This procedure is applicable to all registered students of Imperial College London

GENERAL PRINCIPLES

1 The College shall have the right to investigate any allegation of misconduct against a student and may take disciplinary action where it decides, on the balance of probabilities, that a breach of discipline has been committed.

2 Under the terms of this procedure, an investigation is defined as a fact-finding process to establish the relevant evidence and circumstances of the case. The investigation must focus only on the nature of the allegation and should be approached in a non-judgemental manner. The process may involve reviewing supporting records or documentation as well as interviewing the complainant (the person who raised the allegation), respondent (the person who is under investigation) and any witness(es).

3 A full record will be kept of all investigations conducted under the Student Disciplinary Procedure as set out in paragraphs 50 to 52.

4 This procedure sets out how formally reported cases of alleged non-academic misconduct or breaches of discipline by students will be dealt with, the rights of appeal and sets out the penalties that may be imposed.

5 Allegations of academic misconduct will be dealt with under the College’s Cheating Procedure.

6 Any student subject to disciplinary procedures shall be entitled:

a to receive adequate notice of the details of the allegation and the date on which any hearing is to be held;

b at any Panel meeting, to be present and to be represented by a “friend” of their choice other than a lawyer acting in a legal capacity, to give evidence and otherwise be heard, to have access to all the relevant documents to be submitted to the hearing and to call and examine or cross-examine witnesses (see paragraph 26).

c to receive communications from the College which clearly set out the procedure that is being used and a letter at the end of the proceedings which clearly explains the decision that has been taken and the reason for that decision.
Pending the outcome of student disciplinary proceedings, the Provost may suspend a student or impose restrictions on attendance at the College or access to its property. (See paragraphs 42-49)

Students who are registered on any programme of study at the College are expected to adhere to the expectations of the College in terms of their conduct. Registered students are expected to observe the rules and regulations of the College.

Students should be aware that conduct of a nature that 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 misconduct falls to be considered under these procedures may also fall to be considered under the College's Procedure for the Assessment of Fitness to Practice Medicine following the conclusion of the Disciplinary procedures where the student was found to have committed a breach of discipline.

Any case of misconduct on the part of a member of staff of the College who is also a registered student of the College will be dealt with in accordance with the appropriate disciplinary procedure for College staff. In the case that a member of staff needs to be suspended from the programme of study, this procedure will apply for the suspension and the Staff Disciplinary Procedure will then apply.

Where an allegation is made by one student against another student, the College will act to protect the rights of both students.

**EXAMPLES OF MISCONDUCT**

The following paragraphs elaborate upon, but do not limit the breadth of the general definition of misconduct. The following shall, subject to the above, constitute misconduct:

a. disruption of, or improper interference with the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;

b. obstruction, or improper interference, with the legitimate functions, duties or activities of any student, member of staff or other employee of the College or any authorised visitor to the College;

c. behaviour which brings the College into disrepute;

d. intentional or reckless damage to, or defacement of, College property or the property of the College and community;

e. misuse or unauthorised use of College premises, facilities or items of property;
f. failure to disclose name and other relevant details to an officer or employee of the College in circumstances where it is reasonable to require that such information be given;

g. distribution of or publication of a poster, notice, sign or any publication which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material;

h. failure to treat others (student, staff and visitors to the College) fairly and with respect (This applies to all communication methods including personal contact, e-mail, written communication and social media websites);

i. failure to comply with a previously imposed penalty under these procedures (including non-payment of a disciplinary fine);

j. failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority;

k. acts of dishonesty in relation to the College, its staff or students (but paragraph 41 below applies).

l. harassment of any student, member of staff, or any authorised visitor to the College, whether sexual, racial or bullying, including defamation of character or slander (but paragraph 41 below applies).

m. violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed verbally or in writing, including electronically) whilst on University premises or engaged in any University activity (but paragraph 41 below applies);

n. breaches of the provisions of the College’s Code of Practice for Freedom of Speech;

o. breaches of the provisions of the College Dress Code;

p. constitutes a criminal offence where that conduct:
   (i) takes place on College premises, or
   (ii) affects or concerns other members of the College, or
   (iii) damages the reputation of the College, or
   (iv) itself constitutes misconduct within the terms of these procedures, (but paragraph 41 below applies)

q. any other act of behaviour which may be reasonably interpreted as misconduct notwithstanding the lack of equivalent examples here.

13 Examples of misconduct as described above may be deemed to be either minor or major depending on the individual circumstances of the case. This will determine the application of the disciplinary procedure to the individual student case. Normally, minor cases will be dealt with using the Summary Procedures and major cases will be dealt with by a College Disciplinary Panel.
PENALTIES

14 If the breach of discipline is admitted by the student or is found to be proved, one or more of the following penalties may be imposed:

In respect of Summary action:

a. a written reprimand and a warning about future behaviour;

b. a requirement upon the student to give an undertaking as to his or her future good conduct within the College;

c. a requirement upon the student to pay for any damage to property he or she may have caused or to recompense the College for any loss it may have suffered arising from the student's misconduct;

d. a requirement on the student to pay compensation of not more than £500;

e. a fine of not more than £500;

f. a requirement on the student to undertake specified tasks or services for the benefit of the Department, Faculty, hall of residence or the College community up to a maximum of forty hours.

In respect of College Disciplinary Panels: any of the above and the following:

g. a fine of not more than £500;

h. restriction of access to the College or a specified part thereof for a fixed period ('exclusion'). A student who receives such a penalty will have restricted rights to enter College premises and/or to participate in College activities or access to University services, the terms of the restriction being notified to the student in writing. An order of restricted access may include a requirement that the student shall have no contact with a named person or persons;

i. suspension from the College for a fixed period. A student who is so suspended will be prohibited from entering College premises and from participating in college activities although the suspension may be subject to qualification, such as permission to take an examination. An order of suspension may include a requirement that the student will have no contact with a named person or persons. A period of suspension is normally included in a student's maximum period of registration;

j. expulsion from the College, which means that the student will cease to be a member of the College and will have their registration terminated and lose all rights and privileges of registration.
DISCIPLINARY PROCEDURES

15 Cases of alleged misconduct or breach of discipline may be dealt with either summarily as set out in paragraphs 16 to 19 below or by a College Discipline Panel established in accordance with paragraphs 20 to 30 of this procedure.

16 The Student Disciplinary Procedure may be adjourned where there is a demonstrable concern that the student concerned is not fit to participate in them. In such circumstances, the proceedings may be suspended to allow the student to access support from the College. In such instances, the College may decide to apply the Fitness to Study procedures or the Fitness to Practice policy where appropriate.

17 The Imperial College Union has its own Disciplinary Procedure to deal with any alleged misconduct committed on Union premises and in relation to Union activities. Minor offences will normally be dealt with under the Union procedure when that applies. The College would expect that major offences would always be considered by a College Disciplinary Panel, and the Union's procedure contains powers to refer such cases to the College. Where relevant, the Union will confer with the Academic Registrar to determine whether a case should be considered under the College Procedure and by a College Disciplinary Panel.

18 All cases of alleged student misconduct which fall under the auspices of this procedure shall be submitted, with supporting documentary evidence, by the complainant to the Student Casework Administrator in Registry, who will make initial assessment of the severity of the allegation and recommend to the Academic Registrar whether the allegation can be dealt with under the Summary Procedures or by a College Disciplinary Panel.

SUMMARY PROCEDURES (FOR MINOR OFFENCES)

19 The following College officers (or their delegated nominees) are empowered to deal summarily with alleged offences as follows:

a. Head of Department or Dean of Faculty;

b. Wardens, for offences committed in a College residence;

c. The Director of Library Services for breaches of the Library Rules;

d. The Director of ICT for breaches of conditions of use of IT Facilities;

e. The College Secretary;

20 In all cases dealt with under the Summary Procedures, the student must be provided with a written statement of the allegations being made against them and then with an opportunity to respond to the allegation and state his or her case prior to any decision being reached. The officer dealing with the matter shall consider the written or oral evidence from the student. Where an interview is held with the student, a full record of the discussion must be kept. The student should...
be informed in writing within five working days of the decision and of their right to appeal againstthe decision.

21 Where a student has been investigated on previous occasions and has received more than one penalty under the Summary Procedures, the Academic Registrar may decide that any further allegations of misconduct will be considered by a College Disciplinary Panel. The investigation of an allegation of misconduct under the Summary Procedures, and the consideration of the evidence could lead to the recommendation that the case be referred to a College Disciplinary Panel.

22 Cases dealt with under the summary procedures would normally be investigated by the appropriate College Officer as listed in 19 above. The original complaint and supporting evidence will be collated and provided to them by the ‘Student Casework Officer’. The College Officer would be required to conduct an investigation into the allegations of misconduct. The time taken to conduct an investigation will vary according to the complexity of the case but must also be timely to allow for seeking additional evidence where appropriate.

**COLLEGE DISCIPLINARY PANEL (FOR MAJOR OFFENCES)**

23 Misconduct which in the opinion of the Academic Registrar cannot be dealt with adequately through the Summary procedures shall be considered by a College Disciplinary Panel.

24 If two or more students are involved in related misconduct or breaches of the regulations, the Panel may, at its discretion, deal with their cases together.

25 The College Disciplinary Panel shall comprise of four members, of which at least one member shall be a student, plus a Chair, except that no person who is party to or is a potential witness at a hearing before the Panel, or who is in the same Department as the student shall be a member of the Panel. The student member(s) will be nominated by the President of Imperial College Union. The academic staff members shall be drawn from the agreed list of Panel Members, which is approved by the Senate each year. The Central Secretariat shall appoint a Clerk to the Committee.

26 A student who is referred to a College Disciplinary Panel will have the opportunity to present his or her case at the Panel hearing. The student may call witnesses and question witnesses upon whose evidence the case against him or her is based, or who can provide relevant additional evidence. The student will be allowed to be accompanied to the Panel hearing by a ‘friend’ (a fellow registered student, a Students’ Union Officer or a member of staff of the College of his or her choice, who may speak on his or her behalf). The ‘friend’ or any witnesses called by the student cannot be a solicitor or barrister. A member of staff who has been involved in supporting a student following an incident cannot be a member of the College Disciplinary Panel investigating the same incident.

27 The Panel can require the attendance of a student who is the subject of an allegation to be considered by the Panel. If the student, having been advised of the opportunity to attend the Panel meeting, or being required to do so, fails to attend the meeting without providing good cause, the meeting may be conducted in his or her absence. Failure to attend when required to do so without good cause shall constitute a disciplinary offence.
The Panel will write to the student to notify him or her of the Panel meeting and the notification will include details of the allegation made against him or her and the names of the Panel members, together with copies of any documentary evidence to be made available to the Panel in advance of the meeting.

The College Disciplinary Panel will meet to hear the evidence as soon as is practicably possible and the student concerned will be given at least 10 working days notice in writing (through electronic means and the postal system) to prepare for the Panel meeting.

The College Disciplinary Panel shall conduct the meeting in accordance with the rules of natural justice. The Panel will consider the evidence presented to it and hear from relevant witnesses called on behalf of the Panel and from any witnesses that the Student has called to support their case. The Chair will agree in advance the agenda and order of business for the meeting and may modify the approach outlined in 26 above (for example, to allow for witnesses to be seen and questioned separately).

Those deciding on the outcome of the Panel meeting should reach their decision on the basis of the evidence presented to them; findings shall normally be made on the balance of probabilities. Decisions may be by a majority where a vote is required. The Chair may vote and shall have in addition a casting vote. The Clerk shall not be entitled to vote.

The Penalties imposed by the College Disciplinary Panel may be any of those specified in paragraph 14 above.

A written outcome from the College Disciplinary Panel giving the findings of fact, the decisions and the reasons for the decisions and any recommendations of the Panel shall be sent to the student against the allegations have been brought within five working days of the Panel reaching its decision.

The College Disciplinary Panel has the power to adjourn a meeting to another date as it sees fit.

**APPEALS**

A student penalised under the Student Disciplinary Procedure may lodge an appeal only on the grounds of:

a. procedural irregularity in the conduct of the Student Disciplinary procedure;

b. the availability of new evidence which could not reasonably have been expected to be presented prior to the consideration of the allegation and the application of the penalty.

c. the disproportionate nature of the penalty.

An appeal, including a statement of the grounds on which the appeal is being made, must be submitted by the student concerned to the Academic Registrar in writing within ten working
days of the date on which the written notification of the decision is sent to the student. A request for an appeal received after this time will be considered only where the student has been able to demonstrate a valid reason for not being able to meet the deadline.

37 An initial evaluation of the appeal will be made by the Student Casework Administrator in Registry to determine if there are valid grounds for the request for appeal to be considered. If there are no valid grounds, the student will be written to and advised that this is the case.

38 Appeals against a Summary Procedure will be considered by the Academic Registrar, unless they have had some involvement in the case in which case he or she will nominate a senior member of Registry staff to consider the appeal. Appeals against College Disciplinary Panel proceedings will be considered by a Disciplinary Appeals Panel which will be established by the Central Secretariat. The membership of the Panel shall be drawn from a designated list of Appeals Panel members, which is approved annually by Senate. Disciplinary Appeals Panels shall normally have a minimum of three members, and will not include any member of the relevant College Disciplinary Panel.

39 The Appeal Panel will not consider the case afresh but shall consider whether the initial hearing and outcome were fair against the stated grounds of the appeal set out in paragraph 35 above.

40 The person(s) or Disciplinary Appeals Panel considering an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously applied, or, if new evidence that is material and substantial has been established through the appeal process, to refer the case back for consideration by a newly constituted Student Disciplinary Panel. The decision of the person(s) or Panel hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the College.

MISCONDUCT THAT IS ALSO A CRIMINAL OFFENCE

41 Where an allegation of misconduct which may constitute a criminal offence is made against a student, the College will follow two principles when dealing with disciplinary matters:

   a. The criminal process will take priority and, with the exception of any precautionary action that is necessary, the internal disciplinary procedures will be suspended until the criminal process is at an end.

   b. If the matter is not being dealt with under the criminal process, or where the criminal process has concluded, the College will consider whether a breach of College regulations has occurred and refer the matter for consideration under these internal disciplinary procedures, where appropriate.

PRECAUTIONARY ACTION: SUSPENSION OR EXCLUSION PENDING A HEARING

42 A student who is subject to a College Disciplinary Panel or who has a criminal charge pending and/or is the subject of a College or police investigation may have restrictions placed on their access to College premises, and/or be suspended or excluded from the College, by approval
of the Provost, on the basis of the available evidence, as a precautionary action pending the outcome of that Panel hearing, the criminal investigation and/or the outcome of the criminal process.

- Suspension involves a total prohibition on attendance at or access to the College and on any participation in College activities; but it may be subject to qualification, such as permission to attend for the purpose of assessment.

- Exclusion involves either total or selective restriction on attendance at or access to the College or prohibition of exercising the functions or duties of office or committee membership in the College, the exact details to be specified in writing by the Vice Provost Education or a person delegated by them.

Precautionary action may be put into place to allow for a full and proper investigation to be carried out (either by the Police or by the College investigator) and/or where it is necessary to protect the College community whilst the allegation is being dealt with as part of a criminal process or disciplinary procedure. The case for precautionary action will include preparing a risk assessment in relation to risks faced by members of College and the public.

While any investigation or criminal proceedings are ongoing, any precautionary action will be reviewed every four weeks in the light of any developments and of any written representations made by the student either personally or through their representative.

Once the outcome of any police investigation or criminal proceedings are known, the precautionary measures will be subject to a final review.

An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.

The powers of temporary suspension or exclusion granted by the Provost under paragraph 38 shall be exercised only where necessary to protect a member or members of the College community, or the property of the College or a member or members of the College, or where the student’s continued presence might be a source of disruption to the College or any part thereof. Written reasons for the decision shall be recorded and made available to the student.

Unless the matter is deemed urgent by the Provost, no student shall be suspended or excluded unless he or she has been given the opportunity or make representations to the Vice Provost Education or his or her delegated nominee. The representations may be made in person or on writing, as the student chooses, and may be put forward by the student or through a representative. In cases deemed urgent by the Vice Provost Education, a student may be suspended or excluded with immediate effect. In such circumstances, an opportunity will be given to the student to make representations as soon as is reasonably practicable.

A student may appeal to the President against an order of suspension or exclusion pending a hearing.
RECORD KEEPING

50 All actions and decision taking in respect of the application of this Disciplinary Procedure must be formally recorded and these written records must be clear, accurate and appropriate. The record should document all actions and decisions taken by the College from the day when the report of the incident was received until the conclusion of the process.

51 The outcome of any Summary procedures should be submitted to the Student Casework Administrator in Registry in order that a full record of all Disciplinary Procedures can be maintained.

52 The record should include detail on which process is being used, what issues and matters have been considered and the basis for the decisions that have been made. Such records will enable new decisions to be made effectively and allow for previous decisions to be reconsidered and reviewed as necessary.

53 Any member of College staff dealing with an allegation of misconduct which may also constitute a criminal offence should be aware that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation and individuals could be called to give evidence.

ANNUAL REPORT

54 Each year, the Registry will prepare a report for the Senate on the number and nature of cases referred to the College Disciplinary Panel, identifying any general issues that have arisen.

Approved by the Council: 14 July 2017