

Review of the College's Student Disciplinary Procedures

1. Scope of the review

1.1 In July 2019 a review was commissioned into the College's Student Disciplinary Procedure in the light of the College's experience of disciplinary cases over the last two years and wider experience across universities.

1.2 The terms of reference for the review group were as follows:

- 1.2.1** To review the College's Student Disciplinary Procedure in the light of operational experience in the last two years, and best practice across the sector, including guidance published by Universities UK (UUK) in 2016¹ and the Office of the Independent Adjudicator for higher education (OIA) in 2018.²
- 1.2.2** To consider how best to incorporate the College's Student Risk Assessment Process and other safeguarding measures into the Student Disciplinary Procedure.
- 1.2.3** To make recommendations by the end of September 2019 for revisions to the Student Disciplinary Procedure.

1.3 The review group was externally chaired by Jennifer Sewel, University Secretary at Durham University, and included the following members:

- Professor Deborah Ashby, Director of the School of Public Health
- Mr David Ashton, Academic Registrar
- Professor Lesley Cohen, Consul
- Dr Lorraine Craig, Associate Dean (Learning and Teaching), Faculty of Engineering
- Mr Jon Hancock / Ms Rachel Knight, Head of Central Secretariat
- Mr Alejandro Luy, Imperial College Union Deputy President (Education) 18-19
- Mr John Neilson, College Secretary

1.4 The group met to consider the key issues, to consider evidence submitted to the group from staff and students at the College, and to prepare the recommendations outlined below and approve the report to be published and submitted to Provost's Board.

1.5 College staff and students were invited to submit evidence to the group and were offered guidance on the range of topics which the group was expected to consider, and on which evidence was likely to be helpful. All evidence received was considered by the group and has informed the recommendations set out in this review. The group was most grateful to all those who took the trouble to provide

¹ [Guidance for higher education institutions: how to handle alleged student misconduct](#)

² [The good practice framework: disciplinary procedures](#)

evidence and to discuss it with the group. As some of these people have been involved in recent cases they have not been named.

2. Guiding Principles

- 2.1** Imperial College aims to achieve the highest standard of support for students, and as part of this aims to operate processes for student discipline which incorporate best practice wherever it is found.
- 2.2** The recommendations outlined in this review are informed by the OIA Good Practice Framework which sets out core principles and operational good practice for higher education providers in England and Wales. These core principles are:
- Accessibility
 - Clarity
 - Proportionality
 - Timeliness
 - Fairness
 - Independence
 - Confidentiality
 - Improving the student experience
- 2.3** The OIA expects universities to write their regulations and procedures clearly and in straightforward language and to make them accessible to students. Its guidance has been considered in the formulation of the review's recommendations. It should be noted that the OIA Good Practice Framework indicates that, usually, cases should be completed within 90 days, including the review stage.
- 2.4** This review has also been informed by guidance from UUK on the handling of alleged student misconduct which may also constitute a criminal offence, including recommendations on the provision of information and support and precautionary measures.

3. Recommendations

- 3.1** This review covers student disciplinary procedures. There are separate disciplinary procedures in place to cover staff members which reflect that staff have contracts of employment with the College. The review recommends that handling of staff disciplinary processes should broadly incorporate the same best practice set out in this report and be as consistent with the student processes as possible, and therefore should be reviewed as a subsequent action. The report uses the terms respondent and complainant rather than adopt the language used by the criminal courts. In places where it is indicated that the College 'should continue to' undertake activities, this acknowledges existing good practice with a need to embed consistency in practice.

4. Investigations

4.1 The following recommendations cover aspects relating to the investigation of disciplinary cases:

4.2 Role of the investigator

- 4.2.1 The investigator should be responsible for fact-finding and establishing the relevant evidence and circumstances of the case. The role of the investigator is not to build a case against the respondent, but to gather evidence impartially. The College should enhance the training provided to investigators to provide them with the appropriate skills and experience to carry out investigations. Consideration should be given to the nature and timing of this training to minimise the risk of any delay to the investigation process.
- 4.2.2 The College should engage at least one external investigator with specific skills and experience to handle Sexual Violence and Misconduct (SVM) cases.
- 4.2.3 The College should produce written guidance for the investigation process which should be circulated to and followed by all involved.
- 4.2.4 The College should have a sufficient panel of trained investigators so that cases can be considered within an appropriate timetable.

4.3 Police involvement

- 4.3.1 The Academic Registrar should continue to decide whether any allegation that a criminal offence has occurred should be referred to the police, taking account of the views of any complainant.
- 4.3.2 The College's procedures already incorporate the need to defer the progress of a case if police involvement is underway, and to put in place interim measures during such involvement when needed.
- 4.3.3 The College will continue to provide appropriate pastoral support for all parties involved in police investigations, when requested.
- 4.3.4 The College should continue to inform staff involved at any stage of disciplinary cases of the need for a record to be kept of notes and/or documents relating to the case. The College should provide guidance on the format of such notes, and should continue to make staff aware that they could be called to give evidence and that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation or by a Discipline Panel. These notes may be available to the complainant and respondent, either as part of the material considered by a Panel, or may be accessible through a Data Subject Access Request.

4.4 Role of Security staff

- 4.4.1** The College should clarify the role of security staff in the investigation of disciplinary cases, and offer relevant guidance and training on the reporting of incidents, as well as advice on reporting cases to the police, so that cases are escalated to the Academic Registrar as soon as appropriate.

4.5 Student Disciplinary Processes

- 4.5.1** The College should revise its case management systems, including procedures for data collection and retrieval, so that case information is suitably stored and can be retrieved and shared appropriately and securely.
- 4.5.2** The role of the student disciplinary process should be to decide if any action should be taken against the respondent, and whether they can remain a student of the College, with or without conditions. The panel should not be reaching any conclusions about whether the student has committed any criminal offences, but whether there has been a breach of the student disciplinary policy and, if so, what action should be taken by the College. It may in the course of its investigation identify a matter for the police and the courts, or rely on information and outcomes provided by the police or judicial bodies.
- 4.5.3** For cases which involve multiple respondents/complainants and/or witnesses in common, the College should continue to follow the same set of procedures as are followed for cases which involve a single complainant/respondent/witness.

4.6 Safeguarding

- 4.6.1** The College should continue to exercise a duty of care to all students and staff and take appropriate safeguarding measures to protect the College community, including taking precautionary action if necessary (see section 4.7).
- 4.6.2** The College should incorporate additional procedures on undertaking safeguarding assessments as part of the work of disciplinary panels in cases when a panel is considering the return of a student to College under conditions.
- 4.6.3** The College should be consistent in its approach to implementing safeguarding measures across all cases, including those which involve both staff and students.

4.7 Disclosing and reporting an incident

- 4.7.1** The College should follow good practice elsewhere by revising guidance so that a complainant is first encouraged to “Disclose” an incident to the College, which would have the effect of appropriate support and guidance being offered. Such advice can then assist the complainant subsequently to decide whether they

also wish to “Report” the incident to the College, in which case the student disciplinary policy would then be brought into operation.

4.8 Risk assessment process

- 4.8.1** The College should continue to take precautionary action 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 College disciplinary procedure. The case for precautionary action should include carrying out a risk assessment in relation to risks faced by members of the College or the public.
- 4.8.2** The College should continue to take into account the registration status of the student as part of the initial risk assessment.
- 4.8.3** The College should offer guidance and relevant training to all those responsible for carrying out risk assessments related to disciplinary cases.
- 4.8.4** If it is recommended that action(s) should be taken following a risk assessment, appropriate advice and support should be available to those areas of College responsible for implementing such actions.

4.9 Off-campus incidents

- 4.9.1** The College should provide clarity in its student disciplinary policy as to whether it applies to incidents that occur off-campus, following best practice elsewhere. Accordingly, the College should normally only investigate disciplinary offences which occur on College owned or operated premises and facilities, including online, or incidents in relation to conduct connected to a programme of study, conduct on campus, fieldwork, placements or whilst engaged in any other College-related activity. However, the College should reserve the right to investigate allegations which occur off its campuses if they are Major Offences solely between members of the College community, or it is deemed that a student's action may impact the wider College community.

4.10 Definitions

- 4.10.1** Terminology relating to disciplinary procedures should be consistent and clear to all parties involved in the disciplinary process and should be standardised in supporting documentation.
- 4.10.2** The roles of all individuals involved in disciplinary panels should be clearly defined in written guidance, including the investigator; chair, secretariat and panel, witness; the individual making a complaint (referred to as the complainant), the individual facing disciplinary action (referred to as the respondent) and the College's Crime Investigations Manager.

- 4.10.3** The Academic Registrar should have a nominated deputy to act where they are unavailable or otherwise unable to undertake their duties under the disciplinary procedures.

5. Communications

- 5.1** The following recommendations cover aspects relating to communications during disciplinary cases:

5.2 Internal communications

- 5.2.1** The College should keep all relevant parties as fully and promptly informed as possible about the process of handling a complaint and any subsequent disciplinary process (subject to necessary confidentiality – see section 5.3).
- 5.2.2** The College should set out clear procedures for conveying information internally to Departments, Divisions, Faculties, Professional Services and the Imperial College Union (ICU) in disciplinary cases and provide guidance on the sharing of this information to maintain confidentiality where necessary.
- 5.2.3** The College should offer appropriate support and guidance on the practicalities of implementing sanctions in cases where this is necessary.

5.3 Communications with the complainant and respondent

- 5.3.1** The College should set out clear procedures for conveying messages to both the complainant and the respondent, reinforcing the desire to provide information which can be shared to all parties at the same time.
- 5.3.2** The College should review the format of communications provided to all parties so that details of how disciplinary processes are proceeding, and available support, are made transparent.
- 5.3.3** In accordance with the OIA guidance, it should be made clear to the complainant that the outcome of the student disciplinary process should normally be confidential to the respondent, although they may consent to information being shared with the individual who made the complaint. All individuals offering support to the complainant should also be made aware of this. If a disciplinary panel finds that a disciplinary offence has occurred, and that the respondent should be allowed to remain a student subject to conditions, then any of the conditions relevant to the complainant should be made known to them, to alleviate future concerns.

5.4 Communications with the Imperial College Union

- 5.4.1** The College should formalise the terms of its data-sharing agreement with the (ICU).

- 5.4.2** The College should clarify that the main role of the ICU Advice Centre is to assist all relevant student parties in preparing their communications to disciplinary processes, rather than supporting students through complex processes, in recognition that support for a student would normally be coordinated by the relevant Faculty Senior Tutor.
- 5.4.3** Where relevant, the ICU should continue to confer with the Academic Registrar to determine whether a case is sufficiently serious for it to be considered under the College Procedure and by a College Disciplinary Panel rather than under the ICU Disciplinary Procedures.

5.5 External Communications

- 5.5.1** The College should revise how it conveys messages externally, particularly in cases where the facts of a case cannot be released into the public domain (for the reasons explained above).
- 5.5.2** The College should carefully consider the tone and language of its external communications, so that the impartiality of the disciplinary process is made clear and the support available to all parties involved is well explained.
- 5.5.3** All parties involved in the disciplinary process should receive guidance on conveying messages externally, to highlight the importance of maintaining confidentiality.

5.6 Timelines for the overall process

- 5.6.1** The College should provide a clear timeline of how it intends to conduct the overall process to all individuals involved in the disciplinary process, including case review stages. The College should reinforce its commitment to keeping the time taken to investigate and determine a case to the minimum necessary to gather the relevant evidence and provide a fair process and outcome for all involved, recognising that if external bodies are involved the timetable may not be fully within the College's control.

5.7 Confidentiality of cases

- 5.7.1** The College should produce clear guidance to all parties involved in the disciplinary processes on how confidentiality should be safeguarded throughout the procedures.
- 5.7.2** The College's obligations under data protection legislation regarding sensitive personal information should be made clear to all those involved in the disciplinary process.
- 5.7.3** The College should keep information about students who are subject to disciplinary proceedings confidential insofar as possible.
- 5.7.4** The College should produce clear guidance on the need to avoid the sharing of information about disciplinary cases on social and other media.

- 5.7.5** If actions are recommended following a risk assessment, consideration should be given to the flow of information to all parties involved in the disciplinary process.

6 Resources

6.1 The following recommendations cover aspects relating to resources during disciplinary cases:

6.2 Panel members

- 6.2.1** The constitution of disciplinary panels should be amended to include the addition of the Head of the Central Secretariat as a senior advisor to the disciplinary panel, alongside a clerk. This would follow the good practice of staff disciplinary panels.
- 6.2.2** All panel members, including clerks to the panel, and investigators, should receive appropriate training, including training on unconscious bias and guidance on dealing with particularly sensitive cases. The College should revise its existing guidance for individuals involved in disciplinary panels to reflect this.
- 6.2.3** The College should consider recruiting an external adviser to panels with expertise in Sexual Violence and Misconduct (SVM), if it is evident that a panel could benefit from this further level of experience.

7 Disciplinary panels

7.1 The following recommendations cover aspects relating to panels during disciplinary cases:

7.2 Case severity categories

- 7.2.1** The Academic Registrar should continue to be responsible for determining whether or not cases should be investigated, and if so whether they should be dealt with summarily or by a panel. The College should consider the practicability of producing an agreed set of examples of misconduct which would be considered serious. In reaching a decision the Academic Registrar should consult the Director of Student Services and relevant Heads of Department if appropriate.
- 7.2.2** The severity of an alleged incident should be decided as early as possible in the procedures so that a decision can be made as to whether to involve external expertise.

7.3 Role of Consuls

- 7.3.1** The College should provide appropriate training to Consuls to equip them with the necessary skills to chair disciplinary panels and to maximise consistency of approach.
- 7.3.2** The College should provide guidance to new Consuls explaining the procedures for disciplinary cases and putting in place measures for this guidance to form part of the Consul induction process.

7.4 Involvement of the complainant/witnesses in panel hearings

- 7.4.1** The College should continue to encourage witnesses to give evidence to disciplinary panels.
- 7.4.2** The College should continue to provide information on how a complainant/witness might be questioned during hearings if they choose to attend rather than provide a written statement (for example that all questions must go through the Chair), that a witness should be permitted to give evidence from behind a screen and out of sight of the respondent if they choose, or to give evidence remotely. Similarly the College should continue to provide respondents with information about the process to be followed during their hearing.
- 7.4.3** Guidance should be provided to panels on how to consider the evidence they receive to assist fairness to all parties.
- 7.4.4** Legal representation should not be used by any party at disciplinary panels, although both students and witnesses should be able to be accompanied by a friend/supporter from within the College (who should be advised that they will not be able to participate).

7.5 Diversity of panels

- 7.5.1** Where possible, and without diminishing panel experience or expertise, consideration should be given to the diversity of the panel members to mitigate against factors such as unconscious bias.

7.6 Outcomes of panels

- 7.6.1** The College should consider the practicability of providing the panel with indicative outcome guidelines for different types and severity of cases, to assist them in reaching an appropriate decision, including common mitigating and aggravating factors. Such guidelines should take account of best practice in the sector.
- 7.6.2** To avoid unnecessary delay between the panel reaching an outcome and the implementation of proposed sanctions and action(s), panels should consider the practicalities of implementing these as part of the disciplinary process, with the aim of the full outcome being finalised within five working days of the panel hearing. Panel members should be permitted to liaise confidentially with other members of the College with expertise in this area –

external to the panel – for guidance on the practical applications of its proposed sanctions and actions.

- 7.6.3** Communication of the panel's full outcome including any sanctions should be handled as set out above.

7.7 Student Disciplinary Procedures and the Fitness to Practise process

- 7.7.1** The College should continue to uphold that students whose programme of study leads to provisional registration as doctors, and whose conduct falls to be considered under these procedures, may also require subsequently to be considered under the College's Procedure for the Assessment of Fitness to Practise Medicine.

7.8 Role of the Faculty Senior Tutors

- 7.8.1** The College should clarify the roles of the Faculty Senior Tutors as including arranging support to students involved in/affected by the disciplinary process within their Faculties. All students and staff involved in the student disciplinary process should receive high quality support.
- 7.8.2** In cases where the complainant and respondent are students from the same Faculty, the Faculty Senior Tutor should normally support one student and identify a colleague to support the other party, to prevent any conflict of interest.

7.9 Appeals

- 7.9.1** The College should continue the present approach in its disciplinary policy that 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.

8 Support

- 8.1** The following recommendations cover aspects relating to support in disciplinary cases:

8.2 Support for the complainant, respondent and witnesses

- 8.2.1** The College should continue to provide appropriate wellbeing support for the complainant, respondent and witnesses throughout the disciplinary process.
- 8.2.2** The College should provide clear information about how to access advice and support to all involved in disciplinary cases, so that they

can understand what they should be able to expect, through clear signposting and the creation of a checklist of support.

- 8.2.3** Students involved in the disciplinary process should be permitted to appoint a friend from within the College throughout the process. If students choose to appoint someone, the College should provide this individual with sufficient support and guidance on the procedures including the communications process and confidentiality, throughout the procedures.
- 8.2.4** The College should provide appropriate wellbeing support to students who 'disclose' an incident, regardless of whether the incident is 'reported' to the College or the police.
- 8.2.5** The College should continue to provide appropriate support for the complainant, respondent and witnesses after the disciplinary process has ended, if necessary.
- 8.2.6** Reasonable adjustments should be made during the handling of cases involving students who have a disability or condition which affects their ability to engage with the disciplinary process, and who provide appropriate evidence to support this. The College should also consider the timing of key stages of the disciplinary process in relation to critical points for students, such as examinations.

8.3 Support for the wider College community

- 8.3.1** The College should continue to provide appropriate support for all staff involved in the disciplinary process, including the Faculty Senior Tutor in their supporting role.
- 8.3.2** The College should provide clear guidance to Heads of Department and other relevant staff on student disciplinary procedures and the reporting of incidents, so that cases are escalated to the Academic Registrar or nominated deputy as soon as appropriate.
- 8.3.3** In cases where safeguarding measures must be put in place, including limitations on access, the College should notify Heads of Department and the complainant to prevent any breach of these measures (with suitable confidentiality requirements – see section 5.7).
- 8.3.4** The Central Secretariat should continue to prepare an annual review of disciplinary cases for Senate to highlight any lessons learned from the cases which have been handled.

9 Conclusions

- 9.1** Many of the recommendations set out above expand on practices that currently exist at the College and the current student disciplinary procedure.
- 9.2** The key themes of discussion for the Review Group centred around benchmarking against new (and evolving) sector guidance, improving the signposting of support for students, improving cross-College communication to provide greater clarity on the College's approach to disciplinary issues, and providing sufficient resources and clearly defining roles so that investigators and panel members receive adequate training to deal with cases in a timely and appropriate

manner. All the recommendations stemming from these discussions, which were agreed by the review group, have been included in this report. The group was well aware that other universities have seen a substantial increase in student disclosure and disciplinary cases in recent years, and that following implementation of this report the same may be experienced at Imperial. If it is, the College will need to provide sufficient resources to avoid cases facing substantial delays.

- 9.3** A key priority for the review group was to provide greater clarity over the support available to all parties involved in the disciplinary process, including providing clear guidance on how both staff and students can access the appropriate support (see section 8).
- 9.4** The current Student Disciplinary Policy should be revised as recommended at annex A.
- 9.5** The disciplinary process should continue to be reviewed as new external guidance from the OIA, UUK and other external bodies evolves.

It is hoped that these recommendations will provide greater clarity on an overarching framework for the College's revised disciplinary procedure, so that an effective process is put in place, in line with best practice and sector-wide guidance.