students, irrespective of cohort.
4. Queen Mary aims to complete all stages of its appeal procedures (including Final Review, where appropriate) within 90 calendar days of receipt of the appeal request. If it becomes necessary to exceed 90 days the student will be informed of the reasons for the delay and a revised timeframe.
5. In all appeal cases, the original outcome is final and not varied until and unless a successful appeal results in an alternative decision. For example, a student deregistered as a result of academic failure will not be reinstated until and unless the appeals process is complete and results in an amendment to the original decision. Similarly, a student issued with notice to quit their room in halls of residence must vacate the room on the prescribed date; extensions to the notice period will not be granted and the student will be re-housed only in the event that the notice to quit is revoked as a result of the appeal process.

Terminology

6. In the Appeal Policy:
- i. 'outcome' refers to a decision, result, or any other resolution arrived at following one of the relevant procedures outlined below.
 - ii. 'Formal Appeal' refers to an appeal that is at the first stage of Queen Mary's internal appeal procedures.
 - iii. 'Final Review' refers to an appeal that is at the second and final stage of Queen Mary's internal appeal procedures.
 - iv. 'Completion of Procedures letter' refers to a letter issued at the end of Queen Mary's internal procedures. It provides details of the appeal, a summary of the evidence that was submitted and considered, the decision of Queen Mary to uphold or reject the appeal, and the reason for that decision.
 - v. '[Chair](#)' refers to any Chair of the Appeal Panel.

Informal resolution

7. In many cases, the issues at the centre of an appeal can be resolved informally. For example, if a student does not understand why they received a particular mark, they should query this with their school or institute in the first instance, and engage with examination results surgeries; the school/institute may be able to explain why that result was given or, if there was a genuine error, resolve the matter. This can provide a faster and more satisfactory outcome.

Chairs of the Appeal Panel

8. The Senate will appoint Chairs of the Appeal Panel to consider appeals, normally for initial terms of three years. The Principal will appoint an Acting Chair of the Appeal Panel if no Chair is able to act.

Grounds for a Formal Appeal

9. A student may appeal on one or both of these grounds:
- i. 'Procedural error'. The process leading to the decision being appealed against was not conducted in accordance with Queen Mary's procedure, such that there is reasonable doubt as to whether the outcome might have been different had the error not occurred. Procedural error includes administrative error, and bias in the operation of the procedure.
 - ii. 'Exceptional circumstances'. Exceptional circumstances, illness, or other relevant factors were not made known for [good reason](#), or were not properly taken into account.
10. 'Good reason' requires a student to demonstrate that circumstances beyond their control prevented disclosure of the relevant facts at the appropriate time. Personal embarrassment or unwillingness to disclose personal circumstances does not count as 'good reason' for the purposes of this policy.

Submitting a Formal Appeal

11. A student must submit a Formal Appeal to the Appeals, Complaints and Conduct Office in writing, using the correct form. The student must specify the decision appealed against, present the grounds for the appeal, and outline the supporting evidence (including evidence still to be submitted). The student may contact the Appeals, Complaints and Conduct Office to discuss the procedure.

12. A Formal Appeal and all supporting evidence must be received within ~~21~~14 calendar days of formal notification of the decision appealed against. This will normally be the date on the decision letter, or else the official publication of results date. The Head of the Appeals, Complaints and Conduct Office may exercise discretion to consider a late request if a student demonstrates good reason for the delay.
13. ~~Supporting evidence must be submitted either with the Formal Appeal or else within seven calendar days of receipt of the Formal Appeal. It must provide evidence of the points detailed in the written Formal Appeal (e.g. medical certification).~~ The Head of the Appeals, Complaints and Conduct Office may exercise discretion to allow the late submission of evidence if a student demonstrates good reason for the delay.

Actions on receipt of a Formal Appeal

14. On receipt of a Formal Appeal the Appeals, Complaints and Conduct Office will allocate it to a caseworker, who will determine whether or not the appeal was submitted in time.
15. If a Formal Appeal is determined to be out of time then a Completion of Procedures letter will be issued to reflect that decision. The merits of the Formal Appeal will not be considered.
16. If a Formal Appeal is determined to be in time, it will be considered by the caseworker and a Chair of the Appeal Panel on its individual merits. However, it is the responsibility of the student to ensure that their Formal Appeal satisfies at least one of the permitted grounds noted above. Any appeal that does not meet the permitted grounds will be rejected, subject to the approval of the Head of the Appeals, Complaints and Conduct Office. The following is a non-exhaustive list of examples that will be rejected:
 - i. appeals against the academic judgement of internal or external examiners.
 - ii. appeals based on the informal assessment of a student's work by academic staff, which includes work that has not yet been confirmed by the relevant examination board/s.
 - iii. marginal failure to attain a higher classification of award.
 - iv. lack of awareness by a student of the relevant procedure or regulations.
 - v. vexatious or frivolous appeals.
 - vi. appeals with no evidence for the claims made.
17. Where a Formal Appeal is rejected, an outcome letter will be sent to the student explaining the reasons for that decision. The student may submit a request for a Final Review.
18. If a student appeals a mark and this is rejected as a challenge to academic judgement, the student will be directed to contact their school/institute to request a marking trail as evidence that Queen Mary's assessment procedures were undertaken correctly. The Appeals, Complaints and Conduct Office will provide the student with a contact in the relevant school/institute and will forward a copy of the outcome to the school/institute for their records.
19. Where a Formal Appeal is determined to be in time and one or both of the grounds for an appeal are met, the caseworker will investigate the merits of the appeal. This may involve consulting documentation from the process leading to the original decision, discussions with those responsible for the original decision, interviewing the student, and any other relevant enquiry. The details of the investigation will be shared with the student in a case summary. The student will be invited to comment on the case summary and on any additional evidence collected by the caseworker.

20. The caseworker and the Chair of the Appeal Panel will consider the Formal Appeal and determine whether it is upheld or rejected, based on the [grounds for appeal](#).
21. If the caseworker and the Chair of the Appeal Panel cannot agree on a course of action, or if a case is determined to be more complex, the Formal Appeal will be referred to an [Appeal Panel](#) for consideration.

Appeal outcome

22. The Appeals, Complaints and Conduct Office will inform a student of the outcome of their Formal Appeal in an outcome letter. This will normally be within two months of the date of receipt of the request. The student will be notified if a case is likely to take longer than two months to conclude.

Where an appeal is upheld

23. If a Formal Appeal is upheld and the grounds for appeal are of an administrative or regulatory nature the Chair and caseworker may take action to remedy the situation without referral to the original decision-making body.
24. If a Formal Appeal is upheld and there is substantive evidence that extenuating circumstances were either not considered appropriately or were for [good reason](#) not made known at the time of the original decision the Chair and caseworker will refer the case to the body that made the original decision for reconsideration.
25. Where an appeal is referred back to the appropriate examination board for reconsideration, the Chair of that examination board may take Chair's action to confirm the outcome of this reconsideration.

Where an appeal is not upheld

26. If the Chair and caseworker agree that there are no grounds for appeal then the Formal Appeal will not be upheld and an outcome letter will be issued.

Where a student believes that an appeal was not handled appropriately or fairly

27. A student may request a Final Review of their appeal if they believe there are grounds to suggest that their Formal Appeal procedures were not followed appropriately and/or the outcome of their Formal Appeal was not reasonable in light of the available evidence.
28. If a student does not have grounds for a Final Review then this marks the end of Queen Mary's internal appeal procedures. A student may request a [Completion of Procedures letter](#) in such cases, however, that letter will make clear that the student chose not to exhaust all of Queen Mary's internal procedures.

Final Review

29. A student may request a Final Review of a Formal Appeal if they believe that it has not been handled properly or fairly. The review will be conducted by a nominee of the Principal.
30. A Final Review request must be submitted on the proper form and must include explicit reasons for requesting the review.

31. A Final Review request must be received by the Appeals, Complaints and Conduct Office within 14 calendar days of the date of the Formal Appeal outcome letter. The Principal's nominee has discretion to allow and consider later requests where a student demonstrates [good reason](#) for the delay.
32. New evidence or issues will not be considered in a Final Review unless the student can demonstrate good reason why that information was not made available with the Formal Appeal request.
33. The Final Review process will involve a review of the existing casefile by the Principal's nominee to determine whether:
 - i. the appeal procedures were followed appropriately, *and/or*,
 - ii. the appeal outcome was reasonable in light of the available evidence.
34. If it is determined that the case was not handled in accordance with the appeal procedures and/or that the outcome was not reasonable in light of the available evidence, the Principal's nominee may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Appeal Policy.
35. The student will be informed of the outcome of a Final Review in a [Completion of Procedures letter](#). A Final Review is the final stage in Queen Mary's internal appeal procedures.
36. A Final Review will normally be concluded within 21 calendar days of receipt of the Final Review request. The student will be notified if consideration of their Final Review is likely to take longer than this.

Office of the Independent Adjudicator for Higher Education

37. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.
38. A student not satisfied with the outcome of Queen Mary's internal appeal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures, including Final Review, and is in possession of a [Completion of Procedures letter](#).
39. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.
40. Information on submitting a complaint to the OIA will be included in the [Completion of Procedures letter issued to the student](#). Information is also available on the [OIA website](#).

Appeal Panels

41. In circumstances where the Chair and caseworker cannot agree on a course of action for an appeal, or if a case is determined to be unusually complex, an Appeal Panel will be convened.

Appeal Panel composition

42. The membership of an Appeal Panel is as follows:
 - i. any Chair of the Appeal Panel who will act as the chair of the convened Panel.

- ii. a member of academic staff from a school/institute cognate to that of the student (normally from the same Faculty), drawn from the membership of the Senate or from the Chairs of the Appeal Panel.
 - iii. a further member of academic staff, not necessarily from a cognate school/institute, drawn from the membership of the Senate or from the Chairs of the Appeal Panel.
 - iv. a student member, normally the President of the Queen Mary Students' Union (or nominee).
43. An Appeal Panel convened to consider a decision taken under the Professional Capability and Fitness to Practise Procedure will have an additional, fifth, member. This member will be a senior member of staff and a registered practitioner of the profession in question, drawn either from Queen Mary's School of Medicine or Dentistry or from another medical or dental school.
44. Members of the Appeal Panel will not have been involved in the making of the decision being appealed against.
45. There will be a Secretary to the Panel. The Secretary will be present throughout the hearing, including the deliberations of the Panel, and may provide advice to the Panel on policies and regulations. The Secretary will not be involved in the decision-making process.
46. Appeal Panels will be individually constituted for each case or group of cases.

Appeal Panel terms of reference

47. The terms of reference for an Appeal Panel are to:
- i. hear the student's submission.
 - ii. hear Queen Mary's submission.
 - iii. consider and determine whether the appeal is upheld or not upheld, based on the permitted [grounds for appeal](#).
 - iv. agree to:
 - a. uphold the original decision; *or*,
 - b. refer the original decision back to the relevant body for reconsideration; *or*,
 - c. uphold the appeal and agree an appropriate course of action. Where a range of penalties were available to the original decision-making body, an Appeal Panel may impose a more severe penalty than that originally imposed.

This version of the Academic Misconduct Policy was approved by Senate on 16 June 2022

Appendix: Appeal Panel Procedure

1. A student will be given at least 10 calendar days' notice, in writing, of the date, time, and location of the Appeal Panel meeting.
2. The Appeal Panel will receive the original documentation considered by the decision-making body, and any relevant additional documentation related to the appeal. This will include the written appeal request and any response to that request from Queen Mary.
3. The student will receive the same set of documentation as the Appeal Panel.
4. All papers and proceedings will be confidential.
5. The student may be accompanied or represented by any one person of their choosing.
6. A Queen Mary representative will put Queen Mary's case to the Appeal Panel.
7. The student, any student representative, and the Queen Mary representative may be present throughout the hearing, but not during the Panel's deliberations.
8. Witnesses may be called to the Appeal Panel, where permitted by the Chair.
9. An Appeal Panel meeting will normally follow this format:
 - i. the members of the Panel will be introduced to those present.
 - ii. the student (or their representative) will address the Panel to make their case. The Panel may ask questions relevant to the case.
 - iii. the Queen Mary representative will address the Panel to make Queen Mary's case. The Panel may ask questions relevant to the case.
 - iv. The Panel will meet alone with the Secretary to consider its decision.
10. The student will be informed of the Appeal Panel's decision, and reasoning for that decision, within three working days of the meeting. This will be confirmed in writing within seven calendar days of the meeting, in an appeal outcome letter.

Senate

Paper title	Code of Student Discipline
Outcome requested	The Senate is asked to approve the revised Code of Student Discipline.
Points for Senate members to note and further information	<p>The Queen Mary Code of Student Discipline has been revised for the upcoming academic year, as outlined below:</p> <ol style="list-style-type: none"> References to the post of “Academic Registrar” have been replaced by Head of Appeals, Complaints and Conduct Office. Amendment of Paragraph 57: clarification on the scope and purpose of informal action available to the Head of Appeals, Complaints and Conduct Office. Amendment of the appeal procedure to align with OIA Good Practice Framework. The appeal stage is now incorporated directly into the Code of Student Discipline.
Questions to consider	Is the Senate satisfied that the changes are appropriate?
Regulatory/statutory reference points	<p>General:</p> <ol style="list-style-type: none"> OfS Regulatory Framework C2 OfS Statement of Expectations: Prevent and address harassment and sexual misconduct OfS Consultation on a new approach to regulating harassment and sexual misconduct in English higher education Office of the Independent Adjudicator Good Practice Framework: Non-Academic Disciplinary Procedures <p>Amendment 2: Office of the Independent Adjudicator Good Practice Framework (Non-Academic Disciplinary) 109: Many providers give named staff members the power to take decisions on disciplinary cases at a local level or to refer a case for full formal consideration... In this way, straightforward minor cases can be dealt with without the need for formal consideration.</p> <p>Amendment 3: Office of the Independent Adjudicator Good Practice Framework (Appeals & Complaints) 16. States that it is good practice for disciplinary procedures to include a separate appeal route, rather than using the academic appeal process. Office of the Independent Adjudicator Good Practice Framework (Principles): Flexible, proportionate & timely: no more than three stages, normally takes less than 90 calendar days to complete the process.</p>
Strategy and risk	<p>Aligns with the OfS conditions of continuing registration, notably C2</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
Reporting/consideration route	Consideration and approval by EQSB (24/5/2023), Senate to consider and approve.
Author	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
Sponsor	Professor Stephanie Marshall, Vice-Principal (Education) and Chair EQSB.

Code of Student Discipline

Scope

1. The purpose of this Code is to enable Queen Mary University of London to fulfil its obligations relating to the care of, and responsibility for, staff and students, and the public, and to protect its reputation. All staff and students are expected to act at all times in accordance with Queen Mary's stated core values of inclusivity, pride, ambition, collegiality, and ethical behaviour.
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 may apply 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. **Responding student** refers to the student against whom an allegation has been made.
 - d. **Reporting student** refers to the student who has made the allegation against the responding student. If the allegation of misconduct has been made by a complainant who wishes to make a Formal Complaint via the [Student Complaints Policy](#), then for the purposes of this Code, that complainant will be considered to be the reporting student. In all cases, a reporting student will receive a Formal Complaint outcome letter, in accordance with the Student Complaints Policy, at the conclusion of the disciplinary process.
 - e. **Witness** refers to a person contacted within the course of a disciplinary investigation.
 - 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. **Institutional level** refers to processes operated by the centre of Queen Mary; 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 Service department such as Student and Academic Services or Estates and Facilities.

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

General principles underlying this Code

- 5. Anyone who is accused of misconduct under the Code of Student 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. Responding 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 any student may be represented or accompanied by one 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. Responding 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 responding 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 responding student is not able to attend a meeting or hearing, for good reason, it may be rearranged.
15. A responding 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:
 - 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 this 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 Code of Student Discipline, 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, subject to the mutual agreement of the Students' Union and the Appeals, Complaints and Conduct Office.

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~~[Head of the Appeals Complaints and Conduct Office](#) 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/Director of Institute 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 should be made in writing, directly to the relevant Head of School, Director of Institute, Director of Professional Service, or to the [Head of the Appeals Complaints and Conduct Office Academic Registrar](#), via the Appeals, Complaints and Conduct Office.
37. On those occasions where support is also required, reporting students are strongly encouraged to use the Queen Mary [Report + Support](#) portal as this will allow them to simultaneously access the various support networks available to all Queen Mary students. Upon receipt of a report made through the Report + Support portal, the Appeals, Complaints and Conduct Office will contact the reporting student with further information on how the matter will be taken forward.
38. The [Head of the Appeals Complaints and Conduct Office Academic Registrar](#), Head of School, Director of Institute, or Director of Professional Service is responsible for conducting an investigation into the misconduct as appropriate.
39. An independent Investigating Officer may be appointed to undertake the investigation. The Investigating Officer should have no involvement with the allegation of misconduct; in some cases an appropriately qualified external investigator may be appointed. In all cases, the responding student is notified of the name of the Investigating Officer.
40. At any point during the course of an investigation the [Head of the Appeals Complaints and Conduct Office 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.
41. An investigation will be completed as soon as possible and will normally take no longer than 25 working days.
42. An investigation will normally involve the following stages:
 - a. Notification to the responding student of the allegation/s made against them and provision of a copy of this Code.
 - b. Request for written statements from the reporting student and all relevant witnesses, and collection of any other factual evidence.
 - c. Interview with the reporting student, however, the decision to attend an interview rests solely with the relevant student. Where appropriate, interviews may be conducted with any relevant witnesses, subject to their consent.
 - d. Interview with the responding student to provide them with an opportunity to put their case. Where an interview is not possible in person, or where the responding student does not wish to submit to an interview, a written statement will be requested. In all cases, the responding student will be provided with sufficient information to allow them to respond to the allegation/s.

- e. A written report of the investigation and the details of evidence gathered.
43. The Investigating Officer keeps notes of meetings held with all parties, namely, the responding student, the reporting student, and any witnesses. These notes must be included in the casefile alongside the written report and all other evidence collected.
 44. In all cases, at the conclusion of the investigation the casefile is made available to the responding student, unless there is a concern for the safety of any relevant party. The safety of any relevant party is likely to be a concern where the alleged offence involves some form of violent behaviour, threat or injury to another. Any document included in the casefile may be redacted when it contains personal or sensitive information.

Misconduct handled at school/institute level

45. At any time during the investigation, or hearing, the Head of School/Director of Institute/Director of Professional Service may decide to refer the matter for consideration at institutional level.
46. Once the investigation is completed, the Head of School/Director of Institute/Director of Professional Service reviews the casefile and 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/professional service level

47. A hearing at school/institute/professional service level will normally take place within 2 months of an allegation of misconduct. The Head of School/Director of Institute/Director of Professional Service (or nominee) shall notify the responding student of the hearing in writing giving at least three working days' notice.
48. The responding student shall be provided with copies of all documents that will be considered for the allegation of misconduct.
49. The Head of School/Director of Institute/Director of Professional Service hears the case alone but will be assisted by another staff member who should take notes of the hearing.
50. The hearing is held in private. The following stages shall normally be followed:
 - a. the Head of School/Director of Institute/Director of Professional Service questions the responding student about the allegation(s).
 - b. the responding student or their representative responds to the allegation(s) and questions.
 - c. the Head of School/Director of Institute/Director of Professional Service decides the outcome of the disciplinary hearing in private.
51. Irrespective of the outcome, the Head of School/Director of Institute/Director of Professional Service may require that the responding 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 responding student's guilt or innocence.

52. The responding 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 responding student's right of appeal shall be provided within five working days.

Decisions at school/institute level

53. Once the hearing is completed, the Head of School/Director of Institute either:
- Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the responding student's record.
 - 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.
 - 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.
 - Refers the matter to the [Head of the Appeals Complaints and Conduct Office Academic Registrar](#)** for consideration at institutional level.
 - 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

54. 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 reprimand which is a formal penalty for the misconduct.
 - The requirement to apologise in specified terms to one or more named persons by a specified date.
 - A formal instruction restricting activity for a specified period.
 - A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - A fine not exceeding £100.
 - Compensation in respect of damage to property at the value of the damage where its value is no more than £250.
 - Compensation in respect of injury to a person not exceeding £250.
 - Prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.
 - 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.

55. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given.
56. Any fine or penalty imposed will take account of the responding student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The responding student may be permitted to make the payment in prescribed instalments.

Misconduct handled at institutional level

57. Once the investigation is completed, the [Head of the Appeals Complaints and Conduct Office or nominated decision-maker Academic Registrar](#) reviews the casefile and, ~~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 responding 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 and/or restorative and educational activity or otherwise as recommended by the Vice-Principal. This will not be intended as a penalty, but students are expected to comply any request.
 - c. **Refers the matter to the Professional Capability Committee.**
 - d. **Refers the matter to a Student Disciplinary Committee.**

Student Disciplinary Committee

58. 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.
59. 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 the relevant [Academic Regulations](#). The secretary remains present throughout the hearing and deliberations but has no role in the decision-making of the committee.
60. A Queen Mary representative shall present the case to the Committee on behalf of Queen Mary. This will normally be the named Investigating Officer.
61. No person who has any close personal connections with any student due to appear before the Committee, or with the alleged misconduct, is eligible for appointment to the Committee.
62. 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

63. The Student Disciplinary Committee meets as soon as reasonably practical to consider an allegation referred to it and normally within 2 months of an allegation of misconduct. This meeting is called a hearing.
64. At least 7 calendar days before the date of the hearing the secretary to the Committee sends the responding student a copy of these regulations, together with copies of all relevant documents to be presented at the hearing.
65. The hearing will take place in the absence of the responding student should they not attend, not respond, or provide good reason for not attending.
66. The responding 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 responding student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.
67. The hearing is held in private. Only those persons party to the case and the Committee attend the hearing.
68. 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.
69. If a person is asked to attend a hearing as either a reporting student or a witness, but is unwilling or unable to for good reason, a written statement may be provided. Copies of any such statements are provided to the responding student. In circumstances where a reporting student or a witness is likely to be in distress, the Committee may permit them to be accompanied by another person, who will not participate in the proceedings in any way.

Student Disciplinary Committee order of proceedings

70. The responding student may be represented, or assisted by a person of their choosing. A maximum of two individuals are permitted to accompany a responding student at any meeting, interview or hearing.
71. At the commencement of the proceedings the Chair will:
 - a. inform the responding student and/or their representative of the names of the members of the Committee and the secretary.
 - b. indicate the Queen Mary representative who will present the facts in possession of Queen Mary.
 - c. check that the responding student and/or their representative have copies of all the documentation supplied to the Committee.
 - d. inform the responding student and/or their representative of their right to examine any documents, reports or written statements used in the case and of the Committee's right to examine any written

reports or documents introduced by the responding student, and of the right of either side to call witnesses who may be examined by both sides.

72. The Chair will read the allegation and will then ask whether the responding student admits to the offence or not.
73. 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 responding student may ask the Queen Mary representative questions.
74. The responding 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.
75. At the conclusion of the evidence both the Queen Mary representative and the responding student or their representative may address the Committee. The Queen Mary representative will address the Committee first followed by the responding student.
76. The Queen Mary representative together with the responding 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.
77. 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 responding 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.
78. Irrespective of the outcome, the Committee may require that the responding 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.
79. The responding 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 responding student's right of appeal. The outcome of a hearing, together with the rationale, may be provided to a reporting student where appropriate. This information is particularly relevant where a reporting student has reported an issue relating to behaviour or sexual misconduct; the outcome may be required to ensure the implementation of any undertakings, or for health and safety more generally.

Penalties that may be imposed by a Student Disciplinary Committee

80. 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.
81. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be imposed.
82. Any fine imposed will take account of the responding student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The responding 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

83. A responding student may appeal a decision arising from this Code using the process set out [below](#) ~~in~~ [the Queen Mary Appeal Policy](#). This includes the right to appeal any penalty imposed. A reporting student cannot appeal a decision arising from this Code but will have recourse via the [Student Complaints Policy](#) following receipt of the Formal Complaint outcome letter noted in paragraph 4[d] above.

[84. The appeal will be considered by an Appeal Chair.](#)

85. A Disciplinary Appeal must be submitted on the proper form and must include explicit reasons for the appeal. The appeal must be received by the Appeals, Complaints and Conduct Office within 14 calendar days of the date of the outcome letter. The Head of the Appeals, Complaints & Conduct Office has discretion to allow and consider later requests where a student demonstrates good reason for the delay.
86. New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.
87. The appeal process will involve a review of the existing casefile by the Appeal Chair to determine whether:
- i. the procedures were followed appropriately, and/or.
 - ii. the outcome was reasonable in light of the available evidence.
88. If it is determined that the case was not handled in accordance with the procedures and/or that the outcome was not reasonable in light of the available evidence, the Appeal Chair may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Code of Student Discipline.
89. The student will be informed of the outcome of an appeal in a Completion of Procedures letter. This is the final stage in Queen Mary's internal Code of Student Discipline.
90. A Disciplinary Appeal will normally be concluded within 28 calendar days of receipt. The student will normally be notified if consideration of their appeal is likely to take longer than this.

Office of the Independent Adjudicator for Higher Education

91. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.
92. A student not satisfied with the outcome of Queen Mary's internal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures and is in possession of a Completion of Procedures letter.
93. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.
94. Information on submitting a complaint to the OIA will be included in the Completion of Procedures letter issued to the student. Information is also available on the OIA website.
84. When all stages of Queen Mary's appeal process have been exhausted, the responding student is issued with a Completion of Procedures letter and may request a review by the Office of the Independent Adjudicator for Higher Education.

This version of the Code of Student Discipline was approved by Senate on 10 June 2021

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 [Head of the Appeals Complaints and Conduct Office](#) ~~Academic Registrar~~, or their nominee.
7. At school/institute/directorate level the President and Principal delegates responsibility to the Head of School, or Director of Institute 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, e.g. Halls of Residence Regulations, Library Regulations etc.

Senate

Paper title	Student Complaints Policy
Outcome requested	The Senate is asked to approve the revised Student Complaints Policy.
Points for Senate members to note and further information	<p>The Queen Mary Student Complaints Policy has been revised for the upcoming academic year, as outlined below:</p> <ol style="list-style-type: none"> 1. Minor amendments to remove references to the post of Academic Registrar. 2. Amendment to Formal Complaint Outcome and Review stages: In line with OIA Good Practice Framework, the Formal Complaint outcome should outline the evidence relied upon and reasons for the decision (addition to Paragraph 27); and rather than after submission of their Request for Review (removed from Paragraph 33). Correspondingly, the opportunity for students to submit a comments has moved from Paragraph 33 to 31.
Questions to consider	Is the Senate satisfied that the changes are appropriate?
Regulatory/statutory reference points	<p>General:</p> <ol style="list-style-type: none"> 1. OfS Regulatory Framework C2 2. QAA UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals 3. Office of the Independent Adjudicator Good Practice Framework: Appeals & Complaints <p>Amendment 2: Office of the Independent Adjudicator Good Practice Framework (Appeals & Complaints) 84. The provider should write to the student setting out the outcome of the formal stage, including any decision to reject the complaint or academic appeal at initial assessment, giving a clear explanation and outlining the reasons for each decision in straightforward language. This will help the student decide whether or not to pursue the matter further. 90. The review stage will not usually consider the issues afresh or involve a further investigation.</p>
Strategy and risk	<p>Aligns with the OfS conditions of continuing registration, notably C2</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
Reporting/consideration route	Consideration and approval by EQSB (24/5/2023), Senate to consider and approve.
Author	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
Sponsor	Professor Stephanie Marshall, Vice-Principal (Education) and Chair EQSB.

Student Complaints Policy

Introduction

1. Queen Mary University of London defines a complaint as the expression of a specific concern about matters that affect the quality of a student's learning opportunities or student experience. This policy applies to all current students, up to and including a period of three-months following the end of a student's period of registration.
2. The Student Complaints Policy is overseen at the highest level of Queen Mary. The Principal and President has overall authority in the application of the policy; the Principal and President's authority is delegated as detailed below.
3. The emphasis of this Policy is on handling complaints in a timely and effective manner. Queen Mary seeks to resolve complaints at an early stage where possible; many problems can be solved informally, without the need for a formal complaint. Students will always be encouraged to attempt an informal resolution in the first instance. Where informal resolution is not possible, there are two stages, Formal Complaint and Complaint Review, which represent a formal complaint under this Policy.
4. Queen Mary undertakes that any student who wishes to pursue a complaint under this Policy will not suffer detriment in their subsequent studies as a result of action taken. However, Queen Mary may consider taking disciplinary action under the [Code of Student Discipline](#) if a complaint is brought in bad faith, or is considered to be vexatious.
5. The Student Complaints Policy covers all concerns or complaints about both academic and non-academic services provided by Queen Mary.
6. In the event that a formal concern about the conduct of another student is the subject of the complaint (for example bullying, harassment or discrimination) then the matter will be investigated under the [Code of Student Discipline](#). Students making complaints of this kind will receive a Formal Complaint outcome, as described in paragraph 27, which will include information on how to submit a Complaint Review should they remain dissatisfied with that outcome.
7. In the event that a formal concern about the conduct of a member of staff is the subject of the complaint (for example bullying, harassment or discrimination) then the matter will be referred to the Queen Mary Human Resources team for consideration. Students making complaints of this kind will receive a Formal Complaint outcome, as described in paragraph 27, which will include information on how to submit a Complaint Review should they remain dissatisfied with that outcome. Students are advised that it may not be possible for Queen Mary to provide full details of Human Resources processes, and any such outcome will be subject to approval by Human Resources before it is sent.
8. Complaints about financial services offered by Queen Mary are eligible for consideration under the [Financial Ombudsman Service](#) (FOS) scheme once students have completed both formal stages of the complaints procedure.
9. There is a separate appeals process for requests to review decisions made about student progression, assessment, and award. Appeals are considered under the Queen Mary [Appeal Policy](#). The policy and information on submitting an appeal are available [online](#).
10. Research students who wish to submit a complaint should follow the stages outlined in this policy; however, there is some further guidance for research students under the section headed '[Research Student Complaints](#)'.

11. All complaints will be recorded in the Appeals, Complaints and Conduct Office, including a note of the substance of the complaint and how the matter was resolved.
12. Complaint outcomes can lead to improvements in the services that Queen Mary delivers, and provide helpful feedback for enhancing the quality of learning opportunities or the student experience. Queen Mary is committed to resolving complaints in a way that ensures the institution is adhering at all times to its stated core values. A report on the number of complaints received and the outcomes will be considered by both the Senate and the Council on an annual basis.
13. Queen Mary will seek to maintain confidentiality during a complaint investigation; however, if a student names another member of Queen Mary in their complaint the person(s) named will normally be informed of the nature of the complaint in order for them to provide a response. If a student is unable to disclose the name of an individual who is key to their complaint then it will not be possible to investigate the complaint.

Complaint stages

14. Complaints must normally be made within three months of the incident being complained about. A complaint made after three months will not normally be accepted. If a complaint is made after the end of a student's period of registration at Queen Mary this must be done within three months of the last date of enrolment, or it will not normally be accepted.
15. The Queen Mary student complaints process is made up of the following stages:
 - ♦ **Informal resolution:** Queen Mary supports and encourages an informal approach to complaint resolution where appropriate. The following section of this policy contains useful information for students that will assist them when attempting an informal resolution.
 - ♦ **Formal Complaint:** a formal complaint to the Head of School/Institute or Head of Professional Service Department/or equivalent.
 - ♦ **Complaint Review:** a request for a review of the complaint by the President and Principal's nominee. A Complaint Review represents the end of Queen Mary's internal procedures. If a complainant is still not satisfied after a Complaint Review they can make a submission to the Office of the Independent Adjudicator.
 - ♦ **Office of the Independent Adjudicator (OIA):** The OIA is the independent body that reviews student complaints for all higher education institutions in England and Wales, and is free to students. The OIA is not a further stage of Queen Mary's procedures and is not an appeal body.

Informal resolution and sources of help and advice

16. A student should seek to resolve a concern informally as soon as possible. Queen Mary is committed to resolving problems informally wherever possible and encourages students to engage in this approach as many issues can be resolved without recourse to a formal complaint. Complaints resolved in this way avoid a protracted investigation and are to the benefit of all parties.
17. Queen Mary has a number of sources of help and advice available to students which may be of benefit before and during the complaints process:
 - ♦ The complainant's school or institute.
 - ♦ The [Students' Union](#), particularly the Advocacy and Representation Manager.
 - ♦ The [Advice and Counselling Service](#).
 - ♦ The [Report + Support](#) portal.
18. Matters relating to a programme of study are often best dealt with by approaching the relevant member of academic staff; this may be an Academic Advisor or a designated member of staff identified by the school/institute. The member of staff will seek to resolve the matter through informal discussion.

Students may also raise concerns with a student representative or through the Student-Staff Liaison Committee.

19. Students can raise concerns at the Student-Staff Liaison Committee meetings, particularly if the problem affects a number of students.
20. If a concern is about a Queen Mary service or venue, for example, halls of residence, a student should first raise the matter with the relevant member of staff from that service area.
21. Mediation is a useful way of resolving some matters, and Queen Mary encourages students to use mediation where it may help resolve concerns. Please see [Appendix 2](#) for more information about mediation.
22. If it is not possible to resolve a concern informally then a student may submit a Formal Complaint in accordance with this Policy. If the student does not wish to submit a Formal Complaint then this is the end of the matter as far as this Policy is concerned and a complaint will not be recorded.

Formal Complaint & Complaint Review

Formal Complaint at school/institute/professional service level

23. If a concern cannot be resolved via informal means, or if the matter is relatively serious, then a Formal Complaint should be submitted.
24. To submit a Formal Complaint a complainant must complete the [Formal Complaint form](#) and send it to the Head of School/Director of Institute (or their nominee), or to the Head of the relevant professional service (or equivalent). Students are advised that they can use the [Report + Support](#) portal to raise issues and to access support during the complaints process; the Appeals, Complaints and Conduct Office will advise students on next steps when issues are raised in this way.
25. The Head of School/Institute (or their nominee), or the Head of the relevant professional service (or equivalent), will investigate the complaint, or appoint an investigating officer to investigate on their behalf. The investigator may meet with a complainant to discuss the complaint; they will also contact others involved in the complaint as appropriate.
26. If a problem is particularly severe and/or urgent, or if there is good reason why a Formal Complaint cannot be considered at the school/institute/professional service level, it will be considered by the Appeals, Complaints and Conduct Office, subject to the approval of the head of that Office; approval may be sought by either the complainant or the relevant school/institute/professional service. In such cases, the complaint will be investigated by a caseworker from the Appeals, Complaints and Conduct Office, ~~with a report to be submitted to the Academic Registrar's nominee for a decision.~~ The same investigative steps noted immediately above will apply. A caseworker who investigates a complaint under this provision will be precluded from further involvement with a case should it proceed to a Complaint Review.
27. A complainant will receive a written outcome to a Formal Complaint, normally within 42 calendar days (30 working days, 6 weeks). The letter will inform the complainant of the [evidence relied upon and the reasons for the decision, and the](#) outcome ~~in response~~ to their Formal Complaint including what action, if any, is to be taken to address the matter.
28. Please note that while Queen Mary makes every effort to conclude complaints as quickly as possible, it may not always be possible to provide an outcome for a Formal Complaint within 42 calendar days. Some complaints may take longer than 42 calendar days to conclude at this stage; if it is not possible to complete a Formal Complaint within 42 calendar days the complainant will be written to at the earliest

opportunity, and within the 42 calendar day period, with an explanation as to the status of their Formal Complaint and when it is likely to be concluded.

Complaint Review at institutional level

29. If a complainant is not satisfied with the outcome of their Formal Complaint they may submit a request for a Complaint Review to the Appeals, Complaints and Conduct Office.
30. A request for a Complaint Review must be submitted within 14 calendar days of the notification of a Formal Complaint outcome. Requests submitted after this time will only be considered at the discretion of the ~~H~~Head of the Appeals, Complaints and Conduct Office where the complainant is able to demonstrate good reason for the delay.
31. To submit a request for a Complaint Review the complainant must complete the [Complaint Review form include a statement outlining why they believe their request meets the grounds for review](#), and submit it to the Appeals, Complaints and Conduct Office by email, to appeals@qmul.ac.uk. They will also need to submit their Formal Complaint form and outcome letter.
32. Whereas at the Formal Complaint stage a full investigation of the matter is undertaken, the Complaint Review stage will only be concerned with two issues:
 - ◆ was the complaint considered in accordance with this Policy?
 - ◆ was the final decision reasonable and in accordance with the facts of the case?
- ~~33.~~ A Complaint Review will be considered by a caseworker from the Appeals, Complaints and Conduct Office and a Queen Mary Complaints Assessor, who is a senior member of Queen Mary staff. The caseworker will [collate information from the Formal Complaint summarise the investigation and outcome of the Formal Complaint, but, and](#) may obtain written reports from relevant people should further information be required.
- ~~34.~~
- ~~35.~~ [The complainant will be sent a summary report of their Complaint Review so that they have an opportunity to comment upon the facts of the case, particularly any points that they feel do not fairly reflect the circumstances. In order to ensure a timely response to a Complaint Review, a complainant must provide any comments within 7 calendar days, except by exceptional agreement.](#)
- ~~36.~~~~33.~~ [Once a complainant's comments on the summary report of their Complaint Review have been received,](#) ~~t~~The caseworker will submit the case, together with a recommendation ~~on a proposed course of action~~, to a Queen Mary Complaints Assessor for consideration.
- ~~37.~~~~34.~~ [The Complaints Assessor will consider all the facts of the case and confirm whether the recommended course of action is fair and equitable, in accordance with the grounds above \(at paragraph ~~3~~~~2~~\).](#)
- ~~38.~~~~35.~~ [The complainant will receive a formal written outcome to their request for a Complaint Review, normally within one month. Action will only be taken only if one or both of the grounds above \(at paragraph ~~3~~~~2~~\) is met. The outcome letter will inform the complainant of the outcome of their Complaint Review and of any subsequent action Queen Mary is taking following the request. This will be a Completion of Procedures letter and represents the end of Queen Mary's internal student complaints process.](#)
- ~~39.~~~~36.~~ [Please note that while Queen Mary makes every effort to conclude complaints as quickly as possible, it may not always be possible to provide an outcome for a Complaint Review within one month. If it is not possible to complete a Complaint Review within one month the complainant will be written to, within the one-month period, with an explanation as to the status of their Complaint Review and when it is likely to be concluded. Queen Mary endeavours to ensure that no complaint will take](#)

longer than 90 calendar days to reach the end of the student complaints process, from the day the Formal Complaint was first submitted.

Submission to the Office of the Independent Adjudicator

[40:37.](#) If a complainant is not satisfied with the outcome provided by Queen Mary following the outcome of a Complaint Review they may submit a complaint to the Office of the Independent Adjudicator for Higher Education (OIA).

[41:38.](#) Information about submitting a complaint to the OIA is contained in the completion of procedures letter issued by Queen Mary following the outcome of a Complaint Review. A complainant can also find information about how to submit a complaint to the OIA on their website: www.oiahe.org.uk.

[42:39.](#) The OIA will consider whether Queen Mary followed its procedure correctly and whether the outcome is reasonable in the light of the facts of the case. Please note that the OIA will not normally consider a submission until a complainant has completed both stages of Queen Mary's internal procedures.

Research student complaints

[43:40.](#) Research students who wish to submit a complaint should follow the process outlined in this policy.

[44:41.](#) If a research student has a problem regarding their supervision they should address their concern to their supervisor in the first instance and keep a clear record of this. Please refer to the [Code of Practice for Research Degree Programmes](#), which provides the framework of procedures and practices to support research students and their supervisors.

[45:42.](#) If a situation is not resolved or concerns remain regarding supervision then students are expected to raise their concerns with their School/Institute's Director of Graduate Studies (or equivalent) as a Formal Complaint. A Complaint Review regarding a student's supervision will not normally be considered unless the student has first discussed the matter with the Director of Graduate Studies (or equivalent).

[46:43.](#) A student who makes a complaint regarding supervision will be treated in a non-detrimental manner, meaning their study at Queen Mary will not be jeopardised by them raising a concern in good faith.

[47:44.](#) Research students are reminded of the importance of raising concerns at the earliest possible opportunity. A student who only raises a concern regarding supervision after they have failed to progress or have failed to be awarded the research degree means that it is hard to rectify the problem.

This version of the Student Complaints Policy was approved by Senate on 16 June 2022

Appendix 1: Principles

48-45. This Policy seeks to embody the following principles:

- ◆ Students have the opportunity to raise matters of concern without risk of disadvantage. Anonymous complaints are not usually required or accepted; however, if a complainant feels that there are exceptional circumstances relating to their case they should submit a request for anonymity together with supporting evidence. It is important to note that raising a concern anonymously could impede the investigation of a complaint and the communication of the outcome.
- ◆ Positive engagement and the opportunity for early resolution.
- ◆ Complaints are handled in a timely, fair, and reasonable manner.
- ◆ Natural justice – no person who has any direct interest in a complaint will be involved in deciding the outcome and a complainant will be guaranteed a fair consideration.
- ◆ Confidentiality – a complaint will be dealt with confidentially, and only the person(s) responsible for dealing with the complaint, and those parties to it, will be informed.
- ◆ Representation – a complainant has the right to be represented when they make a complaint, or at any subsequent meeting to deal with the complaint.
- ◆ Group complaints – a number of students may bring a group complaint about the same concern if they have all been affected by the issue. Students wishing to bring a group complaint should nominate one person as the representative for the complaint who will act as the main point of contact during the process.

Appendix 2: Mediation

49-46. Mediation can be a helpful tool in resolving complaints at an early stage.

50-47. Mediation is a confidential and non-prejudicial process. It involves discussion between the parties and the mediator. Only the fact that mediation took place and the outcome, successful or otherwise, will be recorded.

51-48. Mediation allows both parties to abide by the terms agreed and recourse to formal procedures will not be permitted.

52-49. If an agreement is not reached, this will not inhibit the capacity of either party to take up or resume formal procedures. Information that is disclosed within the mediation process cannot be directly used in any subsequent formal procedures.

Complaint flow diagram

Informal stage

Most problems can be resolved through informal means, or by discussion. For example, academic matters can be dealt with by approaching a tutor, or by discussing the matter with an Academic Advisor.

Formal Complaint
Head of School, Director of
Institute or Head of Service

Complete a Formal Complaint form and submit it to the Head of School/Institute or Head of relevant Service.

Matter not resolved



Complaint Review
Review by the Appeals,
Complaints and Conduct Office

Complete a Complaint Review form and submit it to the Appeals, Complaints and Conduct Office, appeals@qmul.ac.uk.

End of the Queen Mary student complaints process – complainants will receive a Completion of Procedures letter at this point.

Dissatisfied with outcome



**Office of the Independent
Adjudicator (OIA)**

Submit the appropriate form to the OIA. Please visit their website, www.oiahe.org.uk

