Procedures for dealing with student disciplinary offences

November 2006
DISCIPLINE IN IMPERIAL COLLEGE

The Governing Body have approved the following procedures for dealing with student disciplinary offences of a non-academic nature:

NOTE:

(1) Students must note that conduct of a nature which would be inappropriate in a member of some professions could require additional disciplinary action. In particular students of the Faculty of Medicine must note that conduct which would be improper in the case of a member of the medical profession could constitute a disciplinary offence which will be considered under these procedures. Additionally, students whose course of study leads to provisional registration as doctors and whose conduct falls to be considered under these procedures may also fall to be considered under the College’s Procedure for the Assessment of Fitness to Practise Medicine.

(2) Any case of misconduct on the part of a member of the College staff who is also a registered student of the College will be dealt with in accordance with the appropriate disciplinary procedure for College staff and not in accordance with these procedures for student disciplinary offences.

A. JURISDICTION

1. For discipline purposes, there are six jurisdictional areas or activities:
   (i) Union premises and Union activities whether on or off College premises;
   (ii) the residences and residence activities whether on or off College premises;
   (iii) departmental buildings and departmental activities including field trips;
   (iv) other College areas;
   (v) misconduct of a nature which is likely to affect the good name and standing of the College;
   (vi) misuse of computer facilities or activities.

B. THE DISCIPLINARY STRUCTURE

Summary punishment

2. The power and responsibility for curtailing or containing the immediate effects of misconduct and imposing summary punishment where appropriate rests with the responsible authority. The Responsible Authority is as follows:

   (i) for Union premises and Union activities, including the area used to control entry to union activities, the President of Imperial College Union or his or her nominee;
   (ii) for the residences and residence activities, the Warden or Assistant Warden;
   (iii) for departmental buildings and departmental activities, the Head of Department or his or her nominee;
   (iv) in other College areas, a College Tutor, except that the responsible authority referred to in 2(i), to 2(ii) and 2(iii) may also impose summary punishment where misconduct occurs in the vicinity of the area for which he or she is responsible;
   (v) in the case of misconduct arising outside the College, a College Tutor;
(vi) in the case of misconduct involving several of the above areas, a College Tutor;
(vii) in the case of computing offences, a College Tutor;
(viii) for medical school buildings and activities, the Deputy Principal of the Faculty of Medicine or his/her delegate.

In exceptional circumstances, the Rector may appoint another suitable person.

3. Where summary punishment is appropriate, it shall be imposed on the spot (or with the least possible delay) and shall be limited to one, two or three of the following:

(i) a reprimand;
(ii) expulsion, not exceeding seven days, from the use of the area where the misconduct occurred;
(iii) suspension, not exceeding seven days, from the use of a particular facility;
(iv) a charge, up to a maximum to be determined, from time to time, by the College Tutors and the President of the Imperial College Union, to meet the cost in whole or part of replacing the damaged property or equipment;
(v) a fine, up to a maximum to be determined, from time to time, by the College Tutors and the President of the Imperial College Union;
(vi) ‘College Service’, i.e. work on College campuses of benefit to the College community.

4. The authority imposing summary punishment must inform the person being disciplined of his or her right of appeal.

Cases where Summary Punishment is Inappropriate

5. Misconduct which in the opinion of the responsible authority cannot be dealt with adequately by means of summary punishment shall be dealt with as follows:

(i) where the responsible authority is a Warden or Assistant Warden then the matter shall be referred to the Residence Tribunal;
(ii) where the responsible authority is the President of Imperial College Union, the matter shall be referred to the Union Disciplinary Committee, membership of which is defined in the ICU Disciplinary Policy. A Deputy President, Imperial College Union or his or her nominee shall act as Clerk to the Committee, and shall be a non-voting member when disciplinary cases are under consideration;
(iii) in all other cases, the responsible authority shall refer the matter to the College Discipline Committee.

6. In cases involving misuse of College equipment or facilities, breaches of College safety regulations or instances of potential danger to students, staff or other persons and where the responsible authority refers the matter to the College Discipline Committee or the Residence Tribunal, suspension or expulsion * from the area or from the use of the facilities may be imposed, by the Responsible Authority, until such time as the Committee or Tribunal has reached a decision.

7. In cases of serious misconduct by medical students, the Responsible Authority may consider that the issue is so serious that restrictions should be placed on the student’s activities. In such circumstances, the Responsible Authority should report

* Students may be summarily expelled from their halls of residence only if there is a perceived danger to other residents.
the allegations against the student to the Principal of the Medical Faculty who shall consider the information supplied and invite the student to make representations. Taking the protection of the public as the paramount consideration, the Principal of the Medical Faculty shall decide whether and if so what restrictions should be placed on the student’s activities. Any restrictions imposed shall remain in place until either the student is acquitted by a disciplinary authority or the Fitness to Practise Medicine Panel or the Principal of the Medical Faculty direct otherwise.

8. The Residence Tribunal shall have a Chairman and two Deputy Chairmen appointed by the Rector. The Chairman, or in his/her absence a College Tutor, may appoint one of the Deputy Chairmen to act as Chairman of the Tribunal for a particular meeting; but otherwise Deputy Chairmen shall not attend meetings of the Tribunal. The other members shall be: a Warden or a former Warden and an academic staff member to be appointed by the Chairman of the Tribunal in consultation with the President of the Imperial College Union; and the President of the Union or his/her nominee. A Clerk to the Tribunal will be appointed by the Academic Registrar.

9. The Chairman of the Residence Tribunal may decide, after examining documentary evidence, that a case should be referred to the College Discipline Committee, instead of being heard by the Residence Tribunal.

10. The College Discipline Committee shall consist of four members of whom two shall be students and two members of the academic staff plus a Chairman who shall normally be the Dean of a Faculty. The student members will be chosen from among the Union Council. The academic staff members shall be chosen from a Panel appointed by the Rector. Selection of the Chairman and the staff members by the Academic Registrar (or his/her nominee), and student members by the President of the Union shall in each instance be random, after exclusion of members concerned with the case to be heard (see 17 below). The Academic Registrar (or his/her nominee) will appoint a Clerk to the Committee.

C. PROCEDURES

11. Students whose cases are referred to the Residence Tribunal, to the Imperial College Union Disciplinary Committee or to the College Discipline Committee shall be informed in writing of the charges against them, and of their right to be represented at the hearing by a person of their choice who is a member of the College, and to bring witnesses. If they wish to be represented, to call witnesses or present documents either bearing on the charge or in mitigation of any penalty which may be imposed, they shall notify the Clerk to the Tribunal or Committee accordingly with reasonable notice, in advance of the hearing, which will normally be held within ten College working days of the referral.

12. The responsible authority shall, through the Clerk to the Committee or Tribunal, notify the student, with reasonable notice in advance of the hearing, of any documents to be submitted or any witnesses to be called.

13. The Tribunal or Committee shall base its decision on evidence presented and examined in the presence of the person bringing the charge and the student charged. The proceedings of the Tribunal or Committee shall not be invalidated by the failure to appear of the student charged following notification of the proceedings in accordance with paragraphs 11 and 12. Evidence of earlier misconduct by the student charged which has already been the subject of previous disciplinary procedures shall not be presented until after a decision has been reached on the
facts of the case, but may then be admitted and considered in deciding on any punishment.

14. All Committees shall reach their decision by simple majority voting, save that on questions of guilt no person shall be found guilty if more than one member of the Committee dissents. The Chairman may exercise a casting vote. The Clerk in each case shall not be entitled to vote.

15. Hearings shall normally be in private and confidentiality observed but a written account of the proceedings may be released at the Chairman’s discretion. Students may request that the hearing is held in public. A full record shall be made and retained for possible use in connection with an appeal (see paragraph 32 below). The Clerk to the College Disciplinary Committee/Residence Tribunal/Imperial College Union Disciplinary Committee will write to the appellant within five working days of the hearing taking place, informing him/her of the Committee’s decision, and providing reasons for the judgement reached in relation to submissions made at the hearing.

16. In keeping with the Human Rights Act (1998), should the student wish, the decision of the Committee/Tribunal will be posted on the relevant Departmental/Residential notice board.

17. No person shall sit as a member of the Residence Tribunal, the Imperial College Union Disciplinary Committee or the College Discipline Committee if he/she is:

   (i) the subject of a charge,
   (ii) the complainant,
   (iii) a witness or a potential witness (i.e. has personal knowledge of the facts surrounding the case),
   (iv) successfully challenged for any good cause. The Chairman of the Committee or Tribunal concerned shall decide whether to uphold the challenge or not, prior to the hearing,
   (v) connected with the student being charged or any other person involved with the case.

18. Students should be aware of the implications of misconduct which is also a criminal offence. This could invoke criminal investigation in addition to College disciplinary procedures. If considered necessary, College disciplinary procedures may be suspended pending the outcome of criminal procedures.

D. PENALTIES

19. The Residence Tribunal may impose one or more of the following penalties or, if it so decides, refer any disciplinary matter to the College Discipline Committee:

   (i) a reprimand;
   (ii) a fine;
   (iii) a charge to meet the cost in whole or in part of replacing damaged property or equipment;
   (iv) expulsion or suspension from any part of the residences other than his or her own room for such period as the Tribunal may determine;
   (v) that a resident shall not be entitled to remain in his or her room after a certain date;
   (vi) ‘College service’, i.e. work on College campuses of benefit to the College community.
The Residence Tribunal may extend the penalty imposed under paragraph 19 (iv) until such time as the College Discipline Committee reaches a decision.

20. The Imperial College Union Disciplinary Committee may impose any of the penalties described in the ICU Disciplinary Policy or, if it so decides, refer any disciplinary matter to the College Discipline Committee.

21. The College Discipline Committee may impose one or more of the following penalties:

(i) a reprimand,
(ii) a fine,
(iii) a charge to meet the cost in whole or in part of replacing damaged property or equipment,
(iv) expulsion or suspension from any part of the College for such period as the Committee may determine,
(v) expulsion from the College for such period as the Committee may determine, which may include permanent expulsion,
(vi) ‘College service’, i.e. work on College campuses of benefit to the College community.

22. Following a decision of any of the above, failure to pay, excepting extenuating circumstances such as financial hardship, within ten College working days, any fine or to pay compensation for damage or to abide by any other penalty shall itself constitute a disciplinary offence for which the Discipline Committee may without any further hearing impose a further penalty including expulsion from the College.

23. Except in the case of summary punishment no student shall be suspended or excluded from the College or any of its facilities nor shall his or her status as a student be prejudiced pending determination of the proceedings against him or her save that this provision shall not apply where suspension or exclusion is imposed in accordance with paragraph 6.

24. Where misconduct leads to prosecution in an outside court, the Residence Tribunal, the Imperial College Union Discipline Committee and the College Discipline Committee shall take note of the fact and the outcome in imposing any College punishment.

25. All monies collected from fines shall be donated to the Student Hardship Fund.

E. APPEALS

26. Appeals may be on the grounds of procedural irregularity, unreasonable conclusions or an excessive or inappropriate penalty. All appeals must be made within five College working days in accordance with the guidance given below.

Appeals against summary punishment

27. Any student wishing to appeal against summary punishment must submit a written notice of appeal within five College working days, stating the full grounds of appeal, as follows:

(i) in the case of appeals to the Imperial College Union Disciplinary Committee, the notice should be delivered to a Deputy President, Imperial College Union;
(ii) in all other cases the notice should be delivered to the Academic Registrar.
28. The appeal will be considered by the following bodies:

(i) if the punishment was imposed by a Warden or Assistant Warden, the Residence Tribunal,
(ii) if the punishment was imposed by the President of the Imperial College Union or his /her nominee, a Deputy President,
(iii) in all other cases, the College Discipline Committee.

29. The Residence Tribunal or College Disciplinary Committee will hear the appeal in accordance with the procedures detailed in paragraphs 11 – 17, unless the provisions in paragraph 30 apply.

30. Where the appeal is made on the grounds of procedural irregularity, the Chairman of the Residence Tribunal or College Discipline Committee may determine on the basis of the evidence presented that the appeal may be considered by correspondence. The student will be informed of the Tribunal or Committee’s decision in accordance with the procedure detailed in paragraph 15. If a unanimous decision cannot be reached by correspondence the appeal will be heard by the Residence Tribunal or College Discipline Committee in accordance with the procedures detailed in paragraphs 11 – 17.

Appeals against the IC Union Disciplinary Committee

31. In cases where a student wishes to appeal against a decision of the IC Union Disciplinary Committee, the appeal should be made within five college working days to the Imperial College Union Appeals Committee. The notice should be delivered to a Deputy President, Imperial College Union (the IC Union Disciplinary Policy refers).

Appeals against the Residence Tribunal or the College Discipline Committee

32. In cases where a student wishes to appeal against penalties imposed by the Residence Tribunal or the College Discipline Committee:

(i) a student may appeal within five College working days to the Rector in writing stating the grounds for appeal. The factual basis of the decision shall not be open to appeal unless evidence is produced which the Rector regards as both new and significant;
(ii) the Rector shall be supplied with a full report of the proceedings prepared by the Clerk of the Tribunal or Committee. The report shall contain a statement of the matters investigated, a summary of the evidence given by each witness and the reasons for the decisions reached. The appellant will be supplied with a copy of the report in advance and may submit comments;
(iii) the Rector may seek the advice of a Discipline Review Panel before reaching a decision. The Discipline Review Panel shall consist of two members of the academic staff and two students and a Chairman all appointed by the Rector.

33. After an appeal hearing, the original decision may be confirmed, reversed or modified, or in the case of appeals to the Rector, the Rector may in addition direct that the case be re-heard.

34. Once a student has completed the College’s internal appeals or complaints procedures, the College will issue the student with a Completion of Procedures Letter. If the student is still dissatisfied, the student may direct their complaint to the Office of the Independent Adjudicator within three months of the date on which the Completion of Procedures Letter was issued. Information on the complaints covered
by the Office of the Independent Adjudicator and the review procedures is available at [http://www.oiahe.org.uk/docs/OIA_New_Rules.pdf](http://www.oiahe.org.uk/docs/OIA_New_Rules.pdf). The College reserves the right to reject a complaint when it is issued more than three years after the substantive event(s) to which it relates.

Approved by the Governing Body
Revised and approved by the Council

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