GENERAL PRINCIPLES

1. This Code of Student Discipline provides for the hearing of complaints concerning breaches of discipline by students, and for rights of appeal where appropriate, and sets down the penalties that may be imposed, including termination of membership of the College. In particular the Code outlines that any student subject to disciplinary proceedings shall be entitled:

   a. To receive adequate notice of the details of the charge or charges and the date on which any hearing is to be held;

   b. At any hearing, to be present and to be represented by a person of their choice other than a lawyer acting in a legal capacity, to give evidence and otherwise be heard, to have access to all relevant documents to be submitted to the hearing and to call and examine or cross-examine witnesses.

2. Pending the determination of such a hearing, the Provost may suspend a student or impose restrictions on membership, attendance at the College or access to its property.

DISCIPLINE IN IMPERIAL COLLEGE

3. The Council have approved the following procedures for dealing with student disciplinary offences of a non-academic nature.

4. 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.

5. 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.
JURISDICTION

6. For discipline purposes, there are six jurisdictional areas or activities:
   a. Union premises and Union activities whether on or off College premises;
   b. The residences and residence activities whether on or off College premises;
   c. Departmental buildings and departmental activities including field trips;
   d. Other College areas;
   e. Misconduct of a nature which is likely to affect the good name and standing of the College;
   f. Misuse of computer facilities or activities.

THE DISCIPLINARY STRUCTURE

SUMMARY PUNISHMENT

7. 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:
   a. 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;
   b. For the residences and residence activities, the Warden or Assistant Warden;
   c. For departmental buildings and departmental activities, the Head of Department or his or her nominee;
   d. In other College areas, a College Tutor, except that the responsible authority referred to in 7a., b. and c. may also impose summary punishment where misconduct occurs in the vicinity of the area for which he or she is responsible;
   e. In the case of misconduct arising outside the College, a College Tutor;
   f. In the case of misconduct involving several of the above areas, a College Tutor;
   g. In the case of computing offences, a College Tutor;
   h. For medical school buildings and activities, the Deputy Principal of the Faculty of Medicine or his/her delegate.
In exceptional circumstances, the Provost may appoint another suitable person.

8. Where summary punishment is appropriate, it shall be imposed on the spot (or with the least possible delay) by the responsible authority and shall be limited to one, two or three of the following:
   a. A reprimand;
   b. Expulsion, not exceeding seven days, from the use of the area where the misconduct occurred; (1)
   c. Suspension, not exceeding seven days, from the use of a particular facility;
   d. 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;
   e. 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. The responsible authority may choose to impose a suspended fine which may be collected in the case of further misconduct - together with any punishment imposed for the second offence - or otherwise cancelled if no further misconduct occurs during the time that the person concerned is registered as a student at the College;
   f. ‘College Service’, i.e. work on College campuses of benefit to the College Community, the nature of which to be decided by the responsible authority and the student's Head of Department/ Division notified.

9. The authority imposing summary punishment must inform the person being disciplined of his or her right of appeal in writing (see also paragraph 34 below).

CASES WHERE SUMMARY PUNISHMENT IS INAPPROPRIATE

10. 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:
   a. 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. The Chair of the Committee shall appoint the Clerk to the Committee, who shall be a non-voting member when disciplinary cases are under consideration;
   b. Where the responsible authority is a Warden or Assistant Warden then the matter shall be referred to the Residence Tribunal;

1. Students may be summarily expelled from their halls of residence only if there is a perceived danger to other residents. The College will arrange for students who are summarily expelled to be put up in other accommodation for a maximum of three nights, following which the student will be required to make their own arrangements. Their room in halls will be guaranteed pending the outcome of the Residence Tribunal/ Discipline Committee. If the student leaves the hall permanently then they will be released from their accommodation contract and not liable for any further accommodation fee payments.
c. In all other cases, the responsible authority shall refer the matter to the College Discipline Committee.

11. 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.

12. 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 the allegations against the student to the Dean of the Faculty of Medicine who shall consider the information supplied and invite the student to make representations. Taking the protection of the public as the paramount consideration, the Dean of the Faculty of Medicine 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 Dean of the Faculty of Medicine directs otherwise.

13. The Residence Tribunal shall have a Chairman and two Deputy Chairmen appointed by the Provost. 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.

14. The Chairman of the Residence Tribunal or the President of Imperial College Union 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 or the Union Disciplinary Committee.

15. 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 Director of Student Support (unless the student charged is from the same Department as the Director of Student Support, in which case the Director of Student Support shall appoint a College Consul of one of the Faculties to act as Chair in his or her place). The student members will be chosen from among the Union Council. The academic staff members shall be chosen from a Panel appointed by the Provost. Selection of the staff members by the Head of Central Secretariat (or his/her nominee) and student members by the President of the Union shall in each instance take place after exclusion of members concerned with the case to be heard (see 23 below). The Head of Central Secretariat (or his/her nominee) will appoint a Clerk to the Committee.
PROCEDURES

16. 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. Students may, if they wish, be accompanied by a member of Imperial College (either a fellow student, or a personal tutor, warden or other member of the academic staff); the friend may speak in support of the student if the latter so desires. 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, in advance of the hearing, give the Clerk to the Tribunal or Committee reasonable notice of this.

17. The Tribunal or Committee hearing will normally be held within ten College working days of the referral.

18. In advance of the hearing the responsible authority shall, through the Clerk to the Tribunal or Committee, give the student reasonable notice of any documents to be submitted or any witnesses to be called.

19. 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 16 and 18. 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.

20. All Tribunals and 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.

21. 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 paragraphs 49 and 50 below). The Clerk to the College Discipline Committee/ Residence Tribunal/ Imperial College Union Disciplinary Committee will write to the student within five College 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.

22. 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.

23. 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:

   a. The subject of a charge,
   b. The complainant,
c. A witness or a potential witness (i.e. has personal knowledge of the facts surrounding the case),

d. 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,

e. Connected with the student being charged or any other person involved with the case.

24. 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.

ALLOWANCE FOR SPECIAL PROCEDURES

25. In exceptional circumstances, the Director of Student Support, in consultation with the Vice Provost (Education) and the Head of Central Secretariat, may intervene in a case at any stage if, for example, (though not limited to) it is thought that there is not enough evidence to present a case against a student or if the responsible authority (acting in conjunction with two others such as Wardens or Sub-Wardens, College Tutors or other Imperial College Union Officers) wishes to withdraw the case. In such situations the Director of Student Support, the Vice Provost (Education) and the Head of Central Secretariat, acting together, may take such action as they see fit, which may include dismissing the case with no further action being taken; dismissing the case and recording the incident on the student's file (in which case the student will be notified); calling for a preliminary review of the evidence by a panel constituted in the same way as it would be under the procedures in paragraphs 10b, 13 and 15 and/or taking any other action that they see fit.

26. In cases where the outcome of the ICU disciplinary may have an impact on the welfare of the student/student community or where issues of Fitness to Practise Medicine may be raised, the Chair of the ICU Disciplinary Committee, in consultation with the President of the ICU, should decide whether or not to inform the College of the disciplinary outcome. The point of contact within the College should be the Director of Student Support.

PENALTIES

27. 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:

a. A reprimand;

b. A fine;
c. A charge to meet the cost in whole or in part of replacing damaged property or equipment;

d. ‘College service’, i.e. work on College campuses of benefit to the College Community, the nature of which to be decided by the Tribunal panel and the student’s Head of Department/Division notified.

e. Expulsion or suspension from any part of the residences other than his or her own room for such period as the Tribunal may determine;

f. That a resident shall not be entitled to remain in his or her room after a certain date.

28. The Residence Tribunal may extend the penalty imposed under paragraph 27(f) until such time as the College Discipline Committee reaches a decision.

29. 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.

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

a. A reprimand;

b. A fine;

c. A charge to meet the cost in whole or in part of replacing damaged property or equipment;

d. ‘College service’, i.e. work on College campuses of benefit to the College Community, the nature of which to be decided by the Committee and the student’s Head of Department/Division notified;

e. Expulsion or suspension from any part of the College for such period as the Committee may determine;

f. Expulsion from the College for such period as the Committee may determine, which may include permanent expulsion.

31. 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.

32. 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 11.
33. 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.

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

**APPEALS**

35. 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 of the student charged receiving official notification in accordance with the guidance given below.

**APPEALS AGAINST SUMMARY PUNISHMENT**

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

a. In the case of appeals to the Imperial College Union Disciplinary Committee, the notice should be delivered to the Deputy President (Finance and Services), Imperial College Union, or if not available another Deputy President;

b. In the case of appeals to the Residence Tribunal, the notice should be delivered to the Academic Registrar;

c. In all other cases the notice should be delivered to the Head of Central Secretariat.

37. The appeal will be considered by the following bodies:

a. If the punishment was imposed by the President of the Imperial College Union or his/her nominee, the Imperial College Union Disciplinary Committee,

b. If the punishment was imposed by a Warden or Assistant Warden, the Residence Tribunal,

c. In all other cases, the College Discipline Committee.

38. The Residence Tribunal, Imperial College Union Disciplinary Committee or College Discipline Committee will hear the appeal in accordance with the procedures detailed in paragraphs 40 to 48 unless the provisions in paragraph 39 apply.

39. Where the appeal is made on the grounds of procedural irregularity, the Chairman of the Residence Tribunal, Imperial College Union Disciplinary Committee or College Discipline Committee in consultation with the Head of Central Secretariat, may determine on the basis of the evidence
presented that the appeal may be considered by correspondence. In such cases, the student will be informed of the Tribunal or Committee’s decision in accordance with the procedure detailed in paragraph 21. 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 16 – 23.

40. The Tribunal or Committee hearing the appeal will be formed as per paragraphs 10.a., 13 and 15 of the Procedures.

41. The procedures regarding the members of the Residence Tribunal, Imperial College Union Disciplinary Committee and College Discipline Committee who are allowed to sit, as per paragraphs 10.a., 13 and 15, shall also apply in the case of Tribunals and Committees that sit as appellate bodies.

42. Students who have appealed against summary punishment will be notified of the date of the hearing of the appeal 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, call witnesses or present documents either bearing on the charge or in mitigation of any penalty which has been or 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 appeal being lodged with the Deputy President (Finance and Services) of the Imperial College Union in the case of appeals to the Imperial College Union Disciplinary Committee, the Academic Registrar in the case of appeals to the Residence Tribunal and the Head of Central Secretariat in all other cases.

43. 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.

44. The Tribunal or Committee considering the appeal shall base its decision on evidence presented and examined in the presence of the student making the appeal and the person that imposed the summary punishment. The proceedings of the Tribunal or Committee shall not be invalidated by the failure to appear of the student making the appeal following notification of the proceedings in accordance with paragraphs 42 and 43. Evidence of earlier misconduct by the student making the appeal 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.

45. All Committees/ Tribunals shall reach their decision by simple majority voting and the procedures in paragraph 20 apply.

46. Appeal hearings shall normally be in private and the procedures in paragraphs 21 and 22 shall apply.

47. The Imperial College Union Disciplinary Committee, Residence Tribunal or College Discipline Committee sitting as appellate bodies shall be able to:

   a. Uphold the summary punishment imposed by the responsible authority,

   b. Reject the summary punishment imposed by the responsible authority,
c. Modify the summary punishment imposed by the responsible authority (see section regarding Penalties above).

48. Students involved in appeal hearings should also be aware of the implications of misconduct which is also a criminal offence as per paragraph 24.

49. Following an appeal against summary punishment to either the Residence Tribunal or the College Discipline Committee, the College's internal appeals procedure will be completed and a Completion of Procedures Letter will be issued to the student under paragraph 53 below.

APPEALS AGAINST DECISIONS MADE BY THE IC UNION DISCIPLINARY COMMITTEE AT A FIRST SITTING

50. In cases where a student wishes to appeal against a decision of the IC Union Disciplinary Committee at a first sitting i.e. considering the case for the first time, the appeal should be made to the Chair of the Imperial College Union Court within five College working days of the date of the notification of the decision (the IC Union Disciplinary Policy refers).

APPEALS AGAINST DECISIONS MADE BY THE RESIDENCE TRIBUNAL OR THE COLLEGE DISCIPLINE COMMITTEE AT A FIRST SITTING

51. In cases where a student wishes to appeal against penalties imposed by the Residence Tribunal or the College Discipline Committee at a first sitting i.e. considering the case for the first time:

a. A student may appeal within five College working days of the date of the notification of the decision to the Provost 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 Provost regards as both new and significant;

b. The Provost 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;

c. The Provost may seek the advice of a Discipline Review Panel before reaching a decision. The Discipline Review Panel shall consist of two lay members (drawn from the College’s Council or Court) two members of the academic staff and two students all appointed by the Provost who shall also nominate one of the members to act as Chair.

52. In an appeal to the Provost, the original decision may be confirmed, reversed or modified, or the Rector may in addition direct that the case be re-heard.
OFFICE OF INDEPENDENT ADJUDICATOR (OIA)
AND COMPLETION OF PROCEDURES

53. 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. 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.

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