



Senate

<b>Paper Title</b>	<b>Student casework policies and Misconduct Panel Deputy Chairs appointment</b>
<b>Outcome requested</b>	To <b>approve</b> the following policies: <ul style="list-style-type: none"><li>• Academic Integrity &amp; Misconduct Policy</li><li>• Academic Appeals Policy</li><li>• Administrative Appeals Policy</li><li>• Student Discipline Policy</li><li>• Student Complaints Policy</li><li>• Professional Capability and Fitness to Practice Regulations</li></ul> To <b>approve</b> the appointment of a new Misconduct Deputy Chairs: <ul style="list-style-type: none"><li>• Dr Rodolfo Russo (Maths)</li><li>• Dr Mira Shamis (Maths)</li><li>• Dr Muhammad Salman Haleem (EECS)</li></ul>
<b>Points for Senate members to note and further information</b>	Cover sheets are enclosed for each policy and for the appointment of Misconduct Panel Deputy Chairs. Please see below for further details.
<b>Questions for Senate to consider</b>	
<b>Regulatory/statutory reference points</b>	
<b>Strategy and risk</b>	
<b>Reporting/consideration route for the paper</b>	
<b>Authors</b>	Haylee Fuller, Head of Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer



Senate

<b>Paper Title</b>	<b>Academic Integrity &amp; Misconduct Policy</b>
<b>Outcome requested</b>	To approve the new Academic Integrity & Misconduct Policy.
<b>Points for Senate members to note and further information</b>	<p>The Queen Mary Academic Misconduct Policy has been through a substantive review by the Appeals, Complaints &amp; Conduct Office and the Assessment sub-Board of EQSB during the 2023/24 academic year. The review process involved consultation with stakeholders from across the university and QMSU, and benchmarking with sector best practice. The new Academic Integrity &amp; Misconduct Policy is proposed to replace the Academic Misconduct Policy. Many practical aspects, such as key definitions of academic misconduct, and stages of consideration for academic misconduct cases, remain unchanged. This includes changes introduced in 2023/24 for Schools/Institutes to address more misconduct issues at the local level. Key changes include:</p> <ol style="list-style-type: none"> <li>1. Introduction of academic integrity principles &amp; responsibilities</li> <li>2. Revised language to remove terms such as “offence”, asking students to “respond” rather than “admit/deny” and replacing “penalties” with “outcomes”.</li> <li>3. Clarifications on expectations and responses to research ethics issues in taught assessments, online/take-home or computer-based exams.</li> <li>4. Establishment of “normal” timeframes for each stage of the process</li> <li>5. Harmonised list of outcomes for each stage, with single numbering system. Introduction of outcomes requiring completion of education or training.</li> <li>6. Principles for responding to collusion cases aligned with OIA Good Practice Framework.</li> <li>7. Students permitted to request Panel hearing at any stage.</li> <li>8. Panel membership expanded to include AMOs, SEB &amp; DEB Chairs, in addition to Senate and Misconduct Panel.</li> </ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the policy is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"> <li>1. <a href="#">QAA Academic Integrity Charter for UK Higher Education</a></li> <li>2. <a href="#">QAA Assessing with Integrity in Digital Delivery</a></li> <li>3. <a href="#">QAA UK Quality Code for Higher Education, Advice and Guidance: Assessment</a></li> <li>4. Office of the Independent Adjudicator Good Practice Framework (<a href="#">Academic disciplinary</a>)</li> </ol>
<b>Strategy and risk</b>	<p>Aligns with the OfS conditions of continuing registration</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
<b>Reporting/consideration route for the paper</b>	Endorsed by EQSB Assessment sub-Board, EQSB & Policy Scrutiny Group.
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer



# Academic Integrity & Misconduct Policy

## Introduction

1. Queen Mary University of London aims to deliver an outstanding, inclusive, world-class education that aligns with our core values: inclusive, proud, ambitious, collegial and ethical. Our commitment to academic integrity in all areas of education is fundamental to achieving this. This policy sets out the responsibilities and expectations for all members of the Queen Mary community to deliver on this commitment.

## Purpose

2. Delivering on our commitment to academic integrity is a shared responsibility for staff and students. This policy sets out Queen Mary's commitment to providing students with the skills, tools and opportunities to demonstrate our core values during the course of their education and student experience. The policy also sets clear expectations for students when engaging with teaching, learning and assessment, and the procedures that will be followed where concerns are raised about student conduct during assessment, teaching and learning activities.

## Key definitions

3. **Academic Integrity** refers to the core values, expectations and standards for excellence in education and research that are upheld by members of a scholarly community. Academic integrity is the way members of the scholarly community (staff and students) actively demonstrate that their academic work is ethical, honest and trustworthy.
4. **Academic Misconduct** refers to actions or working methods that undermine academic integrity during an assessment task or educational activity. Academic misconduct includes actions that undermine the integrity and/or purpose of an assessment, provide a student(s) with undue advantage over others, or undermine the educational standards and reputation of Queen Mary.
5. **Academic Misconduct Chair** refers to staff members appointed by Senate to make decisions about potential academic misconduct by students at the institutional level (that is, concerns which have been referred to the Appeals, Complaints & Conduct Office).
6. **Academic Misconduct Officer** refers to the academic staff member(s) nominated by the Head of School/Director of Institute to make decisions about potential academic

misconduct by students, and to ensure that the Academic Integrity & Misconduct Policy is followed in their School/Institute.

7. **Poor Academic Practice** refers to actions that fall below the expected standards for the completion of an assessment task but do not meet the definitions or threshold to be considered academic misconduct. Poor academic practice occurs when a student has made genuine attempts to comply with the instructions or requirements of the assessment/activity, but an unintentional or minor oversight gives rise to concern about their scholarly practice. For example, where a student has attempted to acknowledge their sources but has not done so in the expected format or standard.

## Legislative and Regulatory context

8. The Higher Education and Research Act 2017 makes it clear that all universities and colleges that register with the Office for Students must follow its regulatory framework. This framework requires universities to ensure that assessments undertaken by students are valid and reliable, and that awards issued on completion of studies are credible. The framework also sets out that the quality of education and awards at Queen Mary should meet certain standards that are recognised across the higher education sector. This policy outlines Queen Mary's commitment to developing high standards of academic practice, safeguarding the validity, reliability and credibility of assessments and awards, and ensuring that any actions that undermine this commitment are dealt with appropriately.
9. The Skills and Post-16 Education Act 2022 sets out that it is a criminal offence to provide or arrange cheating services for financial gain to students enrolled at a higher education provider in England. It is also an offence to participate in advertising these services. These activities do not align with our core values or commitment to academic integrity; they may also be considered misconduct when conducted by a student at Queen Mary. Misconduct of this nature which does not relate to a student's own assessment submissions will be referred to the Student Discipline Policy.
10. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education (OIA) student complaints scheme, in line with the Higher Education Act 2004. The OIA is an independent review body to which students have recourse should they be dissatisfied with the University's handling of academic misconduct. The OIA's Good Practice Framework outlines principles and guidance that the University's procedures are expected to comply with.

## Scope

11. The Academic Integrity & Misconduct Policy applies to all students at Queen Mary.
12. The Policy may also apply if concerns arise about a former student who has now graduated but is believed to have engaged in academic misconduct during their studies at Queen Mary. Under certain circumstances, this may result in the revocation or reclassification of an award.
13. All staff members are responsible for ensuring that the Policy is implemented and adhered to in the educational activities they deliver, and for reporting any concerns to their Academic Misconduct Officer and/or the Head of the Appeals, Complaints & Conduct Office.
14. Academic Integrity is essential in all areas of academic life. Actions that undermine integrity may be considered misconduct in any assessment or activity, including formative assessment or learning activities. In certain circumstances, the Head of the Appeals, Complaints & Conduct Office may refer concerns about academic integrity or misconduct for consideration under the Student Discipline Policy.
15. Any instance of academic misconduct for students registered on programmes regulated by Professional, Statutory and Regulatory Bodies (PSRBs) will be reported to the Professional Capability Committee and, where it is a stipulated requirement, to other professional bodies that accredit awards.

## Key principles

16. The education and student experience principles set out in Queen Mary's Strategy 2030, and our Core Values (Inclusive, Proud, Ambitious, Collegial, Ethical) inform the application and implementation of this Policy.
17. The University actively promotes the development of new pedagogical approaches and technologies in assessment, the provision of inclusive support and opportunities for students to engage with learning and assessment, and world-leading quality and standards in education and research.
18. Academic misconduct which shows disregard for the University's core values is likely to result in more serious consequences. The University also recognises that acknowledging and learning from our mistakes demonstrates our core values; where students show contrition and reflection in response to academic misconduct concerns this will be taken into account in decision-making.
19. In line with the Academic Regulations, all marks awarded must be a true reflection of a student's achievement. Where this is called into question, it is normal practice that a

student will be required to resubmit work that reflects their own achievement before credit can be awarded.

20. The principles of natural justice, fairness, consistency and proportionality underpin the University's response to any academic misconduct concern.

## Roles and Responsibilities

21. Academic integrity is the responsibility of all members of the Queen Mary community.

22. The University is responsible for:

- Delivering learning and assessment in line with the Active Curriculum for Excellence (ACE) approach and the Queen Mary Assessment Strategy.
- Providing students with resources and opportunities to develop sound academic skills and practice, and an understanding of the academic conventions for their discipline.
- Ensuring that the expectations and instructions for completion of assessment tasks are clear and accessible.
- Providing students with information about the support available should they face challenges impacting their ability to effectively engage with their studies.
- Ensuring that any concerns about academic integrity are handled fairly and in accordance with this policy.
- Familiarising themselves with information and tools about the detection of academic misconduct, and procedures outlined in this policy for reporting concerns.

23. Students are responsible for:

- A commitment to their own learning, engaging with the resources, opportunities and advice available to support their success. This includes familiarising themselves with the expectations set out in this policy, the academic conventions of their discipline, and the instructions for assessments.
- Ensuring that any work they submit or present is a genuine reflection of their own ability, skills and knowledge, and that it complies with the relevant assessment requirements.
- Ensuring that their actions comply with the requirements of any relevant professional or accreditation body.
- Engaging with the procedures set out in the policy in good faith and respect.

24. Heads of Schools/Directors of Institutes are responsible for the nomination of Academic Misconduct Officer(s) (and Deputies where required) to implement the procedures outlined in this policy. They are also responsible for ensuring that all relevant staff members within their School/Institute act in compliance with this Policy.

25. Module Organisers and staff involved in assessment and marking are responsible for reporting any concerns regarding academic integrity or misconduct to their Academic Misconduct Officer.
26. Academic Misconduct Officers are responsible for ensuring that any academic misconduct concern is investigated and addressed in accordance with this Policy. For matters considered locally by the School/Institute this includes reaching decisions about whether academic misconduct has occurred, and if so the appropriate outcome. For more serious matters, this includes ensuring that a suitable referral is made to the Appeals, Complaints & Conduct Office.
27. Academic Misconduct Chairs are responsible for reaching decisions in cases that have been reported to the Appeals, Complaints & Conduct Office (also referred to as 'institutional level'). This includes reaching decisions about whether academic misconduct has occurred, and the appropriate outcome. It also includes chairing Misconduct Panels convened under paragraph 68 of this Policy.
28. Nominated staff members of the Appeals, Complaints & Conduct Office are responsible for ensuring that referrals made at the institutional level are well-founded and suitably evidenced, before the case may be heard. They are responsible for ensuring that cases are heard in accordance with this Policy, including decisions made by Academic Misconduct Chairs or Panels, and Academic Misconduct Appeals.
29. The Head of the Appeals, Complaints & Conduct Office is responsible for the implementation and interpretation of this Policy. The Appeals, Complaints & Conduct Office provides advice, training and resources that support the implementation of this Policy.
30. The Appeals, Complaints & Conduct Office will present an annual report to the Education Quality Standards Board and Senate with detailed academic misconduct statistics, and any relevant academic integrity activities.

## Academic Misconduct Procedures

### Types of Academic Misconduct

31. A non-exhaustive list of different actions that are likely to constitute academic misconduct is provided below. This list is non-exhaustive, and any other activity that undermines the integrity of an assessment, attempts to gain undue advantage in an assessment, and/or breaches the Academic Regulations relating to the conduct of assessment may also be considered academic misconduct.



- a. Plagiarism (including self-plagiarism). Queen Mary defines 'plagiarism' as presenting someone else's work as one's own, irrespective of intention. This includes close paraphrasing, copying from the work of another person, including another student or using the ideas of another person without proper acknowledgement. Self-plagiarism includes repeating work that you have previously submitted – at Queen Mary or at another institution – without proper acknowledgement. Plagiarism is considered academic misconduct because it undermines the validity and credibility of the work and means that results are not a true reflection of someone's own knowledge and skills.
- b. Collusion. 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 must ensure that any work submitted for individual assessment is entirely their own. Collusion is considered to be academic misconduct because it involves working practices that do not align with the expectations or instructions of the task and undermine the validity of the results as a reflection of individual students' achievement.
- c. Falsification or fraudulent reporting of any element of an assessment. This includes fraudulent reporting of source material, experimental results, research or other investigative work, and signatures or documentation evidencing completion and/or compliance. These actions are considered academic misconduct because they are unethical, incompatible with our core values, and undermine the credibility of Queen Mary education and research.
- d. Use, or attempted use of a third party for the completion of any part of an assessment. This includes ghost-writing, impersonation or other contract cheating services, and unauthorised and/or unacknowledged contributions from other third parties such as private tutors, family or friends. Queen Mary provides a range of academic support services which foster students' development and learning. The use of other third parties in the completion of an assessment is misconduct because it undermines the validity of the work as a reflection of the student's own knowledge and skills.
- e. Unauthorised or unacknowledged text manipulation that 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. This is considered academic misconduct because it undermines the validity of the work, and provides an undue or unfair advantage over another student who has completed the assessment in line with the requirements.

- f. Examination misconduct, relating to an invigilated examination or in-class test. This includes activities that fall outside the instructions and/or requirements of an invigilated assessment, such as:
- unauthorised access to an examination paper or venue before an examination.
  - forgery of an examination timetable produced by Queen Mary.
  - removal of a question paper, answer script, or other materials from an examination venue.
  - causing a disturbance during an examination, either physically, verbally, or through an electronic device.
  - refusal to cooperate with an invigilator, or to follow an invigilator's instructions.
  - possession of unauthorised material and/or devices while under examination conditions, or leaving unauthorised material in an examination venue (including cloakrooms and toilets).
  - access, possession, or use of unauthorised material via an electronic device during an examination. For the avoidance of doubt, this includes access or use of unauthorised material via an approved device.
  - communication with another candidate while under examination conditions.
  - copying, or attempting to copy, the work of another candidate.
  - having writing on the body in an examination venue.
- g. Misconduct during online examinations, take-home exams, and other time-constrained assessment tasks, including:
- any activity that falls outside the instructions and/or requirements of the assessment
  - communicating with another candidate about the content of the assessment
  - access or use to unauthorised materials, devices or tools
  - unauthorised access to an assessment paper before an examination/assessment
  - communication or collaboration with a third party about the content of the assessment during the assessment
  - unauthorised distribution or publication of the assessment paper or materials.

- h. Breaches of research ethics during the conduct of an assessment. Any research conducted without, or beyond the scope of, ethical approval. This includes research commenced before ethical approval has been granted. Research ethics breaches are considered to be academic misconduct because they do not align with our core values, and fail to demonstrate the expected standards of scholarship.

## Investigation procedures

- 32. The University recognises that academic misconduct matters can be challenging or distressing for students. Students have the right to access support, advice and/or reasonable adjustments at all stages of this procedure. It is considered good practice for students to have the opportunity to discuss any concerns being investigated and/or feedback about their scholarly practice.
- 33. Where an assessment is investigated under these procedures, the student will be informed within the same timeframe stipulated for the return of marking and feedback. The student should be provided with resources to develop their understanding of academic integrity, and information about this Policy.
- 34. While an investigation is undertaken, the confirmation and publication of official results for the relevant module will normally be withheld.
- 35. Queen Mary strives to ensure that these procedures are accessible, inclusive, supportive and educational. Students are strongly encouraged to engage with the procedures in good faith. Should a student decline to engage, the process is not invalidated by their absence.
- 36. The Appeals, Complaints & Conduct Office will review the veracity of any third party report of academic misconduct, which may include requesting further evidence to determine whether an investigation should proceed. In order to protect the privacy of students, no third party will receive any information regarding the student, or any further action taken.
- 37. An investigation will normally be concluded within 28 calendar days.

## Invigilated examinations

- 38. Should any concern arise during an invigilated exam or in-class test, the invigilator will gather all available information about the concern, such as photographs or confiscation of any unauthorised material or device, and complete an invigilators' report outlining the nature of the concern and actions taken.
- 39. Where the Assistant Academic Registrar (Student Enquiry Services) and the Head of the Appeals, Complaints & Conduct Office determine that a minor breach of the examination instructions has occurred, but which does not call into question the integrity of the

student's submission, the student will be issued a written warning. No further action will be taken, and the submission will be marked as usual.

40. In other cases, where there is concern about the integrity of the submission, copies of the invigilator's report, any relevant evidence and the examination documentation will be referred to the Appeals, Complaints & Conduct Office for further investigation.
41. The Appeals, Complaints & Conduct Office will seek advice from relevant academic colleagues about the relevance or interpretation of any discipline-specific materials.
42. The case will then proceed to be heard in line with paragraphs 63-67 of this Policy.

#### Research ethics

43. Any concern regarding the ethical conduct of research should be reported to the Queen Mary Research Ethics Committee (QMREC) in the first instance.
44. QMREC will review the concern, and gather any relevant information in line with their procedures, before deciding whether the concern constitutes a research ethics breach.
45. Where QMREC decides that a research ethics breach has occurred during a student assessment, they will refer the matter to the Appeals, Complaints & Conduct Office to determine the appropriate outcome or penalty in line with paragraph 87 of this Policy. The decision of QMREC regarding any research ethics breach is final. Subsequent consideration under the Academic Integrity & Misconduct Policy will be concerned only with the appropriate outcome or penalty (if any).

#### Postgraduate Research Theses

46. Any report of potential academic misconduct involving a postgraduate research student must be reported to the Appeals, Complaints & Conduct Office.
47. In cases where the subject matter requires expert opinion, the Appeals, Complaints and Conduct Office may consult outside bodies or persons where appropriate.
48. The student will be provided with all relevant evidence and the opportunity to respond.
49. All cases involving a postgraduate research student will be heard by a Misconduct Panel, as outlined in paragraphs 68-85.

#### Coursework and all other assessments

50. All markers and Module Organisers are responsible for ensuring that any concern about academic integrity is explored, and should they believe that academic misconduct is likely to have occurred that the matter is reported to the Academic Misconduct Officer.
51. The Academic Misconduct Officer will, in consultation with relevant colleagues, gather relevant information, such as: TurnitinUK reports; source materials; notes from any

meeting; contextual information about formative tasks, supervisor meetings or other learning and teaching activities; annotations and commentary from a subject matter expert; guidance, instructions or requirements; document metadata; statements from any witness or other involvement party.

52. The Academic Misconduct Officer may invite the student to a meeting to explore the concerns and/or their understanding where proportionate and appropriate. A meeting is normally required for concerns about the involvement of third parties or the unauthorised use of technology.
53. Once the Academic Misconduct Officer is satisfied that they have sufficient information, they will decide on one of the following outcomes:
  - a. That there is no cause of concern. The assessment will be returned for marking and results released in the normal way.
  - b. That poor academic practice has occurred. The student is encouraged to engage with support and resources to improve their scholarship and academic skills. The assessment will be returned for marking and results released in the normal way.
  - c. That there is evidence of potential academic misconduct, and the case should be heard. The Academic Misconduct Officer will determine whether the case should be referred 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 instance 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).
    - iv. the appropriate penalty, in accordance with university guidance, exceeds the scope of the school or institute (as per paragraph 60).

## Hearing a case

54. Where there is evidence of potential academic misconduct of any type, the student will be informed of the nature of the allegation and provided with copies of all relevant evidence to be considered gathered during the course of the investigation.
55. The student will be invited to respond, and have the opportunity to provide any additional evidence they wish to be taken into account.

56. The student will have the opportunity to state whether they wish for their case to be decided by the Academic Misconduct Officer/Misconduct Chair alone (paragraphs 60-67), or whether they wish for the matter to be referred to a full hearing by the Misconduct Panel (paragraphs 68-85).
57. If the student does not respond within seven calendar days, it will be assumed that they have no further information to provide, and the case will be decided by the Academic Misconduct Officer/Misconduct Chair.
58. All decision makers will apply the balance of probabilities as the standard of proof.
59. A decision will normally be reached within 28 calendar days from the conclusion of the investigation.

#### School/Institute level

60. The Academic Misconduct Officer is responsible for decision-making in cases which are heard locally, as defined in paragraph 53 (c).
61. The Academic Misconduct Officer will first decide whether or not there is sufficient evidence for academic misconduct to be found. Should they decide that there is insufficient evidence, or that misconduct has not occurred, the matter will be dismissed. The assessment will be returned for marking and the results released in the normal way.
62. Where the Academic Misconduct Officer decides that academic misconduct has occurred, they will decide on the appropriate outcome, from those listed in paragraph 85, i-v.

#### Appeals, Complaints & Conduct Office (Institutional level)

63. On receipt of any referral to the institutional level, a nominated staff member of the Appeals, Complaints & Conduct Office will review the case. The nominee has the discretion to decide that the concern relates to poor academic practice, in which case the student will be provided with information about academic integrity and the assessment will be returned for marking and results released in the normal way. Should the nominee consider that further evidence or investigation is required, they will return the case to the Academic Misconduct Officer with advice.
64. For cases decided by Academic Misconduct Chair alone, the Chair will be provided with copies of all documentation and evidence collected, including the response and any evidence provided by the student.
65. The Academic Misconduct Chair will first decide whether there is sufficient evidence for academic misconduct to be found. Should they decide that there is insufficient evidence,

or that misconduct has not occurred, the matter will be dismissed. The assessment will be returned for marking and the results released in the normal way.

66. Where the Academic Misconduct Chair decides that academic misconduct has occurred, they will decide on the appropriate outcome, from those listed in paragraph 87, i-xi.
67. At any stage, an Academic Misconduct Chair has the discretion to refer a case to be heard by the full Academic Misconduct Panel.

## Academic Misconduct Panel

### *Membership*

68. An Academic Misconduct Panel will be chaired by any Academic Misconduct Chair approved by Senate.
69. Two further academic members, who are either: members of Senate, Subject Examination Board Chairs (and Deputies), Degree Examination Board Chairs (and Deputies), or Academic Misconduct Officers.
70. A student representative, nominated by QMSU.
71. No member of an Academic Misconduct Panel will be from the same department as the student whose case is to be presented. Normally, at least one academic member will be from a cognate department.
72. A Panel will be considered quorate with at least three members, one of whom must be an approved Academic Misconduct Chair.

### *Panel Hearings*

73. The Appeals, Complaints & Conduct Office will circulate all relevant documentation, including all available evidence, the date/time/location/format of the hearing, and a copy of this Policy, to the student and members of the panel no less than seven calendar days before the date of the hearing.
74. Any additional written response or documentary evidence should be provided at least 2 working days before the hearing, to ensure that panel members have sufficient time to review the material.
75. The hearing will normally be attended by a representative from the Appeals, Complaints & Conduct Office and/or a subject matter expert from the School/Institute, who will provide information about the concerns and evidence but take no part in decision making.
76. A student may be accompanied by any one representative of their choice.
77. The student will have the opportunity to respond to the concerns raised and the evidence provided. The student will also have the opportunity to provide any information about

mitigating circumstances that they wish to be taken into account, without prejudice to whether they agree that academic misconduct has occurred.

78. The attendance of other witnesses at the panel hearing is not normally necessary. Should the student or University wish to call witnesses, the Chair has the discretion to decide whether they should attend the hearing or be invited to provide a written statement.
79. The secretary to the panel will take notes during the hearing, and provide clarification on procedural or regulatory matters. A copy of the notes taken will be provided on request.
80. The decision of the Chair on any procedural matter is final.
81. At the conclusion of the hearing, the Panel will deliberate in private.
82. The Panel will first decide whether there is sufficient evidence for academic misconduct to be found. Should they decide that there is insufficient evidence, or that misconduct has not occurred, the matter will be dismissed. The assessment will be returned for marking and the results released in the normal way.
83. Where misconduct has been found, the Panel will decide on the appropriate outcome from any of the options outlined in paragraph 87.
84. If a Panel is divided on a decision to be taken, the Chair will have the casting vote.
85. The student will normally be notified of the outcome within three working days after the hearing.

## Outcomes

86. Where academic misconduct has been found to occur, one or more of outcomes listed below may be issued.<sup>1</sup> To ensure proportionality in decision-making, the scope of outcomes available to the decision-maker at different stages of this process is outlined in the relevant paragraphs above.
87. All decisions made under this Policy strive to balance the importance of consistency and clarity, with fair consideration of the individual circumstances. To ensure fairness for all students, decision-makers will have due regard to the guidance on outcomes for common forms of misconduct outlined in Appendix 2, and provide reasons for all decisions. Where a decision-maker decides to vary from this guidance for any good reason they will include an explanation of the factors considered.
  - i. a formal reprimand.

---

<sup>1</sup> For the purposes of this Policy, each Section of each Part of the MBBS programme and of Parts 3-5 of the BDS programme will count as a module.



- ii. a requirement that the student undertake a specified educational activity of formative task, within a specified timeframe.
- iii. a requirement that the element of assessment in which misconduct occurred be resubmitted. This will not count as an additional attempt at the module, and the resulting assessment mark will not be capped.
- iv. failure (a mark of zero) in the element of assessment in which misconduct occurred. Reassessment is permitted where eligible.
- v. failure (a mark of zero) in the element of assessment in which misconduct occurred, with no right to resubmit the assessment.
- vi. capping to the minimum pass mark for the module in which misconduct occurred.
- vii. 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.
- viii. failure (a mark of zero) in the module of which the assessment forms a part, with no permission to resit or retake the module.
- ix. 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.
- x. a requirement that data affected by the misconduct be destroyed, and/or a restriction on the publication or dissemination of the research.
- xi. a requirement that the student rectify any material affected by the misconduct within a specified timeframe.
- xii. 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.
- xiii. 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.

## Academic Misconduct Appeals

- 88. Where academic misconduct has been found to occur, a student may appeal this decision and/or any penalty imposed. The appeal will be considered by a nominated member of the Appeals, Complaints & Conduct Office who has had no prior involvement in the case.
- 89. An Academic Misconduct Appeal should be submitted within 14 calendar days from the outcome, and should include reasons and evidence that the appeal meets one of the

applicable grounds. The Head of the Appeals, Complaints & Conduct Office has discretion to accept late appeals where there is a good reason for the delay.

90. New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.
91. The appeal process will involve a review of the existing casefile by the nominee to determine whether:
  - i. the procedures were followed appropriately, and/or,
  - ii. the outcome was reasonable in light of the available evidence.
92. 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 decision-maker may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case to the Appeals, Complaints and Conduct Office for reconsideration by a Misconduct Chair or Misconduct Panel.
93. 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 Integrity & Misconduct Policy.
94. 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.
95. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education student complaint scheme. Where a student remains dissatisfied at the completion of Queen Mary's internal procedures, they may submit a complaint for review by the OIA. Information about the OIA and a student's rights to access this scheme will be provided in any Completion of Procedures letter.

## Review

96. This Policy will be reviewed annually by the Education Quality Standards Board and Senate for approval of any minor amendments ahead of the next academic year.
97. The Appeals, Complaints & Conduct Office, in consultation with the Assessment sub-Board of EQSB will normally conduct a detailed review and consultation on more substantive changes to the Policy at five year intervals.

This Policy was approved by Senate on XXX 2024.

## Appendix 1: Academic misconduct involving two (or more) students

1. In all cases involving two or more students, the University strives to balance privacy with procedural fairness.
2. Procedural fairness means that students must have the right to hear and respond to information about them, or which is taken into account in any decision made about their case. This will often include information provided by another student about a misconduct case involving both of them. For example, if two students are believed to have engaged in collusion, an admission by one student is likely to have implications for the other student.
3. To protect students' privacy, only information that is necessary to ensure fairness will be shared. For example, if one student provides information about personal circumstances as mitigation, it is unlikely to be necessary or relevant for other students to know this.
4. To ensure consistency of decision making, cases involving more than one student will normally be considered by a single Misconduct Chair and/or a Misconduct Panel with the same composition.
5. Where one (or more) student(s) requests for their case to be heard by a full Misconduct Panel whereas other student(s) request a decision by Chair alone, the Chair will consider whether it is proportionate and necessary for all students' matters to be referred to the Misconduct Panel. Where this does not occur, the same Chair will normally be involved in all cases.
6. Where a case involving more than one student is heard by a Misconduct Panel, the Appeals, Complaints & Conduct Office and the Chair will decide whether a joint hearing should occur. If a joint hearing is decided, all students will have the opportunity to address the Panel in private to raise any personal circumstances.
7. Decision makers will take the individual circumstances of each student into account. To ensure consistency, where students receive different outcomes in a common case reasons for the variation will be stated, in line with Appendix 2: Outcome Guidance.

## Appendix 2: Outcome Guidance

Type of misconduct	Recommendation
Plagiarism/collusion (first instance)	Outcome iii
Examination Misconduct	Outcome vi.
Ghost-writing	Outcome vi
Other types of misconduct	Outcome vi
Unauthorised or unacknowledged text manipulation	Outcome iii (as minimum)
A second or subsequent instance of academic misconduct of any kind	Escalating outcomes, relative to previous penalty. Usually Outcome vi or above.

Decisions about the appropriate action and outcome should take into account the following:

1. To ensure quality & standards, all marks awarded must be a true reflection of a student's achievement. Where the integrity of an assessment has been compromised, it is normally expected that the outcome will require resubmission of the student's own work to obtain credit. Penalties that do not require resubmission are normally applied where it is clear that a sufficient proportion of the work can be considered the students own achievement, for example, minor instances of plagiarism in a larger body of the student's own work.
2. No advantage: decision makers will consider whether or not a student who has engaged in academic misconduct will be advantaged over a student who failed an assessment or module honestly, and attempt to ensure this is not the case.
3. Honesty & integrity: instances where a student shows no attempt to produce their own work will be treated with the utmost seriousness. A student's response may also be taken into account; for example, contrition and reflection may warrant leniency, whereas sustained intention to deceive throughout the case may call for more serious actions.
4. Repeated instances: repeated occurrences of misconduct will normally be treated more seriously. Lack of industry or engagement with learning and support which results in repeated misconduct will normally result in escalating outcomes.
5. Any relevant accompanying behaviour: actions impacting other members of the Queen Mary community, such as coercion, deceit or falsely implicating an innocent student may be taken into account.
6. The effect of the penalty and practical implications for progression or award.
7. The assessment context: this can include expectations about the student's academic experience, and/or the nature and value of the assessment.

## Appendix 3: 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 85 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.
  - vii. Recommendation to the Steering Committee<sup>10</sup> 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.
6. Penalty vii. will only be applied for exam misconduct cases 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.



Senate

<b>Paper Title</b>	<b>Academic Appeals Policy</b>
<b>Outcome requested</b>	To approve the new Academic Appeals Policy.
<b>Points for Senate members to note and further information</b>	<p>The Queen Mary Appeals Policy has been through a substantive review by the Process Improvement Community of Practice and the Appeals, complaints &amp; Conduct Office. The review process involved consultation with stakeholders from across the university and QMSU, and benchmarking with sector best practice. The existing Appeals Policy is proposed to be replaced by two new policies, including the Academic Appeals Policy which relates to appeals of academic results. Many practical aspects, such as the grounds for appeal, and stages of consideration, remain unchanged. Key changes include:</p> <ol style="list-style-type: none"> <li>1. Delegated decision-making to staff with substantive roles in responding to appeals, and a wider pool of nominees.</li> <li>4. Reducing administrative burden from duplication.</li> <li>5. Clarifications on the eligibility criteria for appeals, the meaning of grounds for appeals.</li> <li>6. Revised timeframes for each stage of the process</li> </ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the policy is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"> <li>3. <a href="#">QAA UK Quality Code for Higher Education, Advice and Guidance: Assessment</a></li> <li>4. <a href="#">Office of the Independent Adjudicator Good Practice Framework (Appeals)</a></li> </ol>
<b>Strategy and risk</b>	<p>Aligns with the OfS conditions of continuing registration</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
<b>Reporting/consideration route for the paper</b>	Verbal update on proposed changes endorsed by EQSB, written copy circulated for consideration.
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

# Academic Appeals Policy 2024/25

## Introduction

1. Queen Mary University of London aims to deliver an outstanding, inclusive, world-class education that aligns with our core values: inclusive, proud, ambitious, collegial and ethical. To deliver education that is inclusive and ambitious, Queen Mary recognises students may sometimes wish to appeal decisions reached about their academic studies.

## Purpose

2. This Policy sets out the procedure available to students who wish to request reconsideration of a decision made about their academic studies or results, and the principles for considering such request.

## Key Definitions

3. **Academic judgment** is a judgment that is made about a matter where the opinion of an academic expert is essential. This includes a judgment about marks awarded, degree classification, research methodology, whether feedback is correct or adequate, and the content or outcomes of a course.
4. **Confirmed results** are results which have been through the University's quality and standards procedures and ratified by the Subject Examination Board and/or Degree Examination Board, and formally published.
5. **Formal Appeal** is the first formal stage in the appeal process, for students who meet specified grounds and have been unable to resolve their queries informally.
6. **Final Review** is the second and final stage in the formal appeals process, where a matter has not been resolved earlier and specified grounds are met.
7. **Appeal Panel** is a panel of decision makers who decide the outcome of cases referred to a formal hearing.
8. **Completion of Procedures** refers to a formal letter stating that the decision of the University is final, and that there are no further avenues of appeal or review available to the student internally.
9. **Extenuating circumstances** refer to circumstances beyond a student's control that have a negative impact on their ability to undertake or complete an assessment.
10. **Good reason** refers to the circumstances beyond a student's control and sufficiently impactful that a student would be unable to make information known to the university. Personal embarrassment, unwillingness, or failure to realise requirements are not normally be considered 'good reason'.

## Legislative and Regulatory context

11. The Higher Education and Research Act 2017 states that all universities and colleges that register with the Office for Students must follow its regulatory framework. This framework requires universities to ensure students receive a high quality academic experience and provide them with the resources and support needed to ensure this. This policy protects the interests of all students by outlining procedures for ensuring valid and reliable assessment results.

12. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education (OIA) student complaints scheme, in line with the Higher Education Act 2004. The OIA is an independent review body to which students have recourse should they be dissatisfied with the University's handling of an academic appeal. The OIA's Good Practice Framework outlines principles and guidance that the University's procedures are expected to comply with.

## Scope

13. The Academic Appeals Policy applies to all students at Queen Mary.
14. The Policy also applies to recent graduates of Queen Mary, provided that any timeframes stipulated in this Policy are observed.
15. The Policy can be used to appeal results confirmed by Subject Examination Boards (SEBs), Degree Examination Boards (DEBs), and/or the Research Degree Programmes and Examinations Board (RDPEB), where the relevant grounds for appeal are met.
16. Appeals based on academic judgement are not eligible and will not be considered. Academic judgement is not a qualifying complaint for under the Office of the Independent Adjudicator Complaint Scheme.
17. The Policy can also be used to appeal the outcome of an Extenuating Circumstances claim made in relation to assessment(s).
18. This Policy cannot be used for appealing results which arise from a decision made under the Academic Integrity & Misconduct Policy, or de-registration from a programme on non-academic grounds (such as failure to pay fees or complete enrolment). Separate appeals procedures are available for those situations.

## Key Principles

19. **Proportionality.** Wherever possible Queen Mary encourages the early resolution of academic appeals through direct discussion with the School/Institute, without the need for formal procedures. Where Queen Mary believes that alternative resolution may deliver a more timely resolution to the concerns raised in an appeal, a flexible approach outside of the formal stages outlined in this Policy may be recommended. Students will always be informed where this occurs.
20. **Fairness.** All formal outcomes will be decided by an independent person who has not been involved in previous stages of the process. Students will not be subject to any disadvantage for exercising their right to appeal.
21. **Inclusive.** Students have the right to request reasonable adjustments and to access support or procedural advice at all stages of this procedure. Queen Mary is committed to ensuring that the implementation of this Policy, and all associated documents (such as forms, guidance and correspondence) is inclusive by design, reducing barriers to participation or access.
22. **Ambitious.** Queen Mary is ambitious in utilising feedback to improve the overall student experience, in addition to resolving individual student's concerns. Appeals provide valuable feedback about students' experience of their feedback, assessment and/or educational and support services.
23. **Proud.** In line with the Academic Regulations, all marks awarded must be a true reflection of a student's achievement. Marks will not be raised on the basis of extenuating circumstances.



## Roles and Responsibilities

24. Students are responsible for a commitment to their own learning, engaging with the resources, opportunities and advice available to support their success. This includes familiarising themselves with the extenuating circumstances procedures, and the Disability & Dyslexia Service should they require reasonable adjustments due to a long-term health condition or disability.
25. Students are also responsible for engaging with this Policy in good faith and with respect.
26. Schools and Institutes are responsible for providing feedback and assigning marks for students' work, in line with the Marking Policy.
27. School/Institute Managers are responsible for nominating a key point of contact for information requests during investigations by the Appeals, Complaints & Conduct Office.
28. Nominated staff members of the Appeals, Complaints & Conduct Office are responsible for ensuring that cases are considered and heard in accordance with this Policy. This includes reaching decisions about the eligibility of appeals, and the outcome of eligible appeals.
29. The Head of the Appeals, Complaints & Conduct Office is responsible for the implementation and interpretation of this Policy. The Appeals, Complaints & Conduct Office provides advice, training and resources that support the implementation of this Policy.
30. The Appeals, Complaints & Conduct Office will present an annual report to the Education Quality Standards Board and Senate with statistics and trends arising from appeals, as well as any educational or support activities undertaken to support informal resolution.

## Appeal Procedures

31. All results stand until and unless an appeal has been upheld. For example, where a student has been deregistered for academic failure, they will not be reinstated unless an appeal has been upheld and the original decision modified.

## Informal Resolution

32. Queries relating to marks or feedback are most effectively resolved informally with the School/Institute. Students are encouraged to ask for clarification as soon as they receive provisional results or feedback if they have a concern or question about their mark.
33. Clerical or administrative errors, such as missing or incorrect mark entry, should also be raised directly with the School/Institute, who will resolve any genuine errors without the need for a formal appeal.
34. Appeals solely based on questioning marks or feedback will not be considered, and students will be redirected to seek clarification from their School/Institute.
35. Students are reminded that appeals may be submitted up to 15 working days (three weeks) after a confirmed decision, and encouraged to make use of this time to seek clarification and informal resolution before submitting a Formal Appeal.

## Formal Appeals

### Submission

36. Students should submit a Formal Appeal within 15 working days from the confirmed results. Where a student is unable to submit their appeal within this timeframe for good reason, they may contact the Appeals, Complaints & Conduct Office to request an

extension. Appeals submitted late will only be considered where there is a good reason and supporting evidence for the delay.

### Grounds

37. There are two grounds on which an appeal will be considered:
  - a) Procedural Error. This means that Queen Mary processes were not followed correctly when the original decision was reached, and the error was sufficiently significant to call into question the original decision.
  - b) Extenuating circumstances. This is where the student has experienced significant adverse circumstances that negatively impact their ability to complete their studies, and where there is a good reason that these circumstances could not have been made known before the original decision was reached.
38. Appeals must be accompanied by independent evidence demonstrating the grounds have been met. Students should provide all relevant evidence and information that they wish to be taken into account with their appeal submission.
39. The 'burden of proof' rests with the student. This means that it is the student's responsibility to demonstrate that the grounds have been met. It is not the responsibility of the University to prove that a procedural error did not occur, where there is no evidence provided to indicate one.

### Eligibility

40. When a Formal Appeal is submitted, it will be reviewed by a member of the Appeals, Complaints & Conduct Office who will determine whether the appeal is eligible for consideration.
41. If the appeal is not eligible, the student will be informed via a Completion of Procedures letter. The merit of issues raised in the appeal will not be considered or responded to directly.
42. Students who have submitted ineligible appeals will be provided with information about alternative support, advice and/or the eligibility criteria.
43. Appeals are eligible where they meet the timeframes for submission, and provide evidence that further consideration of one, or both, of the grounds is warranted. Examples of appeals which are not eligible, and will not be accepted, include (but are not limited to):
  - a) Appeals based on provisional results
  - b) Appeals which are out of time
  - c) Appeals against academic judgement
  - d) Appeals which are not accompanied by appropriate evidence
  - e) Appeals based solely on the marginal failure to obtain a higher classification
  - f) Appeals that fall outside the scope of the Appeals Policy
  - g) Frivolous or vexatious appeals

### Consideration

44. Eligible appeals will be considered by a nominated staff member of the Appeals, Complaints & Conduct Office.
45. The nominee will review the information and evidence provided by the student and available on their student record. The nominee may also make necessary enquiries from other areas of the University.
46. Appeals are normally investigated and considered in writing only. However, the nominee may meet with the student or relevant staff when it is proportionate and necessary.

47. Where substantial new information comes to light during the investigation of an appeal, which the student could not reasonably have known, the student will normally be given the opportunity to comment on the information before a final decision is reached. This will not normally be necessary for academic regulations or policies, information available on the student's own record, or prior correspondence between the student and another staff member.
48. Where a student is contacted about their appeal but fails to respond within 5 working days, the nominee will proceed with consideration of the appeal. The process will not be invalidated by a student's failure to respond.
49. The nominee will decide whether either, or both, of the applicable grounds for appeal have been met. They will write to the student informing them of the decision in an outcome letter, which will state the evidence considered and reasons for the decision.
50. Consideration of appeals are strictly limited to consideration of the specific grounds set out in paragraph 37. Appeal outcomes will not normally respond to questions or issues raised which fall outside of these grounds.
51. Students will normally be notified of the outcome of an appeal within 30 working days. Where this is not possible, students will normally be notified.

#### Outcomes

52. Where an appeal is upheld, the nominated staff member from Appeals, Complaints & Conduct Office may:
  - a) Take corrective action (where appropriate), or
  - b) Refer the case back to the original decision-making body for reconsideration
  - c) Refer the case to an Appeal Panel
53. Where an appeal is not upheld, the student will be informed of their right to request a Final Review, they believe they meet the relevant grounds in paragraph 57.

### Final Review

#### Submission

54. Students who believe they have grounds for a Final Review should submit their request within 10 working days from the outcome of their Formal Appeal. Final Reviews submitted late will only be considered where there is a good reason and supporting evidence for the delay.
55. If a Final Review is determined to be out of time, the merits of the request will not be considered or responded to. A Completion of Procedures letter will be provided.

#### Grounds

56. Final Review does not normally involve reinvestigation or rehearing of the issues raised in the Formal Appeal.
57. There are two grounds on which a Final Review will be considered:
  - a) Procedural Error. This means that the Formal Appeal was not considered in line with this Policy, and the error was sufficiently significant to call into question the original decision.
  - b) Reasonableness. This means that the outcome of the Formal Appeal cannot be sustained and that no reasonable person could reach the same decision in light of the available evidence.

58. New information will not normally be considered at the Final Review, unless there is a good reason that it could not have been previously provided.
59. As with Formal Appeals, the 'burden of proof' for a Final Review rests with the student. This means that the student must provide evidence that the grounds have been met. Dissatisfaction with an outcome is not evidence of unreasonableness, rather, reasonableness will consider whether the decision is proportionate and consistent with regulations, policies and other comparable decisions.

#### Consideration

60. A Final Review will be considered by a nominee of the Appeals, Complaints & Conduct Office who was not involved at any previous stage. Where there is no member of the Appeals, Complaints & Conduct Office who has not previously been involved, another decision maker will be nominated, normally from the Directorate of Governance & Legal Services.
61. A Final Review will normally involve a review of the existing casefile, and will normally be conducted in writing only. However, where the reviewer considers it proportionate and necessary, they may seek clarification or further information.
62. Students will normally be notified of the outcome of a Final Review within 20 working days. Where this is not possible, students will normally be notified.

#### Outcomes

63. Where a Final Review is upheld, the nominated staff member from Appeals, Complaints & Conduct Office may:
  - a) Take corrective action (where appropriate)
  - b) Refer the case to an Appeal Panel
  - c) Refer the case back to the original decision-making body for reconsideration, or
  - d) Refer the case back to the Formal Appeal stage for reconsideration
64. Where a Final Review is not upheld, the student will be informed of the decision via a Completion of Procedures letter which will state the evidence considered and reasons for the decision.

#### Appeals Panel

65. Where a case is particularly sensitive or complex, or a nominated decision maker considers the matter to warrant review by an Appeal Panel, a panel will be convened to consider the merits of the case, normally within one month of the decision to refer the case to the Panel.
66. Membership of an Appeals Panel:
  - a) A Chair, normally a nominee of Senate
  - b) A second academic staff member, normally drawn from either the membership of Senate, or the Chair (or Deputy) of a Subject Examination Board
  - c) A student representative nominated by QMSU
67. No person who has previously been involved in an earlier stage of the decision will be a member of the Appeal Panel.
68. The Appeal Panel will be accompanied by a Secretary, who will provide procedural advice and take notes, but will not be involved in decision-making.
69. The Appeal Panel will be provided with a copy of the existing casefile, including all evidence to be considered as part of the appeal.
70. The student and a representative from Queen Mary will be invited to attend the Panel hearing, address the Panel members to outline reasons for their appeal or decision.

71. A student will be notified that an Appeal Panel has been convened with at least 5 working days notice.
72. The Panel will deliberate in private, and decide whether or not the appeal should be upheld.
73. If the Panel decide that the appeal is upheld, they may take one of the following decisions:
  - a) Take corrective action (where appropriate)
  - b) Refer the case back to the original decision-making body for reconsideration
74. The outcome of the Appeal Panel will be communicated to the student as soon as possible, normally no later than 3 working days after the Panel.

## Office of the Independent Adjudicator

75. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education student complaint scheme. Where a student remains dissatisfied at the completion of Queen Mary's internal procedures, they may submit a complaint for review by the OIA. Information about the OIA and a student's rights to access this scheme will be provided in any Completion of Procedures letter.

## Review

76. This Policy will be reviewed annually by the Education Quality Standards Board and Senate for approval of any minor amendments ahead of the next academic year.
77. The Appeals, Complaints & Conduct Office, in consultation with the Assessment sub-Board of EQSB will normally conduct a detailed review and consultation on more substantive changes to the Policy at five year intervals.

This Policy was approved by Senate on XXX 2024



Senate

<b>Paper Title</b>	<b>Administrative Appeals Policy</b>
<b>Outcome requested</b>	To approve the new Administrative Appeals Policy.
<b>Points for Senate members to note and further information</b>	<p>The Queen Mary Appeals Policy has been through a substantive review by the Process Improvement Community of Practice and the Appeals, complaints &amp; Conduct Office. The review process involved consultation with stakeholders from across the university and QMSU, and benchmarking with sector best practice. The existing Appeals Policy is proposed to be replaced by two new policies, including the Administrative Appeals Policy which relates to appeals of non-academic decisions, such as de-registration related to fee payment and enrolment. Key changes include:</p> <ol style="list-style-type: none"> <li>1. Streamlined single review stage, based on previous review grounds, to reflect the nature of these decisions (ie limited investigation required and limited scope for reconsideration of decisions).</li> <li>2. Delegated decision-making to staff with substantive roles in responding to appeals, and a wider pool of nominees.</li> <li>4. Reducing administrative burden from duplication.</li> <li>5. Clarifications on the eligibility criteria for appeals.</li> <li>6. Revised timeframes with faster turnaround than previous appeals process, reflecting the urgency of implementing decisions where appeals related to registration are upheld.</li> </ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the policy is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"> <li>3. <a href="#">QAA UK Quality Code for Higher Education, Advice and Guidance: Assessment</a></li> <li>4. <a href="#">Office of the Independent Adjudicator Good Practice Framework (Appeals)</a></li> </ol>
<b>Strategy and risk</b>	<p>Aligns with the OfS conditions of continuing registration</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
<b>Reporting/consideration route for the paper</b>	Verbal update on proposed changes endorsed by EQSB, written copy circulated for consideration.
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

# Administrative Appeals Policy 2024/25

## Introduction

1. Queen Mary University of London aims to deliver an outstanding, inclusive, world-class education that aligns with our core values: inclusive, proud, ambitious, collegial and ethical. To deliver education that is inclusive and ambitious, Queen Mary recognises students may sometimes wish to appeal decisions reached which affect their experience at university.

## Purpose

2. This Policy sets out the procedure available to students who wish to request reconsideration of administrative or non-academic decisions, such as those related to their enrolment, fees or accommodation, and the principles for considering such requests.

## Key Definitions

3. **Confirmed decisions** are final decisions or instructions. For example, a notice that a student may be deregistered if they do not meet a particular deadline is not a confirmed decision until and unless the deregistration occurs.
4. **Formal Appeal** is the formal stage of reviewing a confirmed decision, for students who meet specified grounds and have been unable to resolve their queries informally.
5. **Completion of Procedures** refers to a formal letter stating that the decision of the University is final, and that there are no further avenues of appeal available to the student internally.
6. **Good reason** refers to the circumstances sufficiently impactful that a student would be unable to make information known earlier. Personal embarrassment, unwillingness, or failure to realise requirements are not normally considered 'good reason'.

## Legislative and Regulatory context

7. The Higher Education and Research Act 2017 states that all universities and colleges that register with the Office for Students must follow its regulatory framework. This framework requires universities to ensure students receive a high quality academic experience and provide them with the resources and support needed to ensure this, and ensure the access and participation of students from all backgrounds.
8. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education (OIA) student complaints scheme, in line with the Higher Education Act 2004. The OIA is an independent review body to which students have recourse should they be dissatisfied with the University's handling of an administrative Appeal. The OIA's Good Practice Framework outlines principles and guidance that the University's procedures are expected to comply with.

## Scope

9. The Administrative Appeals Policy applies to all students at Queen Mary.
10. The Policy also applies to recent graduates of Queen Mary, provided that any timeframes stipulated in this Policy are observed.

11. The Policy can be used to appeal non-academic decisions confirmed by Queen Mary, where the relevant grounds for appeal are met, including:
  - a) Decisions to terminate the registration of a student on non-academic grounds, such as failure to complete enrolment or meet fee payment requirements
  - b) Disciplinary action taken under the Library Regulations
  - c) Disciplinary action taken under the Residence Disciplinary Procedure
12. This Policy cannot be used for appealing results which arise from a decision made under the Academic Integrity & Misconduct Policy, Student Discipline Policy or de-registration from a programme on academic grounds (such as academic failure). Separate appeals procedures are available for those situations.

## Key Principles

13. **Proportionality.** Wherever possible Queen Mary encourages the early resolution of issues through direct discussion with the relevant department, without the need for formal procedures. Where Queen Mary believes that alternative resolution may deliver a more timely resolution to the concerns raised in a Formal Appeal, a flexible approach outside of the formal stages outlined in this Policy may be recommended. Students will always be informed where this occurs.
14. **Fairness.** All formal outcomes will be decided by an independent person who has not been involved in previous stages of the process. Students will not be subject to any disadvantage for exercising their right to appeal.
15. **Inclusive.** Students have the right to request reasonable adjustments and to access support or procedural advice at all stages of this procedure. Queen Mary is committed to ensuring that the implementation of this Policy, and all associated documents (such as forms, guidance and correspondence) is inclusive by design, reducing barriers to participation or access.
16. **Ambitious.** Queen Mary is ambitious in utilising feedback to improve the overall student experience, in addition to resolving individual student's concerns. Appeals provide valuable feedback about students' experience.

## Roles and Responsibilities

17. Students are responsible for a commitment to their own education, engaging with the resources, opportunities and advice available to support their success. This includes familiarising themselves with Fee Regulations, responding to communications from the University, and meeting any relevant timeframes for enrolment, and abiding by the conditions of their enrolment and/or accommodation.
18. Students are also responsible for engaging with this Policy in good faith and with respect.
19. Heads of Departments are responsible for nominating a key point of contact for information requests during investigations by the Appeals, Complaints & Conduct Office.
20. Nominated staff members of the Appeals, Complaints & Conduct Office are responsible for ensuring that cases are considered and heard in accordance with this Policy. This includes reaching decisions about the eligibility of Formal Appeals, and the outcome of eligible appeals.
21. The Head of the Appeals, Complaints & Conduct Office is responsible for the implementation and interpretation of this Policy. The Appeals, Complaints & Conduct Office provides advice, training and resources that support the implementation of this Policy.



22. The Appeals, Complaints & Conduct Office will present an annual report to the Education Quality Standards Board and Senate with statistics and trends arising from appeals, as well as any educational or support activities undertaken to support informal resolution.

## Appeal Procedures

23. All decisions stand until and unless an appeal has been upheld. For example, where a student has been deregistered for failure to pay their fees, they will not be reinstated unless an appeal has been upheld and the original decision modified.

## Informal Resolution

24. Queries relating to fee or enrolment deadlines are best resolved informally with the relevant department. Students are encouraged to ask for clarification as soon as possible if they believe there has been an error in their enrolment details, fee invoices, or other administrative tasks.
25. Students are reminded that appeals may be submitted up to 15 working days (three weeks) after a confirmed decision, and encouraged to make use of this time to seek clarification and informal resolution before submitting a Formal Appeal.

## Formal Appeals

### Submission

26. Students should submit a Formal Appeal within 15 working days from the confirmed decision. Where a student is unable to submit their Appeal within this timeframe for good reason, they may contact the Appeals, Complaints & Conduct Office to request an extension. Appeals submitted late will only be considered where there is a good reason and supporting evidence for the delay.

### Grounds

27. There are two grounds on which an appeal will be considered:
  - a) Procedural Error. This means that Queen Mary processes were not followed correctly when the original decision was reached, and the error was sufficiently significant to call into question the original decision.
  - b) Reasonableness. This means that the outcome of the original decision cannot be sustained and that no reasonable person could reach the same decision in light of the available evidence.
28. Appeals must be accompanied by independent evidence demonstrating the grounds have been met. Students should provide all relevant evidence and information that they wish to be taken into account with their appeal submission.
29. The 'burden of proof' rests with the student. This means that it is the student's responsibility to demonstrate that the grounds have been met. It is not the responsibility of the University to prove that a procedural error did not occur, where there is no evidence provided to indicate one.
30. Dissatisfaction with an outcome is not evidence of unreasonableness, rather, reasonableness will consider whether the decision is proportionate and consistent with regulations, policies and other comparable decisions.

## Eligibility

31. When a Formal Appeal is submitted, it will be reviewed by a member of the Appeals, Complaints & Conduct Office who will determine whether the Formal Appeal is eligible for consideration.
32. If the Formal Appeal is not eligible, the student will be informed via a Completion of Procedures letter. The merit of issues raised in the appeal will not be considered or responded to directly.
33. Students who have submitted ineligible appeals will be provided with information about alternative support, advice and/or the eligibility criteria.
34. Formal Appeals are eligible where they meet the timeframes for submission, and provide evidence that further consideration of one, or both, of the grounds is warranted. Examples of appeals which are not eligible, and will not be accepted, include (but are not limited to):
  - a) Appeals based on provisional decisions
  - b) Appeals which are out of time
  - c) Appeals which are not accompanied by appropriate evidence
  - d) Appeals about failure to pay fees where the payment remains outstanding
  - e) Appeals that fall outside the scope of the Administrative Appeal Policy
  - f) Frivolous or vexatious requests

## Consideration

35. Eligible appeals will be considered by a nominated staff member of the Appeals, Complaints & Conduct Office.
36. The nominee will review the information and evidence provided by the student and available on their student record. The nominee may also make necessary enquiries from other areas of the University.
37. Appeals are normally investigated and considered in writing only. However, the nominee may meet with the student or relevant staff when it is proportionate and necessary.
38. Where substantial new information comes to light during the investigation of an appeal, which the student could not reasonably have known, the student will normally be given the opportunity to comment on the information before a final decision is reached. This will not normally be necessary for academic regulations or policies, information available on the student's own record, or prior correspondence between the student and another staff member.
39. Where a student is contacted about their appeal but fails to respond within 5 working days, the nominee will proceed with their consideration. The process will not be invalidated by a student's failure to respond.
40. The nominee will decide whether either, or both, of the applicable grounds for appeal have been met. They will write to the student informing them of the decision in an outcome letter, which will state the evidence considered and reasons for the decision.
41. Consideration of appeals is strictly limited to the specific grounds set out in paragraph 27. Appeal outcomes will not normally respond to questions or issues raised which fall outside these grounds.
42. Students will normally be notified of the outcome of a Formal Appeal within 20 working days. Where this is not possible, students will normally be notified.

## Outcomes

43. Where an appeal is upheld, the nominated staff member from the Appeals, Complaints & Conduct Office may:

- a) Take corrective action (where appropriate), or
  - b) Refer the case back to the original decision-making body for reconsideration
44. Where an appeal is not upheld, the student will be informed of the decision via a Completion of Procedures letter which will state the evidence considered and reasons for the decision.

### Office of the Independent Adjudicator

45. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education student complaint scheme. Where a student remains dissatisfied at the completion of Queen Mary's internal procedures, they may submit a complaint for review by the OIA. Information about the OIA and a student's rights to access this scheme will be provided in any Completion of Procedures letter.

### Review

46. This Policy will be reviewed annually by the Education Quality Standards Board and Senate for approval of any minor amendments ahead of the next academic year.
47. The Appeals, Complaints & Conduct Office will normally conduct a detailed review and consultation on more substantive changes to the Policy at five year intervals.

This Policy was approved by Senate on XXX 2024



Senate

<b>Paper Title</b>	<b>Student Discipline Policy</b>
<b>Outcome requested</b>	To approve the Student Discipline Policy.
<b>Points for Senate members to note and further information</b>	<p>The Queen Mary Student Discipline Policy (formerly Code of Student Discipline) has been revised for the upcoming academic year, as outlined below:</p> <ol style="list-style-type: none"> <li>1. Change in name from Code to Policy.</li> <li>2. Alignment of misconduct examples with the updated Code of Practice of Free Speech, changes to legislative context, and amendments to Academic Regulations.</li> <li>3. References to the Fitness to Study Policy.</li> <li>4. New “Informal Resolution” stages and guidance.</li> <li>5. Alignment with updated UUK Guidance on assessing risk and participation of reporting parties and witnesses.</li> <li>6. Removal of the requirement for formal “hearing” at the School/Institute level, to provide a more timely, responsive and supportive process at the local level.</li> <li>7. Clarification on referral to the Professional Capability Committee.</li> <li>8. Decision-making options by Head of School/Institute and/or Head of ACCO for minor misconduct, without the need for formal hearing (unless requested by the student).</li> <li>9. Harmonised list of outcomes, with common numbering system and single formal warning/reprimand/caution.</li> <li>10. Removal of repetitions throughout the Policy to improve clarity and reduce inconsistencies. Unnecessary material moved from Policy to procedure and guidance.</li> </ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the policy is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"> <li>1. <a href="#">OfS Regulatory Framework C2</a></li> <li>2. <a href="#">OfS Statement of Expectations: Prevent and address harassment and sexual misconduct</a></li> <li>3. <a href="#">OfS Consultation on a new approach to regulating harassment and sexual misconduct in English higher education</a></li> <li>4. <a href="#">OfS Freedom of speech: changes to regulation.</a></li> <li>5. <a href="#">Office of the Independent Adjudicator Good Practice Framework: Non-Academic Disciplinary Procedures</a></li> <li>6. <a href="#">UUK: How to handle alleged student misconduct.</a></li> </ol>
<b>Strategy and risk</b>	<p>Aligns with the OfS conditions of continuing registration</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
<b>Reporting/consideration route for the paper</b>	Endorsed by EQSB
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

## **Code of Student Discipline Student Discipline Policy**

### Scope

1. The purpose of this [Code Policy](#) 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 Student Discipline Policy](#) 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 Student Discipline Policy](#) may apply to any action of misconduct whether it takes place on or off Queen Mary premises. The [Code Policy](#) 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 Policy](#):
  - 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 Policy](#), 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~~ [handled by the Appeals, Complaints & Conduct Office](#); 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~~ [the Library or Queen Mary Residential Services](#).

- 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~~Policy

- 5. Anyone who is accused of misconduct under the ~~Code of Student Discipline~~Student Discipline Policy is presumed innocent until ~~guilt is determined~~misconduct is found to have occurred.
- 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 nominee~~); ~~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~~Policy.
- ~~11-12.~~ Any investigation into potential student misconduct will be dealt with confidentially. Only such information as is necessary will be shared, which normally includes limiting information sharing to staff members with professional responsibilities related to the matter, and parties to the investigation (such as witnesses or reporting students).
- ~~12-13.~~ ~~Responding~~All students shall receive a fair and impartial hearing ~~of their case, including reporting and responding students.~~
- ~~13-14.~~ 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.

e-f. the safety of the Queen Mary community.

~~14-15.~~ If a responding student, having been given proper notice, fails to attend a meeting or hearing or respond to communications under this Code without a reasonable explanation, the process meeting or hearing may proceed as planned and will not be invalidated by their absence. In the event that the responding student is not able to attend a meeting or hearing, for good reason, it may be rearranged.

~~15-16.~~ A responding student against whom an allegation of misconduct is made may be subject to this Code Policy 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.

~~16-17.~~ An annual report on Disciplinary cases, which does not identify individual students, will be submitted to Senate for consideration. All Schools/Institutes/Directorates are responsible for maintaining accurate records of cases considered by them, and reporting these to the Appeals, Complaints & Conduct Office for inclusion in the annual report.

## Examples of misconduct

~~17-18.~~ 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.~~ unwanted conduct directed at a member of the Queen Mary community or visitor to Queen Mary that has the purpose or effect of creating an intimidating, hostile, degrading or humiliating environment for the individual. This includes oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging.

~~e.~~ unwanted conduct related to a relevant protected characteristic that has the purpose or effect of creating an intimidating, hostile, degrading, humiliating or offensive environment or violating the person's dignity. violent, indecent, disorderly, intimidating or offensive behaviour or language. This includes conduct 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 the Queen Mary community, or visitor to 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. Relevant protected characteristics refer to a person's It shall also include words or actions related to gender, sexual orientation, race, religion or belief, disability, marriage and civil partnership, pregnancy and maternity/paternity, or age.

~~d-f.~~ physical misconduct which includes any form of physical violence or unwanted physical contact, such as (but not limited to) punching, kicking, slapping, pulling hair, biting, pushing, shoving, and using or threatening to use an offensive weapon.

Formatted: Normal, No bullets or numbering

Commented [HF1]: This is subject to revision on publication of the OfS new condition E6.

Formatted: Normal, No bullets or numbering

Formatted: Normal, No bullets or numbering

~~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.g. 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.h. 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.i. action causing, or likely to cause, injury, or action impairing, or likely to impair, health and safety.

i.j. any breach of the provisions of Queen Mary’s [Code of Practice on 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.k. ~~providing, arranging or advertising~~ cheating ~~services 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 activity that undermines the values of academic integrity~~, notwithstanding that the conduct in question is covered by, or has been dealt with under, other regulations.

k.l. 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.m. vexatious or malicious complaints, or unsupported allegations made about a member of staff, student or other member of Queen Mary.

m.n. misuse, or unauthorised use, of Queen Mary premises or items of property.

n.o. misuse of computers, including ~~but not limited to~~: downloading, or publishing material that encourages violence or extreme behaviour towards people or property ~~and malicious communications~~.

o.p. behaviour which brings, or is likely to bring, Queen Mary into disrepute.

p.q. 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.r. failure to comply with a ~~previously imposed~~ ~~previously imposed~~ penalty under this ~~Code Policy~~ or requirements put in place ~~pending investigation during the pre-hearing stages or the disciplinary procedure~~.

r.s. 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 Policy](#); 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.t. 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 Policy](#) to other regulations, policies and procedures

### [Professional Capability and Fitness to Practise Regulations](#)

~~18-19.~~ 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~~ [Student Discipline Policy](#) 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.

~~19-20.~~ In applying the ~~Code of Student Discipline~~ [Student Discipline Policy](#), 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~~ [Student Discipline Policy](#), 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.

### [Enhancing Support for Students' Fitness to Study Policy](#)

~~21.~~ Queen Mary University of London is an adult learning environment in which students are treated as mature individuals and expected to have the capability to study and live independently alongside people of all ages and from a variety of backgrounds. Fitness to Study refers to the impact of an individual student's health and wellbeing on his/her capability to participate fully and appropriately.

~~22.~~ Where a student exhibits unacceptable conduct that is considered to be the result of an underlying health or wellbeing issue, they may be referred to the Fitness to Study procedure to consider the needs of the student and the support that is being provided. Similarly, where a student fails to engage with the Fitness to Study process and there may be a risk to Queen Mary and/or members of its community, or the conduct has an adverse effect on the learning or working environment, or the health and wellbeing of other students or staff, the matter may be referred for consideration under this Policy.

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

~~20-23.~~ Minor Allegations of breaches of other Queen Mary regulations, for example, ~~Halls of Residence Handbook Regulations, The Library Code of Conduct Regulations, and ITS Policies, particularly 'DG29~~

Formatted: Underline

Formatted: Heading 3, Indent: Left: 0 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Indent: Left: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

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 CodePolicy.

### Students' Union Disciplinary Procedures

21-24. Allegations of misconduct in relation to Students' Union affairs that fall within the remit of the Students' Union Disciplinary Procedures are normally dealt with by the Students' Union. The Students' Union may also refer allegations for consideration under this CodePolicy 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

22-25. The following procedures apply where the alleged misconduct may constitute a criminal offence and is subject to investigation by police and/or criminal proceedings:

a. where any Queen Mary student is subject to a police investigation or criminal proceedings, or receives a criminal conviction during the course of their studies, this should be reported to the Head of the Appeals, Complaints & Conduct Office. A risk assessment will be completed to determine whether the matter should be considered under this Policy, and the reasons for the decision documented.

a-b. in cases where ~~the~~ alleged misconduct could constitute a criminal offence Queen Mary will usually consider the case under this CodePolicy with a view to determining if the alleged misconduct has occurred in accordance with paragraph 17 [a] – [s] whether or not the University's policies and regulations have been breached, and will not consider or reach any decision regarding whether or not a criminal offence has occurred. 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 CodePolicy 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-c. 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 CodePolicy until either the outcome of the Police investigation or criminal proceeding is known and/or the relevant authority has confirmed that internal Queen Mary misconduct proceedings may proceed simultaneously. However, Queen Mary reserves its rights to take further action under this CodePolicy in all circumstances where it considers this to be appropriate.

c-d. ~~the~~ student under investigation will must keep Queen Mary informed of any developments in the Police investigation or criminal proceedings. Once the outcome is known, a Vice-Principal the Head of the Appeals, Complaints & Conduct Office (or nominee) will review the case and determine whether further action under the ~~Code of Student Discipline~~ Student Discipline Policy should be taken.

d-e. 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 CodePolicy.

e-f. 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-g. 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

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Formatted: Normal, No bullets or numbering

arrangements that need to be put in place for the students involved, such as counselling sessions or academic adjustments.

23-26. 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.

24-27. The registration of a student who is remanded in custody or subject to a custodial conviction in a criminal court and sentenced to a term of imprisonment for a period 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

### Informal Resolution

28. If a student or staff member is concerned about the conduct of a Queen Mary student, they are encouraged to consider informal options for early resolution. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships, or social and academic activities. Effective informal approaches are often sufficient to resolve the matter without the need for more formal means. There are a number of informal approaches that can be adopted, as outlined in sections below.

29. Individual Action. This is where the person concerned about the conduct of the student speaks to the person directly, or may put their concerns to them in writing. It is always up to the individual to decide if this approach is appropriate to their situation. It is helpful to carefully consider the best approach for any individual action, such as finding a time and place to speak privately or without interruption, being clear on the behaviour causing concern, stating that the conduct is unwanted, and being clear on any request for the future – such as not to be contacted, or for a certain type of behaviour to not be repeated.

30. Third party Intervention. Where individual action is unsuccessful or inappropriate, an appropriate staff member may be able to assist with informal resolution. Staff or students may use Report + Support to request assistance from an appropriate staff member, such as a member of the Appeals, Complaints & Conduct Office or Advice & Counselling Service. Alternatively, students may approach another appropriate professional such as an Advisor, Student Support Officer, Residential Welfare Manager or other professional, and staff may contact their Head of School/Director of Institute or Professional Service.

31. The third party will advise on options for informal resolution, which may include: facilitating a meeting or mediation, contacting the student on the person's behalf to explain the concerns, requesting that certain unwanted behaviours or contact not be repeated, or facilitating supportive measures for the person concerned to reduce future contact.

32. Informal resolution is always undertaken in good faith, to foster good community relations, and is not based on any assumption about whether or not misconduct has occurred. Any third party intervention does not represent a decision by the third party about any potential misconduct, nor apportion blame. No attempt for informal resolution will constitute a penalty, nor will a student suffer detriment for informal resolution. It is reasonable for a person to request that unwanted contact not be repeated, without the need for a formal finding of misconduct.

Formatted: Normal

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: List Paragraph, Indent: Left: 0.63 cm

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: List Paragraph, Indent: Left: 0.63 cm

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: List Paragraph, Indent: Left: 0.63 cm

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

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

~~25-33.~~ 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.

~~26-34.~~ 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 **risk assessment supporting** reasons for any decision to suspend, ~~or~~ exclude ~~or restrict activity~~ a student will **normally be undertaken** ~~undertaken~~ by the Head of the Appeals, Complaints & Conduct Office and the Lead Safeguarding Officer be **securely** recorded, ~~and will be made available to t~~he student **will be provided with information about the reasons for the decision** along with details about the length of the suspension/exclusion/restriction of activity.

~~35.~~ 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. The decision will be reviewed when new information material to the circumstances comes to light, and/or on the conclusion of the investigation.~~

—

~~27.~~ 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.

—

~~28-36.~~ ~~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.~~

~~29-37.~~ 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 **within five days of notification, or decision of any review as specified in paragraph 27.** The President and Principal will consider such representations and respond in writing.

~~30.~~ 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.~~

~~31-38.~~ **Suspension: At institutional level** a Vice-Principal ~~may~~ **authorise the suspension of ty to suspend a student pending investigation,** ~~exclude or instruct a restriction of activity pending hearing.~~ The 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.

~~32-39.~~ **At school/institute level Exclusion & restriction on activity:** ~~an exclusion or restriction may be authorised by a Vice-Principal, a Head of School/Director of Institute, Director of Professional Services (where the restriction applies to the relevant service), or the President of the Students' Union (where the restriction applies to QMSU facilities or activities).~~ has the authority to exclude a student from facilities and activities or instruct a restriction of activity pending investigation.

~~33.~~ 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.

~~34.~~ **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.

Formatted: Indent: Left: 1.27 cm, No bullets or numbering

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Font color: Auto

## Misconduct investigation

- ~~35-40.~~ 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~~ normally via the Appeals, Complaints and Conduct Office.
- ~~36-41.~~ 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. to request for a matter to be investigated and request to be referred to support services 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.
- ~~37.~~ The Head of the Appeals Complaints and Conduct Office, Head of School, Director of Institute, or Director of Professional Service ~~will nominate an~~ is responsible for conducting an investigation into the misconduct as appropriate.
- ~~38-42.~~ An independent ~~Investigating Officer may be appointed~~ person to undertake the investigation, ~~who has stigation. 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~~ person investigating the misconduct.
- ~~39.~~ At any point during the course of an investigation the Head of the Appeals Complaints and Conduct Office, Head of School, Institute Director, or Director of Professional Service may suspend, exclude or restrict activity pending hearing in accordance with their relevant authority to act in this regard.
- ~~40-43.~~ A student will normally receive a decision regarding an investigation ~~will be completed as soon as possible and will normally take no longer than within~~ 25 working days, ~~except in complex matters and/or where multiple students may be involved. Every attempt will be made to ensure that an investigation is concluded as soon as possible.~~
- ~~41-44.~~ An investigation will normally involve the following stages:
- Notification to the responding student of the allegation/s made against them and provision of a copy of this [Code Policy](#).
  - Request for written statements from the reporting student and all relevant witnesses, and collection of any other factual evidence.
  - Interview with the reporting student, ~~however, the decision to attend an interview rests solely with the relevant student. Wand w~~ where appropriate, interviews may be conducted with any relevant witnesses, subject to their consent.
  - Interview with the responding student to provide them with an opportunity to ~~put their case state their account.~~ 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 may be provided.~~ In all cases, the responding student will be provided with sufficient information to allow them to respond to the allegation/s.
  - A written report of the investigation and the details of evidence gathered.

Formatted: List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

42-45. 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.

43-46. ~~In all cases, a~~ At the conclusion of the investigation the casefile is normally 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, ~~or for other good reason, where the information is not part of the evidence relied upon for decision making.~~

#### Misconduct handled at school/institute/service level

44-47. 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.

45-48. 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~~ **misconduct should be upheld**, in which case they may decide either that ~~no further action is necessary, or apply one or more of the outcomes in paragraph 72 (a)-(j),~~

c. **Refers the matter to the Head of the Appeals Complaints and Conduct Office** for consideration at institutional level.

d. **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations. ~~The decision maker will specify whether the basis for this referral is that the misconduct has been upheld, or that the matter does not constitute misconduct but does give rise to professionalism concerns.~~

49. ~~Where the Head of School/Director of Institute decides on outcome 46 (b), the responding student will have the right to contest this outcome and request that the matter be referred to a Student Disciplinary Committee. The request should normally be made within 7 calendar days. The student does not need to provide any reason, nor meet any specific grounds.~~

46. —

#### 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:

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Font color: Auto

Formatted: Normal, No bullets or numbering

Formatted: Normal

Formatted

Formatted: Normal, No bullets or numbering

- 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;

51-50. 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 in writing, normally, within three working days of the date of the hearing. A written notification of the outcome that records the decision, including the reason(s) for the decision and the responding student's right of appeal shall be provided within five working days (where misconduct has been upheld).

Decisions at school/institute level

53.—Once the hearing is completed, the Head of School/Director of Institute 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 misconduct is proven but should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, takes informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
- c.— **Decides that the misconduct is proven and imposes one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.

51.

- d.— **Refers the matter to the Head of the Appeals Complaints and Conduct Office** for consideration at institutional level.
- e.— **Refers the matter to the Professional Capability Committee** for consideration under the Professional Capability and Fitness to Practise Regulations.

Penalties that may be imposed at school/institute level

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.—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.

**Formatted:** Font: 8 pt

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** List Paragraph

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm, No bullets or numbering

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm, No bullets or numbering

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm, No bullets or numbering

**Formatted:** Indent: Left: 1.27 cm

**Formatted:** Indent: Left: 1.27 cm, No bullets or numbering

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

f.—A fine not exceeding £100.

g.—Compensation in respect of damage to property at the value of the damage where its value is no more than £250.

h.—Compensation in respect of injury to a person not exceeding £250.

i.—Prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.

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

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

57-52. Once the investigation is completed, the Head of the Appeals Complaints and Conduct Office or nominated decision-maker 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 responding student's record.
- b. **Decides that the misconduct should be upheld**, in which case they may apply one or more of the outcomes in paragraph 72 (a)-(d), or take **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. **Informal** 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** for consideration under the Professional Capability and Fitness to Practise Regulations. The decision maker will specify whether the basis for this referral is that the misconduct has been upheld, or that the matter does not constitute misconduct but does give rise to professionalism concerns.

d. **Refers the matter to a Student Disciplinary Committee.**

53. Where the Head of the Appeals, Complaints & Conduct Office decides on outcome 49 (b), the responding student will have the right to contest this outcome and request that the matter be referred to a Student Disciplinary Committee. The request should normally be made within 7 calendar days. The student does not need to provide any reason, nor meet any specific grounds.

Formatted: Normal, No bullets or numbering

Formatted

#### Student Disciplinary Committee

58-54. The constitution of the Student Disciplinary Committee is as follows:

- a. a Vice-Principal (or Deputy), Chief Officer or Director of a Professional Service, who chairs the Committee.



- b. a ~~senior~~ member of ~~academic~~ staff ~~drawn from the membership of Senate~~.
- c. ~~the President of the Students' Union or one of the Sabbatical Officers~~, A student representative, nominated by QMSU
- d. an independent legal adviser may support the Committee when required.

Formatted: Font: Source Sans Pro, 10 pt

~~59-55~~ 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 ~~CodePolicy~~ 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.

~~60-56~~ A Queen Mary representative shall present the case to the Committee on behalf of Queen Mary. This will normally be the named Investigating Officer.

~~61-57~~ 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.

~~62-58~~ 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

~~63-59~~ 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.

~~64-60~~ 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.

~~65-61~~ 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.

~~66-62~~ 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.

~~67-63~~ The hearing is held in private. Only those persons party to the case and the Committee attend the hearing.

~~68-64~~ 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 ~~CodePolicy~~. 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 ~~CodePolicy~~ will be decided by the Committee, whose decision will be final.

~~69-65~~ 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 ~~may~~ is likely to be in distress, the Committee may permit them to be accompanied by any one other person, who will not participate in the proceedings in any way.

#### Student Disciplinary Committee order of proceedings

~~70-66.~~ 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.

~~73-67.~~ The Queen Mary representative will be asked to present the facts in the possession of Queen Mary concerns and call any witnesses, and the responding student (or representative) will have the opportunity to respond. ~~who may be examined by both sides. The Committee and t~~The responding student and the Queen Mary representative may raise points for clarification of any witness testimony via the Chair, who will determine questions to be put to a reporting student or witnesses. ~~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.~~

~~68.~~

~~77-69.~~ 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.

~~78-70.~~ 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.

~~79-71.~~ 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

~~80-72.~~ 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; a written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.~~
- 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.
- ~~e.d. a requirement that the student undertake a specified educational activity of formative task, within a specified timeframe.~~
- ~~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.e. a fine not exceeding £1000.
- g.f. compensation in respect of damage to property at the value of the damage with no upper limit.
- h.g. compensation in respect of injury to a person not exceeding £2,000.
- i.h. 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.i. prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.
- k.j. 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

Formatted: Normal, No bullets or numbering

attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.

~~h.k.~~ 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.l.~~ 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.

~~81-73.~~ In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be imposed.

~~82-74.~~ 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

~~83-75.~~ A responding student may appeal a decision arising from this Code using the process set out below. This includes the right to appeal any penalty imposed. ~~Where misconduct has been found to occur, a student may appeal this decision and/or any penalty imposed.~~ A reporting student cannot appeal a decision arising from this CodePolicy but will have recourse via the Student Complaints Policy following receipt of the Formal Complaint outcome letter noted in paragraph 4[d] above.

Formatted: Font: (Default) Source Sans Pro, 10 pt

Formatted: Font:

~~84-76.~~ The appeal will be considered by an Appeal Chair, a nominated member of the Appeals, Complaints & Conduct Office who has had no prior involvement in the case.

Formatted: Font: Source Sans Pro, 10 pt

~~85-77.~~ A Disciplinary Appeal ~~mustshould~~ 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, and should include reasons and evidence that the appeal meets one of the applicable grounds letter.~~ The Head of the Appeals, Complaints & Conduct Office has ~~the~~ discretion to allow and consider later requests where a student demonstrates good reason for the delay.

Formatted: Indent: Left: 0 cm

~~86-78.~~ New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.

~~87-79.~~ 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.

~~88-80.~~ 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~~decision maker 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~~Student Discipline Policy.

~~89-81.~~ 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~~[Student Discipline Policy](#).

~~90-82.~~ 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

~~91-83.~~ 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.

~~92-84.~~ 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](#).

~~93-85.~~ 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.

~~94-86.~~ 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](#).

This version of the ~~Code of Student Discipline~~[Student Discipline Policy](#) was approved by Senate on ~~8 June~~~~XXX~~2024~~3~~

## 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 [CodePolicy](#) 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 DisciplineStudent Discipline Policy](#), 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, 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 DisciplineStudent Discipline Policy](#) 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.

**Commented [SH2]:** I'm not sure where this should go, but I remember us discussing confidentiality. I could not see anything in this policy regarding confidentiality, but in the complaints policy it states: 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.



Senate

<b>Paper Title</b>	<b>Student Complaints Policy</b>
<b>Outcome requested</b>	To approve the amendments to the Student Complaints Policy.
<b>Points for Senate members to note and further information</b>	The Queen Mary Student Complaints Policy has been revised for the upcoming academic year, as outlined below: <ol style="list-style-type: none"><li>1. Minor amendments to the handling of student complaints about a staff member, to reflect current practice focusing on support for reporting party in the first instance.</li><li>2. Minor amendments to the receipt of complaints via Report + Support.</li></ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the policy is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"><li>1. <a href="#">OfS Regulatory Framework C2</a></li><li>2. <a href="#">QAA UK Quality Code, Advice and Guidance: Concerns, Complaints and Appeals</a></li><li>3. <a href="#">Office of the Independent Adjudicator Good Practice Framework: Appeals &amp; Complaints</a></li></ol>
<b>Strategy and risk</b>	Aligns with the OfS conditions of continuing registration Aligns with the Queen Mary Strategy 2030 Aligns with the Office of the Independent Adjudicator Good Practice Framework
<b>Reporting/consideration route for the paper</b>	Endorsed by EQSB
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

## 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 ~~ormal concern about the conduct of a~~ member of staff is the subject of ~~a~~the complaint ~~that is upheld following investigation under this procedure, the matter (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 ~~relates to their student experience and support, but may not include~~ 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 any Human Resources process in relation to the staff member. Students will have the right to submit a Complaint Review if dissatisfied with the handling of their Formal Complaint, but this review will not normally reconsider any decision by Human Resources, 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 Complaints should normally be a complainant must complete the Formal Complaint form and send it sent~~ 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; to request for a matter to be investigated by the Appeals, Complaints and Conduct Office. 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. 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 to their Formal Complaint including what action, if any, is to be taken to address the matter.

**Commented [HF1]:** Have asked Christina G for input on this. Maybe tweak it to say more clearly that R+S can be used to submit a complaint, not raise issues "during" a complaint?

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 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](mailto: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, and may obtain written reports from relevant people should further information be required. The caseworker will submit the case, together with a recommendation, to a Queen Mary Complaints Assessor for consideration.
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 32).
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 32) 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.
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

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).
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](http://www.oiahe.org.uk).
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

40. Research students who wish to submit a complaint should follow the process outlined in this policy.
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.
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).
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.
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 8 June 2023

## Appendix 1: Principles

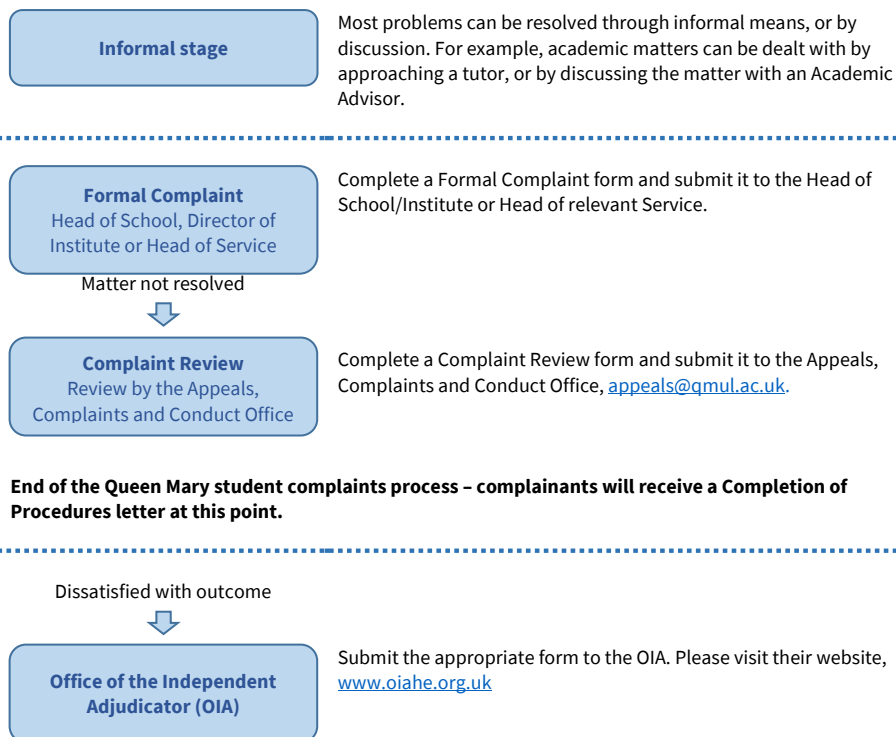
45. This Policy seeks to embody the following principles:

- ♦ 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

46. Mediation can be a helpful tool in resolving complaints at an early stage.
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.
48. Mediation allows both parties to abide by the terms agreed and recourse to formal procedures will not be permitted.
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





Senate

<b>Paper Title</b>	<b>Professional Capability and Fitness to Practice Regulations</b>
<b>Outcome requested</b>	To approve the amendments to the Professional Capability and Fitness to Practice Regulations.
<b>Points for Senate members to note and further information</b>	<p>The Queen Mary Professional Capability and Fitness to Practise Regulations has been revised for the upcoming academic year, as outlined below:</p> <ol style="list-style-type: none"> <li>1. Amendments to clarify the way the regulation interacts with other policies, and scope of matters considered under each. Specifically, clarifications regarding disciplinary misconduct which has been found.</li> <li>2. Addition of an appeal stage within the regulation, rather than referral on to a separate Appeal Policy, in line with the OIA Good Practice Framework.</li> <li>3. Amendments to outcomes and considerations to align with current GMC guidance.</li> <li>4. New “Concern Review” procedure for low-level professionalism concerns included to meet alignment with GMC expectations.</li> <li>5. Clarification that any student on a PSRB programme expelled for misconduct will be added to the relevant excluded students database, without the need for further hearing.</li> </ol>
<b>Questions for Senate to consider</b>	Is Senate satisfied that the regulation is appropriate?
<b>Regulatory/statutory reference points</b>	<ol style="list-style-type: none"> <li>1. <a href="#">OfS Regulatory Framework C2</a></li> <li>2. <a href="#">GMC Professional behaviour and fitness to practice guidance for medical schools and their students.</a></li> <li>3. <a href="#">GMC: Achieving Good Medical Practice</a></li> <li>4. <a href="#">GDC: Student fitness to practice guidance</a></li> <li>5. <a href="#">UUK: How to handle alleged student misconduct.</a></li> </ol>
<b>Strategy and risk</b>	<p>Aligns with the OfS conditions of continuing registration</p> <p>Aligns with the Queen Mary Strategy 2030</p> <p>Aligns with the Office of the Independent Adjudicator Good Practice Framework</p>
<b>Reporting/consideration route for the paper</b>	Endorsed by EQSB
<b>Authors</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

## Professional Capability and Fitness to Practise Regulations

Style Definition: Heading 3

### Introduction

1. These regulations are made by the Senate under the authority of Ordinance A15 (n) and Ordinance C4.

### General definitions

2. In these regulations:
  - a. Unless the contrary appears from the context, words implying the singular include the plural and vice versa.
  - b. Unless the contrary appears from the context, reference to a specific office-holder means that where such an office-holder is unable to act, their deputy, the person acting in the office or the office holder's nominee will act in their place.
  - c. Students refers to those defined as such in Ordinance C1.
  - d. Foundation Year One (F1) Doctor refers to a member of NHS staff who is undertaking Foundation Year One and is a member of the Foundation School.
  - e. Primary medical or dental qualification refers to awards that lead to a licence to practise medicine or dentistry: MBBS and BDS.
  - f. Professional dental care programme refers to programmes that lead to a licence to practise professionally in dental care: Diploma in Dental Hygiene and Dental Therapy and BSc in Oral Health.
  - g. Professional health care programme refers to programmes that lead to a licence to practise professionally in health care: MSc in Physician Associate Studies.
  - h. Professional Capability refers, in the broadest sense, to a student's health and behaviour being compatible with the expectations of the General Medical Council and General Dental Council and other applicable regulatory bodies. These are laid out in 'Achieving good medical practise: guidance for medical students' & 'Professional behaviour and fitness to practise: guidance for medical schools and their students' and 'Student professionalism and fitness to practise: Standards for the dental team Guidance for students' & 'Student professionalism and fitness to practise: Standards for the dental team Guidance for providers'. A student's Professional Capability is called into question when their behaviour and/or health raises concerns at any level about their ability to meet the requirements of their programme. Persistent concerns may give rise to a concern about the student's fitness to practise.
  - i. Fitness to practise refers to a student's health and behaviour being compatible with the requirements for professional practise as a doctor or dentist. A student's fitness to practise is called into question when their behaviour and/or health raises a serious or persistent cause for concern about their ability to continue on a programme leading to registration as a doctor or dentist and their ability to practise after graduation. This includes, but is not limited to, the possibility that they could put patients or the public at risk.



## Scope

3. The Professional Capability and Fitness to Practise Regulations apply to any person defined as a student of Queen Mary University of London in accordance with Ordinance C1 who is registered for a primary medical or dental qualification or professional dental care or health care programme. This includes students who have interrupted their study and/or are out of attendance, and students who are undertaking an intercalated programme whether or not their registration for a primary medical or dental qualification or professional health and dental care programmes is with Queen Mary; where the registration is with another institution, the outcome of Queen Mary's process will be reported to that institution.
4. For the purpose of fitness to practise, these regulations also apply to Foundation Year One doctors.
5. These regulations apply to any action whether it takes place on or off Queen Mary's premises. These Regulations also apply to actions that are electronic and occur in a virtual environment or through other communication technology methods such as mobile phones.
6. These regulations apply to all matters where a student's health may give rise to a concern about their professional capability or fitness to practise.

## Responsibility and authority

7. The General Medical Council and the General Dental Council require that graduates from primary medical and dental qualifications and professional health and dental care programmes be fit to practise. Queen Mary is required to certify its confirmation that a graduate from a primary medical or dental qualification or professional dental care programme has demonstrated that they are fit to practise upon graduation.

## Relationship to the Code of Student Discipline, other Codes of Practise, Policies and Procedures

### Code of Student Discipline

8. Misconduct that is proven under the [Code of Student Discipline](#) involving students studying for a primary medical or dental qualification or professional dental care programme is reported to the Professional Capability Committee for action as appropriate. Where the misconduct has been proven through the Code of Student Discipline, the Professional Capability Committee and/or Fitness to Practise Committee does not rehear the case **but will instead focus on determining whether or not the student's fitness to practise is currently impaired and, if so, consider the appropriate outcome(s), but considers capability and fitness to practise issues in the light of the misconduct and outcome of the disciplinary procedures.**

8-9. [Where a student registered on a relevant professional programme is expelled from Queen Mary by a Student Disciplinary Committee or a Misconduct Panel, they will be added to the applicable excluded student database and/or other external declarations may be made to the relevant PSRB.](#)

Formatted: Normal, No bullets or numbering

### Codes of practise, policies and procedures of the School of Medicine and Dentistry

9-10. The School of Medicine and Dentistry has in place a number of codes of practise, policies and procedures that apply to students undertaking a primary medical or dental qualification or professional health and dental care programme and F1 doctors. These codes of practise, policies and procedures may include requirements of health care trusts where students undertake a part of their programme. Any breach of other codes of practise, policies and procedures may give rise to professional capability and fitness to practise concerns. These will be reported to the Professional Capability Committee for action as appropriate.

~~10-11.~~ Students who are required to make declarations and disclosures during their time on a programme, such as during the annual declaration and disclosure process, may be referred for action under these regulations due to matters declared and disclosed. In such circumstances the Chair of the Professional Capability Committee may take action in line with paragraphs 45a and 45b or determine that the matter should be investigated as per paragraph 38 of these regulations.

#### Regulations governing the conduct of assessment and academic misconduct

~~11-12.~~ If a complaint of misconduct is solely concerned with alleged examination or assessment irregularities, the matter is normally dealt with under the [Academic Misconduct Policy](#). Repeated and very serious breaches of these regulations may also be dealt with under the [Code of Student Discipline](#).

~~12-13.~~ All outcomes from the Academic Misconduct Policy for students studying for a primary medical or dental qualification or professional health or dental care programme are reported to the Professional Capability Committee for action as appropriate. Where the misconduct has been proven through the Academic Misconduct Policy, the Professional Capability Committee and/or Fitness to Practise Committee does not rehear the case but **instead focuses on determining whether or not the student's fitness to practise is currently impaired and, if so, consider the appropriate outcome(s). eonsiders capability and fitness-to-practise issues in the light of the misconduct and any penalty or other relevant outcome.**

#### Other Queen Mary regulations

~~13-14.~~ Allegations of breaches of other Queen Mary regulations, for example Halls of Residence Regulations, Library Regulations and Computing Regulations, are normally dealt with in accordance with those regulations. Repeated or more serious misconduct or breaches of these regulations may also be dealt with under the [Code of Student Discipline](#) and reported to the Professional Capability Committee for action as appropriate.

#### Students' Union Disciplinary Procedures

~~14-15.~~ Complaints of misconduct in relation to Students' Union affairs that fall within the remit of the [Students' Union Disciplinary Procedures](#) are dealt with by the Students' Union. The Students' Union includes the Barts and The London Students' Association. The Students' Union will report the outcomes of the operation of its disciplinary procedures to the Professional Capability Committee for action as appropriate.

#### Student support and pastoral care processes

~~15-16.~~ Where information comes to light through any student support or pastoral care process provided by Queen Mary, whether through a central service or within the School of Medicine and Dentistry, that may give rise to a concern about a student's professional capability or fitness to practise, that information is reported to the Professional Capability Committee for action as appropriate.

#### Appeals

~~16.~~ A student wishing to appeal against a decision of the Professional Capability Committee or Fitness to Practise Committee may do so using the [Appeal Policy](#). A student may not appeal the referral of a concern to the Professional Capability Committee or Fitness to Practise Committee at which point no determination would have been made on the outcome of the concern.

#### Burden and standard of proof

17. It is the responsibility of Queen Mary to establish that there is a professional capability or fitness to practise concern. The standard of proof required is the balance of probabilities: it should be more likely than not that the alleged event occurred and/or the student's professional capacity is impaired.

### Professional Capability warnings and actions, and Fitness to Practise actions, undertakings and conditions

18. When determining ~~warnings and~~ actions ~~and warnings~~, undertakings and/or conditions, consideration will be given to:

~~a.~~ a. The ~~severity of the behaviour and the~~ seriousness of the implications for the student's professional capability and/or fitness to practise.

~~a.b.~~ a.b. ~~The maturity of the student and the year of study.~~

~~b.c.~~ b.c. The student's previous conduct; repeated warnings, actions and conditions whether for the same or different issues may result in more serious action being taken by the Professional Capability Committee, including referral to the Fitness to Practise Committee.

~~c.d.~~ c.d. The conduct of the student since the incident(s) being considered.

~~d.e.~~ d.e. Whether the conduct has been acknowledged by the student or admitted in the case of misconduct.

~~e.f.~~ e.f. Any mitigating factors or implications for the student's fitness to practise.

~~f.g.~~ f.g. The sufficiency of the warning, action, condition and/or undertaking as a safeguard to protect the public and others.

Formatted: Indent: Left: 1.9 cm, No bullets or numbering

### Instruction restricting activity, exclusion and suspension pending hearing

19. The Chair of the Professional Capability Committee, may suspend, exclude or instruct restriction of activity pending the completion of the investigation process for any student within its jurisdiction where there is a concern for the safety or wellbeing of patients or others. Any suspension, exclusion or restriction of activity will be kept under review until the investigation and any hearing have concluded. The Chair may suspend, exclude or instruct a restriction of activity pending hearing where the matter is being considered initially under the Code of Student Discipline and one of these actions has not occurred under the Code.

20. **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.

21. **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 in Queen Mary or the Students' Union. The precise nature of an exclusion order will be made to the student in writing.

22. **Suspension** means the total prohibition on attendance at, or access to, Queen Mary and on 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. This includes teaching and learning in a clinical setting.

23. Suspension is only to be used where exclusion from specified activities or facilities would be inappropriate.
24. Suspension, exclusion or instruction restricting activity pending hearing are not penalties, and are not to be used as such. Their purpose is to enable Queen Mary to exercise its duty of care to patients and others while an investigation takes place. The reasons for any decision to suspend or exclude a student is recorded and made available to the student along with details about the length of the suspension/exclusion/restriction of activity.
25. A student who has been suspended, excluded or received an instruction restricting activity pending hearing may make representations against the decision to the nominated Vice-Principal or Deputy Vice-Principal who will respond in writing.
26. Where immediate suspension, exclusion or instruction restricting activity is necessary to preserve good order or to protect staff or students from harm, it may be imposed with immediate effect. In such cases, the student may make representations against the decision within five days of its notification.
27. 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 [nominated](#) Vice-Principal who will respond in writing.

## Professional Capability and Fitness to Practise Procedure

### Raising a concern about Professional Capability and/or Fitness to Practise

28. A concern about a student's professional capability or fitness to practise may arise from one or more of a number of routes. These routes include, but are not limited to, tutorial systems, pastoral support, teaching and learning activities, disclosure as required by the GMC's 'Achieving Good Medical Practise' and GDC's 'Student professionalism and fitness to practise', the operation of the Code of Student Discipline, the outcome of examination results, ~~the professionalism points scheme~~ and external routes. External routes may include reports from members of the public, public authorities and students. In the first instance, concerns are sent to the Chair or Secretary of the Professional Capability Committee.

29. ~~Singular, low-level professionalism concerns (for example lateness, late submission of assessments and absence from scheduled teaching sessions), that do not require referral through this Fitness to Practise procedure, shall be managed through developmental and supportive measures in accordance with local procedures.~~

30. ~~Records of low-level professionalism concerns shall be kept on the student's record and persistent low-level concerns may result in referral through the Fitness to Practise regulations.~~

### Concern Review

31. Upon receipt of a referral under these regulations, the Chair of the Professional Capability Committee shall review the concern and, having regard to the considerations under paragraph 18, determine which one or more of the following actions is appropriate:

- a. ~~dismiss the concern, in which case the matter is closed and no further action taken;~~
- b. ~~decide that the matter should be dealt with under the Code of Student Discipline, other Codes of Practise, Policies or Procedures;~~
- c. ~~decide that the matter presents a low-level concern which is most appropriately addressed through developmental and supportive measures in accordance with paragraph 29;~~
- d. ~~conduct an investigation to assist the Chair of the Professional Capability Committee in determining the next steps;~~
- e. ~~address the concern by way of undertakings;~~
- f. ~~issue a warning where the student's fitness to practise is not impaired but their behaviour has significantly departed from expected standards and there is not a requirement for further actions that can only be imposed by a Professional Capability Committee or Fitness to Practise Committee;~~
- g. ~~refer the matter for a hearing of the Professional Capability Committee~~
- h. ~~refer the matter to the the Fitness to Practise Committee for consideration, giving notice of the decision with a report to the Professional Capability Committee.~~

32. The Chair of the Professional Capability Committee may consider that it is ~~not appropriate unnecessary~~ to conduct an investigation where:

- a. ~~A student has been found to have acted in breach of the Code of Student Discipline, other Codes of Practise, Policies or Procedures and the findings of that investigation have given rise to the concern.~~
- b. ~~A student is referred to the Fitness to Practise Committee following a criminal ~~caution or conviction~~ which gives rise to a concern, and no other concern exists.~~
- c. ~~Clear evidence exists to support a concern and the Chair of the Professional Capability Committee is satisfied that no further investigation is needed.~~

Formatted: Indent: Left: 0.63 cm, No bullets or numbering

Formatted: Font: 11 pt, Font color: Auto

Formatted: List Paragraph, Left, No bullets or numbering, Font Alignment: Auto

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Font: 11 pt, Font color: Auto

Formatted: Font: 11 pt, Font color: Auto

Formatted: Font: 11 pt, Font color: Auto

Formatted: Font: 10 pt

Formatted: Font: 11 pt, No underline, Font color: Auto

Formatted: Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

Formatted: Outline numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: 0.63 cm + Tab after: 1.27 cm + Indent at: 1.27 cm

Formatted: Left, Indent: Left: 0 cm

33. Following initial review of the concern, the Chair of the Professional Capability Committee may meet with the student (or ask a nominee to meet with the student) or ask the student to submit a written statement before determining action under paragraph 31.

28:

#### Investigation

29-34. The Chair of the Professional Capability Committee conducts those proportionate and necessary investigations that they consider necessary before determining whether any further action is required under paragraph 31. This may include the appointment of an investigating officer. In such cases, the student is notified of the name of the investigator.

30-35. The purpose of the investigation is to gather evidence relevant to the concern raised to enable the Chair of the Professional Capability Committee to determine what further action is appropriate. At any point during the course of an investigation into a professional capability concern, the Chair of the Professional Capability Committee may refer the matter for action under the Code of Student Discipline.

31-36. The investigation normally involves the following stages:

- a. Notification to the student of the professional capability or fitness to practise concern.
- b. Request for written statements from those involved in the case and collection of any other factual evidence.
- c. Interviews with the relevant individuals and witnesses.
- d. Interview with the student concerned to provide them with an opportunity to present their case. ~~Where an interview is not possible in person, a written statement may be requested. In certain circumstances it may be more appropriate to request a written statement may be requested from the student.~~
- e. A written report of the investigation and the details of evidence gathered. The details of the completed investigation will normally be shared with the student, who will be invited to comment upon the ~~factual accuracy of the summary~~ report and any additional evidence relating to the case.

32-37. In all cases, witnesses' evidence and/or statements are made available to the student unless there is a concern for the safety of the witness.

33-38. At any point during an investigation a student may be referred to the occupational health service for relevant assessments. In such circumstances an investigation is normally placed on hold whilst the assessments are conducted.

34-39. The Chair of the Professional Capability Committee or appointed Investigating Officer keeps notes of meetings held with witnesses and the student. These notes may be made available to the student unless there is a concern for the safety of a witness.

35-40. Should a student fail to engage with an investigation, and reasonable attempts have been made to contact them, then the investigation and further procedures under these regulations will continue.

36-41. If a student withdraws from their programme of study before the formal Professional Capability or Fitness to Practise procedures are complete, the relevant process will continue in the student's absence. Students will be advised of the outcome which will also be communicated to the relevant professional body.

~~37-42.~~ An investigation shall normally be completed within two calendar months from the notification of referral. Where an investigation is likely to take longer than two months, students shall be notified to this effect.

~~38.~~ When the investigation is complete or the Chair of the Professional Capability Committee considers that sufficient evidence has been gathered, they determine which one or more of the following actions under paragraph 3129 is appropriate. may:

- ~~a.~~ **Dismiss the professional capability concern**, in which case the matter is closed and no further action taken except for the submission of the outcome letter to the Professional Capability Committee.
- ~~b.~~ **Take Chair's action** in line with paragraphs 45 and 46 below.
- ~~c.~~ **Refer the matter for a hearing of the Professional Capability Committee.**
- ~~d.~~ **Decide that the matter should be dealt with under the Code of Student Discipline.**
- ~~e.~~ **Refer the matter to the Fitness to Practise Committee** for consideration with a report to the Professional Capability Committee.

**Formatted:** Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

## The Professional Capability Committee

### Constitution

~~39-43.~~ Members of the Professional Capability Committee are agreed by Senate on the nomination of the Vice-Principal (Health) & Executive Dean and serve on the committee for a period of up to three years, after which their membership may be renewed for further periods. A greater number of nominations are made to enable some flexibility in the membership in order to respond to the different professional areas of medicine and dentistry and to avoid conflicts of interest but at the same time ensure a consistent pool of individuals to serve on the Committee.

~~40-44.~~ The members of the Professional Capability committee are:

- a. A chair, drawn from a pool of three potential chairs, nominated by the Vice-Principal (Health) & Executive Dean and approved by Senate.
- b. One member of academic staff who is a registered doctor or dentist drawn from a pool appointed by Senate depending on whether the student being considered is from a medical or dental programme. The pool may include clinicians appointed on Honorary Contracts.
- c. One member of academic staff from the School Faculty of Medicine and Dentistry.
- d. The President of BLSA, QMSU President or nominee.

~~41-45.~~ The Secretary to the Professional Capability Committee is a member of administrative staff of the School Faculty.

~~42-46.~~ 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.

~~43-47.~~ No person who has any close personal connections with the student due to appear before the Committee, or with the alleged event(s), is eligible for appointment to the Committee.

~~44-48.~~ Where the Professional Capability Committee considers a report of a decision of another body, it does not rehear the details of the case leading to the decision being considered.

### Action by the Chair of the Professional Capability Committee

~~45-49.~~ The Chair has authority to take action in accordance with paragraph 31. decide, by Chair's action, to issue a professional capability warning where there is a proven concern about a student's professional capacity but where the student's fitness to practise is not impaired and there is not a requirement for further actions that can only be imposed by a Professional Capability Committee or Fitness to Practise Committee. Chair's actions are reported to the Professional Capability Committee.

~~46-50.~~ In cases where the proven concern relates solely to a student's management of their health the Chair, with reference to the head of appropriate student support services, may take Chair's action to set a series of conditions and undertakings to ensure the student can appropriately manage their health. The conditions and undertakings will be reported to and monitored by the Committee and appropriate student support services.



---

### Professional Capability Committee procedure

47-51. Where the Chair of the Professional Capability Committee considers that they are unable to take action themselves then a full meeting of the Professional Capability Committee will be convened.

48-52. A student or F1 Doctor whose case has been referred to the Professional Capability Committee is normally informed of this within five working days.

49-53. The student or F1 Doctor is normally given ten working days' notice prior to the meeting of the Committee of the requirement to attend. On occasion it may not be possible to notify the student within this timescale where a matter requires consideration more urgently.

50-54. The student or F1 Doctor is normally sent a copy of these regulations, together with copies of all relevant documents to be presented at the hearing ten working days before the date set for the hearing.

51-55. The student or F1 Doctor is normally informed ten working days prior to the meeting of any witnesses the Committee intends to call. If a person is asked to appear as a witness but is unwilling or unable, for good reason, to attend a hearing, a written statement may be provided. Copies of any such statements are provided to the student or F1 Doctor. In circumstances where a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person, who will not participate in the proceedings in any way.

52-56. The student or F1 Doctor may be represented or accompanied by any person of their choosing. Normally, a maximum of two individuals are permitted to accompany a student at the meeting or hearing. The student or F1 Doctor is required to inform the secretary if they are to be represented or accompanied at the hearing at least three working days before the date of the hearing. Where a student or F1 Doctor brings a representative the Committee will normally seek to hear from the student or F1 Doctor in the first instance.

53-57. Where the student or F1 Doctor has been invited to attend the meeting, but is unable to do so, the case is heard in their absence.

54-58. The student or F1 Doctor may submit a written statement to the Committee which must be received at least three working days prior to the meeting.

55-59. The student or F1 Doctor 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 these at least three working days before the date of the hearing. The Chair of the Committee may, at their discretion, allow the student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.

56-60. The student or F1 Doctor is required to inform the secretary of any witnesses they intend to call to at the hearing at least three working days before the date of the hearing. If a student wishes to call witnesses they must ensure that witness is available and provide the Committee with their name, three working days in advance of the Committee. If a person is asked to appear as a witness, but is unwilling or unable for good reason, to attend a hearing, a written statement may be provided. Copies of any such statements are provided to the Committee. In circumstances where a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person, who will not participate in the proceedings in any way.

57-61. At any time during its proceedings, the Professional Capability Committee may decide to refer the matter to a Student Disciplinary Committee or Fitness to Practise Committee.

58-62. 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 these regulations. The Chair's rulings on matters of procedure are final. The Chair of the Committee may, having due regard to the particular circumstances of the case, take any reasonable action required to ensure the availability of all relevant facts and to facilitate a fair and just outcome. Any matter relating to the hearing which is not covered by these regulations will be decided by the Committee, whose decision shall be final.

59-63. The process for the hearing is normally as follows:

- a. The concern is presented to the Committee by the Investigating Officer. The Committee may ask questions.
- b. The student, F1 Doctor or their representative is invited to present their case. The Committee may ask questions.
- c. The Committee may call witnesses and ask questions. The student or F1 Doctor or their representative may question these witnesses but, if they do so, the Committee may ask further questions.
- d. The student or F1 Doctor may call witnesses. The Committee may question these witnesses but, if they do so, the student, F1 Doctor or their representative may ask further questions.
- e. The Committee may question the student or F1 Doctor.
- f. The student, F1 Doctor or their representative may address the Committee or F1 Doctor.

60-64. The Professional Capability Committee decides one or more of the following:

- a. That there is no professional capability concern, in which case the matter is closed and no further action is taken.
- b. That a professional capability concern exists and imposes an action available to it in the form of a warning, a requirement or an undertaking.
- c. To refer the matter for consideration under the [Code of Student Discipline](#).
- d. To refer the matter to the Fitness to Practise Committee.

61-65. The Professional Capability Committee records the reasons for its decision and provides its reasons in the outcome letter to the student or F1 doctor

62-66. The student is notified of the outcome and decision, normally, within three days of the date of the hearing or final meeting with the student. This decision will be put in writing within seven working days. The letter records the decision, the reasons for it, and the student's right of appeal.

#### Professional Capability actions

63-67. Where the Professional Capability Committee considers that the concern is proven it may impose one or more of the following actions:

- a. A first written warning;

- b. A final written warning;
- c. Undertakings which may relate to health and conduct matters where the student acknowledges the professional capability concern and the Committee considers the concern can be resolved through the undertaking. Undertakings are accompanied by objectives and timeframes and criteria for determining whether or not they have been met;
- d. Conditions which may relate to health or conduct matters where the Committee considers that the professional capability concern can be resolved through the conditions. Conditions are accompanied by objectives and timeframes and criteria for determining whether or not they have been met;
- e. Actions in the form of suspension from the programme and Queen Mary for a period up to three months;
- f. Actions in the form of exclusion from part of the programme or Queen Mary facilities for a period up to three months.

#### Further Reporting

64-68. Professional Capability Committee outcomes, including those taken by Chair's action, may be reported to the relevant regulatory body.

## The Fitness to Practise Committee

### Terms of Reference

~~65-69.~~ The Fitness to Practise Committee shall meet to consider cases referred to it by the Professional Capability Committee or its Chair.

### Constitution

~~66-70.~~ The composition of the Fitness to Practise Committee will include: ~~constitutes members selected from a small pool approved by the Senate for that purpose, a nominee of the Vice-Principal (Health) & Executive Dean, an external member and a student member.~~

- a. The Chair of the Fitness to Practise Committee shall normally be a senior member of staff from the School of Medicine and Dentistry, appointed by Senate.
- b. One member of the academic staff from the School of Medicine and Dentistry, drawn from a list of those staff appointed for a term of three academic years by Senate.
- c. One member of the academic staff of the School of Medicine and Dentistry, nominated by the Vice-Principal (Health) & Executive Dean, who is either a registered doctor or dentist depending on whether the student being considered is from a medical or dental programme.
- d. An external member who is a registered doctor or dentist and is normally a senior member of staff of a university or college other than Queen Mary University of London.
- e. The BLSA or QMSU President, or nominee.

~~67-71.~~ A member with relevant specialist medical knowledge may be appointed to consider cases relating to health matters.

~~68-72.~~ The secretary to the Fitness to Practise Committee is the Academic Registrar, or nominee.

~~69-73.~~ No person who has any close personal connections with the student due to appear before the Committee, or with the alleged event(s), is eligible for appointment to the Committee.

~~70-74.~~ Should the pool of academic staff from the School of Medicine and Dentistry and those nominated by the Vice-Principal (Health) & Executive Dean all have close personal connections with the student due to appear before the Committee, or with the alleged event(s), their role will be replaced by additional external members as described in 63.d. above .

~~71-75.~~ 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.

### Fitness to Practise Committee Procedure

~~72-76.~~ The Committee meets as soon as reasonably practical to consider a concern referred to it. This meeting will be called a hearing. The hearing will normally be held within eight weeks of the referral to the Fitness to Practise Committee.

73-77. If it is deemed appropriate, the Chair of the Committee may refer a case back to the Professional Capability Committee for conditions and undertakings to be applied in the first instance. Failure to comply with the conditions and undertakings set will result in referral to Fitness to Practise Committee.

74-78. At least ten working days before the date set for the hearing, the secretary to the Committee sends the student a copy of these regulations, together with copies of all relevant documents to be presented at the hearing.

75-79. The student or F1 Doctor is normally informed ten working days prior to the meeting of any witnesses the Committee intends to call. If a person is asked to appear as a witness but is unwilling or unable, for good reason, to attend a hearing, a written statement may be provided. Copies of any such statements are provided to the student or F1 Doctor. In circumstances where a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person, who will not participate in the proceedings in any way.

76-80. The student or F1 Doctor may be represented or accompanied by any person of their choosing. Normally, a maximum of two individuals are permitted to accompany a student at the meeting or hearing. The student or F1 Doctor is required to inform the secretary if they are to be represented or accompanied at the hearing at least three working days before the date of the hearing. Where a student or F1 Doctor brings a representative the Committee will normally seek to hear from the student or F1 Doctor in the first instance.

77-81. The student or F1 Doctor 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 three working days before the date of the hearing. The Chair of the Committee may, at their discretion, allow the student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.

78-82. The student or F1 Doctor is required to inform the secretary of any witnesses they intend to call to at the hearing at least three working days before the date of the hearing. If a student wishes to call witnesses they must ensure that witness is available and provide the Committee with their name, three working days in advance of the Committee. If a person is asked to appear as a witness but is unwilling or unable, for good reason, to attend a hearing, a written statement may be provided. Copies of any such statements are provided to the Committee. In circumstances where a witness is likely to be in distress, the Committee may permit the witness to be accompanied by any person, who will not participate in the proceedings in any way.

79-83. Normally, the hearing is held in private, however, it may be held in public where the student or F1 Doctor specifically requests it.

80-84. 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 these regulations. The Chair's rulings on matters of procedure are final. The Chair of the Committee may, having due regard to the particular circumstances of the case, take any reasonable action required to ensure the availability of all relevant facts and to facilitate a fair and just outcome. Any matter relating to the hearing which is not covered by this Code will be decided by the Committee, whose decision shall be final.

81-85. Where the student has been invited to attend the meeting, but is unable to do so, the case is heard in their absence.

82-86. The process for the hearing is as follows:

- a. The concern is presented to the Committee by the Chair. The Committee may ask questions.
- b. The student or F1 Doctor or their representative is invited to present their case. The Committee may ask questions.
- c. The Committee may call witnesses and ask questions of the witnesses. The student or F1 Doctor, or their representative, may question these witnesses but, if they do so, the Committee may ask further questions.
- d. The student or F1 Doctor or their representative may call witnesses. The Committee may question these witnesses but, if they do so, the student or F1 Doctor or their representative may ask further questions.
- e. The Committee may question the student or F1 Doctor.
- f. The student or F1 Doctor or their representative may address the Committee or F1 Doctor.
- g. Any member of the Committee may question the Academic Registrar, or nominee and the student or F1 Doctor. The student, F1 Doctor or their representative, may question the Academic Registrar, or nominee.

**83-87.** Only the individuals party to the case and the Committee attend the hearing. The Committee, sitting alone, determines the outcome.

**84-88.** The Committee's decision is notified in writing within seven days of the hearing. The letter gives the decision, the reasons for the decision and the student's or F1 Doctor's right of appeal.

**85-89.** The Committee may either:

- a. **Dismiss the fitness to practise concern**, in which case the matter is closed.
- b. **Rule that the fitness to practise concern should not be subject to further action** under the Professional Capability and Fitness to Practise Regulations and, where considered appropriate, take informal action by way of caution or otherwise.
- c. **Decide that the fitness to practise concern is proven and impose one or more actions** from those available.

#### Fitness to Practise actions

**86-90.** Where the Fitness to Practise Committee considers that the concern is proven it may impose one or more of the following actions:

- a. A first written warning;
- b. A final written warning;
- c. Undertakings which may relate to health and conduct matters where the student acknowledges the professional capability concern and the Committee considers the concern can be resolved through the undertaking. Undertakings are accompanied by objectives and timeframes and criteria for determining whether or not they have been met;

- d. Conditions which may relate to health or conduct matters where the Committee considers that the professional capability concern can be resolved through the conditions. Conditions are accompanied by objectives and timeframes and criteria for determining whether or not they have been met;
- e. Actions in the form of suspension from the programme and Queen Mary for a period up to one year;
- f. Actions in the form of exclusion from part of the programme or Queen Mary facilities for a period up to one year;
- g. Terminate the student's registration on the programme leading to a primary medical or dental qualification or professional health or dental care programme but permit the student to register for or be considered for an alternative programme and award with Queen Mary;
- h. Recommendation to the Principal that the student's registration on the programme be terminated and the student excluded from Queen Mary;
- i. In the case of a F1 Doctor, the Fitness to Practise Committee may impose one or more of the actions listed above with the exception of [e], [f], [g], or [h]. The Fitness to Practise Committee may also impose one of the actions listed below;
- j. recommendation that Foundation Year One period be extended;
- k. A recommendation that certification be refused;

#### Exclusion from Queen Mary

87-91. Where a Fitness to Practise Committee recommends to the Principal that the student's registration be terminated and the student be excluded from Queen Mary, the Principal considers the recommendation.

#### Further reporting

88-92. All suspensions, warnings or sanctions will be reported to the relevant professional body at the time of application for provisional registration. Students are also expected to report relevant outcomes to the relevant professional body.

89-93. Students who have been deregistered from their programme following Fitness to Practise proceedings will have their deregistration reported to Medical or Dental Schools Council.

#### Appeal Process

94. Where professionalism concern under paragraph 63 or a fitness to practise concern under 88 has been proven, a student may appeal this decision and/or any remedial action imposed.

95. The appeal will be considered by an Appeal Chair, a nominated member of the Appeals, Complaints & Conduct Office who has had no prior involvement in the case.

96. A Fitness to Practise Appeal should 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, and should include reasons and evidence that the appeal meets one of the applicable grounds letter. The Head of the Appeals, Complaints & Conduct Office has

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 +  
Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment:  
Left + Aligned at: 0 cm + Indent at: 0.63 cm

[the discretion to allow and consider later requests where a student demonstrates good reason for the delay.](#)

[97. New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.](#)

[98. 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.](#)

[99. 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 decision maker may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or recommend that a new Committee be convened to rehear the concern.](#)

[100.](#)

[101. 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 Professional Capability and Fitness to Practice Regulation.](#)

[102.](#)

[103. A Fitness to Practice 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.](#)

[90-104.](#)

[91-105.](#) Where all stages of [Queen Mary's Appeal Policy this regulation](#) have been exhausted, the student is issued with a completion of procedures letter and may request a review by the [Office of the Independent Adjudicator for Higher Education](#).

### Approved

Academic Board: 4 December 2008  
Senate: Updated November 2011  
Further updated January 2012, June 2015, June 2017 & June 2020.

(Previous version approved by Council: July 2003 for implementation from September 2003)

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: i, ii, iii, ... + Start at: 1 + Alignment: Right + Aligned at: 0.63 cm + Indent at: 1.27 cm

**Formatted:** No bullets or numbering

**Formatted:** List Paragraph, Numbered + Level: 1 + Numbering Style: 1, 2, 3, ... + Start at: 1 + Alignment: Left + Aligned at: 0 cm + Indent at: 0.63 cm



---

## Appendix 1: Professional Capability Committee terms of reference

92-106. The membership of the Professional Capability Committee is set out in paragraphs 40 a and b of the above regulations with the addition of the Academic Lead for Governance and Secretary to the Committee.

93-107. The Committee meets on a termly basis and other staff who have had close involvement with cases may be invited.

94-108. The agenda for the Committee's termly meetings is normally as follows:

- a. To keep under review the professional capability of students registered for a primary medical or dental qualification or professional health or dental care programmes.
- b. To consider reports from the Dean for Education and other bodies within Queen Mary on students registered for a primary medical or dental qualification or professional dental or health care programmes and agree actions where a report may give rise to a concern about a student's professional capability and/or fitness to practise. Where the Professional Capability Committee considers a report of a decision of another body, it does not rehear the case.
- c. To consider other reports of professional capability and fitness to practise concerns.
- d. To receive reports of Chair's action taken under delegated authority from the Committee [see [paragraphs 45](#) and 46 above].
- e. To review outcomes reached under the regulations above.
- f. To monitor conditions and undertakings set as part of outcomes reached under the regulations above.
- g. To delegate authority to the Chairs of the Committee to take Chair's Actions as outlined in paragraphs 45, 52 and 53 above.

---

## Appendix 2: Alcohol and drug testing

- ~~95-109.~~ As part of an investigation or outcome reached under these regulations a student may be required to undertake alcohol and/or drug testing.
- ~~96-110.~~ All testing for alcohol and/or drugs will be conducted via referrals to the occupational health service which will follow a chain of custody procedure. The chain of custody procedure will be provided to students in advance.
- ~~97-111.~~ It is expected that testing for alcohol and/or drugs will normally be conducted using hair follicles. The students will be informed of the testing method by the occupational health service.
- ~~98-112.~~ The student will be informed of what they will be tested for as part of the referral.
- ~~99-113.~~ The student is expected to comply with requests for alcohol and/or drug testing in support of their continued registration. Should a student decline to be tested or decline to share results, this may lead to a further referral under these regulations. The student will be asked to provide consent in advance of testing.
- ~~100-114.~~ The student is expected to engage appropriately with any referral for testing for alcohol and/or drugs. Any missed or cancelled appointments will be flagged and may be treated as a concern to be considered under these regulations. Similarly, if the occupational health service is unable to obtain samples during an appointment this may be flagged and considered further under these regulations. If the occupational health service is unable to obtain samples due to a student's actions this will be flagged and considered further under these regulations.
- ~~101-115.~~ All test results will be sent to the original referrer. In cases where a positive result is returned, the student will have the opportunity to respond to the original referrer before next steps are agreed. If the positive result breaches a specific undertaking or condition, then the student may be referred back to the Professional Capability or Fitness to Practice Committee as appropriate.

## Senate

<b>Paper title</b>	<b>Misconduct Panel Deputy Chairs</b>
<b>Outcome requested</b>	The Senate is asked to <b>approve</b> the nomination of new Deputy Chairs to the Misconduct Panel.
<b>Points for Senate members to note and further information</b>	This request is for the appointment of new Misconduct Deputy Chair, in line with paragraph 25 of the Academic Misconduct Policy. Three new Deputy Chairs are nominated from S&E to accompany the additional 9 appointments from HSS & FMD appointed in March 2024.
<b>Questions to consider</b>	Does Senate approve the appointment of the nominated Deputy Misconduct Chairs?
<b>Regulatory/statutory reference points</b>	Internal: <a href="#">Academic Misconduct Policy 2023/24</a> External: <ol style="list-style-type: none"><li><a href="#">QAA Academic Integrity Charter for UK Higher Education</a></li><li><a href="#">QAA Assessing with Integrity in Digital Delivery</a></li><li><a href="#">QAA UK Quality Code for Higher Education, Advice and Guidance: Assessment</a></li></ol>
<b>Strategy and risk</b>	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
<b>Reporting/consideration route</b>	Approval by Senate only.
<b>Author</b>	Haylee Fuller, Head of the Appeals, Complaints & Conduct Office
<b>Sponsor</b>	Jonathan Morgan, Chief Governance Officer

## **Appointment of Academic Misconduct Chairs**

This request is for the appointment of new Misconduct Deputy Chairs, in line with the Academic Misconduct Policy. Paragraph 25 of the policy requires Senate to appoint Chairs to the Misconduct Panel, for a period of three years. The additional appointments are required to ensure the timely consideration of academic misconduct cases in the coming year.

Approval is sought for the appointment of new Deputy Chairs listed below.

The nominations have been recommended by the Dean of Education in the respective Faculties. The Appeals, Complaints & Conduct Office has provided initial information regarding the role profile to ensure that the new Deputy Chairs understand the role and commitment. Ongoing support and training in conduct of the role will continue to be provided by the Appeals, Complaints & Conduct Office.

- Dr Rodolfo Russo (Maths)
- Dr Mira Shamis (Maths)
- Dr Muhammad Salman Haleem (EECS)

The Appeals, Complaints & Conduct Office welcomes and encourages further nominations throughout the coming academic year, to ensure that the Misconduct Panel is of sufficient number and diversity of disciplines to respond to cases in a timely manner, without excessive burden on those who are members of the Misconduct Panel.