PAPER A

STAFF MATTERS

A Note by the Rector

INTERIM DIRECTOR OF RESEARCH SERVICES

Mr David Grive has been appointed Interim Director of Research Services from 27 January 2003. He will report to the Deputy Rector and will be responsible for implementing the recommendations of a recent review of research grants and contract administration (Project RAMP), while ensuring full business continuity throughout the change programme.

PROFESSORSHIP

Professor Jerome Peter Gauntlett, currently Professor of Theoretical Physics in the Department of Physics at Queen Mary and Westfield College, University of London, has been appointed to the Chair in Theoretical Physics in the Department of Physics in the Faculty of Physical Sciences based at the South Kensington Campus with effect from 1 October 2003.

READERSHIP

Dr Neena Modi, currently Senior Lecturer/Consultant in Neonatal Medicine in the Division of Paediatrics, Obstetrics and Gynaecology in the Faculty of Medicine at the Hammersmith Campus has been appointed Reader in Neonatal Medicine in the Division of Paediatrics, Obstetrics and Gynaecology in the Faculty of Medicine, based at the Chelsea and Westminster Campus with effect from 20 January 2003.

VISITING PROFESSORS

Professor Andrew Coats, formerly Viscount Royston Professor of Cardiology at the NHLI, has been offered association with the College as Visiting Professor in the Department of Cardiac Medicine in the NHLI Division in the Faculty of Medicine with effect from 1 February 2003 to 31 January 2005.

Professor David Wood, currently Dean and Professor of Engineering at the University of Melbourne, Australia, has been offered association with the College as Visiting Professor in the Department of Chemical Engineering and Chemical Technology in the Faculty of Engineering with effect from 17 February 2003 to 30 June 2003.
SENIOR RESEARCH FELLOW

Dr William Lieb, following his retirement from the College as Professorial Research Fellow in the Department of Biological Sciences, has been offered association with the College as Senior Research Fellow in the Department of Biological Sciences in the Faculty of Life Sciences with effect from 1 January 2003 to 31 December 2004.
PAPER B

PROPOSED TRANSFER OF
THE BRITISH HEART FOUNDATION ENDOWMENT FUND
FOR THE CHAIR IN CARDIOTHORACIC SURGERY

A Note by the Director of Finance

BACKGROUND

1. Governors will recall that they approved the return of two British Heart Foundation (BHF) endowment funds to that Charity last year. The return of these capital funds was contingent upon the BHF continuing to provide direct funding for the activities of the posts that had originally been created through the endowments. This has resulted in a significant recurrent benefit to the College, as the endowments had previously never provided enough income to meet in full the costs associated with them. The posts are now being fully paid for by the BHF, thereby relieving the College of the need to meet the additional costs from general funds.

2. The College still has one remaining BHF endowment fund – the Chair of Cardiothoracic Surgery based in the National Heart and Lung Institute in the Faculty of Medicine. As at 28 February 2003 this Fund had a value of £724K, which produced an income of just over £17K last year. However, the costs associated with the endowment, under which the College is required to provide salaries for a Professor, Secretary and a Technician, are far in excess of this. The College is now seeking to continue to benefit from the BHF’s objective to bring all of its endowment funds back into the Charity by returning this Fund as well.

PROCESS

3. In order to ensure that the transfer of charitable funds is completed correctly, the BHF have been liaising with the Charity Commissioners. The Commissioners have agreed in principle to the funds, and thus the commitment to fund the activities of the Chair, being transferred over to the BHF. The recommended process to achieve this is for the College, who are currently Trustees of the Fund, to retire from this role and to appoint the BHF as trustees in their place. Documents have been drafted by the College’s lawyers, and agreed by the BHF, to effect this retirement and appointment of trustees.

4. On execution of the deed of retirement and appointment of new trustees, the College will transfer the capital value of the Fund, i.e. £724K, to the BHF. This needs to be achieved before the latter’s financial year-end for them to take on the salary costs in the next financial year. The deadline is therefore 31 March 2003. The BHF have also agreed to commit themselves in writing to an ongoing obligation to support the activities of the Chair for the future.

RECOMMENDATION

5. The Council is therefore asked to consider, and if it sees fit, to approve the return of the BHF endowment for the Chair in Cardiothoracic Surgery to the Charity.
PAPER C

REPORT FROM THE FINANCE COMMITTEE MEETING
HELD ON 17 MARCH 2003

A Report by the Chairman of the Finance Committee

UPDATE ON COLLEGE BORROWINGS

1. The Committee received confirmation from the Director of Finance that the arrangements for the £50M private placement had been completed, and the funds had been transferred into the College’s bank account. In addition it was noted that the documentation for the European Investment Bank loan was now nearing completion and was likely to be completed before the end of the month.

2. The Director of Finance advised that resultant treasury management processes have been put in place.

3. The Committee also received a report template devised by the Director of Finance to monitor the financial covenants set out in the two loan arrangements. The Director of Finance advised that he would be working with Internal Audit to make sure processes were in place to monitor the College’s adherence to the additional covenants that are of a non-financial nature.

4. The Committee was advised that the annual cost of meeting the interest cost of borrowings (the two longer-term facilities and other short-term facilities) was expected to rise to over £4.0M per annum once the facilities are fully drawn. In addition there was the need to plan for repayments of the EIB loan, after the first three years, at the rate of approximately £2M p.a. The Committee revisited the original basis on which the borrowings were undertaken, being to enable the College to take a flexible approach to the management of its non-core assets to ensure value optimisation. Whilst enabling the College to carry out its capital development programme, it was stressed in this context that there needed to be a clear recognition that there was an explicit relationship between the liability of the debt service obligation on the one hand and the management of the non-core asset portfolio on the other hand. It was agreed that the Director of Finance would produce an analysis of the non-core asset portfolio.

BUDGET PROCESS

5. The Committee received a note from the Director of Finance setting out the revised procedures for the production of the College budget. The Committee welcomed the creation of the Strategic Investment Fund, and expressed its hope that the revised process would ultimately result in a less involved and complex development of the budget.
FINANCE DIRECTOR’S REPORT

6. The Committee received a report from the Director of Finance which included *inter alia* confirmation that the latest forecast indicated improved operational results against the budget and that the working capital position continued to improve. The Committee welcomed the additional detail provided regarding the over 12 month debt profile, and expressed its hope that staff effort could now be concentrated on the less than 12 month debt in order to continue the improvement. The Director of Finance will examine this last debtor book to establish that there was no mere “shifting” of debtors from one category to the next.

7. In receiving the cash projections the Committee noted that the current level of project capital expenditure took the cash flow projection as presented right to the agreed negative limit within a 12 – 15 month period. The consequences of this were clear to the Committee.

TANAKA BUSINESS SCHOOL PROJECT

8. The Committee received a paper from the Director of Estates setting out the need to increase the authorisation level on the Tanaka Business School project by £1.25M to bring it up to a total of £27.865M. It was noted that this increase related to the College entrance on Exhibition Road, an area which has always let the College down in the past. The Committee took the view that such proposed expenditure was not in fact an increase in the Business School build costs. In essence it was a separate, but justifiable, project being undertaken under the same contract arrangements as the Business School. The Committee recommended that the Director of Estates take forward the request for funding for this proposed expenditure to the Council with the support of the Finance Committee.

RESEARCH ADMINISTRATION MANAGEMENT PROGRAMME

9. The Deputy Rector advised the Committee that the College has undertaken a major review of the way in which research contracts are managed. It was noted that the value of research contracts has increased greatly over the last few years, but that the administrative sections tasked with dealing with them has not been able to develop at the same rate. The results of the Review have been presented to the Executive Committee who fully endorsed the proposals, a key element of which relates to a need to introduce new IT systems to improve the management of the contracts. It was noted that the capital costs of implementing these systems has been estimated at £1.98M, but that the business plan presented to the Executive Committee showed that the savings made through efficiencies are expected to repay the investment within at best a one, and at worst a three, year time frame. The Committee stressed the importance of ensuring that the returns identified in the business plan were delivered, and that the Director of Finance should put in place processes to allow this to be demonstrated. **On this basis, the Committee recommends that the Council approve capital expenditure of £1.98M on the IT Systems required to deliver the Research Administration Management Programme.**
APPROVED CAPITAL PROJECTS REPORT

10. The Committee received a report on the status of the College’s main capital projects from the Director of Estates. The Committee was pleased to note that none of the current projects were giving cause for significant concern.

TANAKA BUSINESS SCHOOL FUNDING UPDATE

11. The Committee received a paper from the Pro Rector (Development and Corporate Affairs) which provided an update on the current position on the investments underpinning the business school funding.

INTELLECTUAL PROPERTY VALUATION REPORT

12. The Committee received a paper for the Pro Rector (Development and Corporate Affairs) which updated the values ascribed to the College’s IPR portfolio. It was noted that the valuations were based on the protocols used by the British Venture Capitalists Association (BVCA), albeit that the current state of the market meant that these assets were not liquid.

M.P.K.
FORMAT OF FINANCE MANAGEMENT REPORT

1. Most of the comments on the Finance Management Report are now contained within its several pages. It is hoped that this will assist in relating them to the numbers. Nevertheless, brief comments on some topics are given below.

LATEST FORECAST FOR 2002/3 (Page 1)

2. The latest forecast results for the whole year are:

   • An operating deficit of £1.1M (last forecast: deficit £4.5M).
   • Exceptional income £3.2M (last forecast: income £2.8M).
   • An overall surplus of £2.1M (last forecast: deficit of £1.7M).

3. This is a very welcome improvement. There is of course still scope for significant adjustments (either way) in the remainder of the year.

WORKING CAPITAL (Page 3)

4. Net current assets remain healthy at a negative £14.3M. Creditors are more than funding debtors.

CAPITAL EXPENDITURE (Page 5)

5. Expenditure in the first seven months totalled £29.4M. A further £48.7M is forecast to be spent in the remaining five months. As always, this is based on project-by-project predictions. The rate of spend has increased in the last two months, as previously forecast, and it is likely to accelerate further.

FUNDING OF CAPITAL EXPENDITURE

6. The upper line in the chart (Page 6) shows the projected net borrowings after taking account of all approved projects and just two asset disposals (Cobham sports ground and Montpelier Hall). The lower line is based on exactly the same information but with the addition of projects not yet approved, being:

(1) The main Finance Management Report is not included with these Minutes.
• The Sports Hall;
• The ‘RAMP’ Project and;
• SRIF2 capital expenditure (£70M gross, of which £7M is to be College-funded).

7. The projected borrowings will be funded largely by the £50M 30-year private placement facility being provided by three institutions and the £23.2M 15-year European Investment Bank (EIB) facility.

8. Draw-down of the £50M facility took place on 7 March 2003. The interest rate was fixed at 5.39% for the whole period of the loan. As is evident from the chart, most of this cash is not required immediately and accordingly surplus cash is being invested. It is currently earning interest at around 3.75%.

9. The agreement for the £23.2M EIB facility has not yet been completed, but it is understood that terms are agreed and it is expected to be signed by the end of this month. The first draw-down is likely to be £10M (the minimum under the agreement), but that will not be required for many months.

A.S.D.C.
PAPER E

SPIN OUT COMPANIES

A Note by the Pro Rector (Development & Corporate Affairs)

BACKGROUND

1. In the last few years the College has taken deliberate actions to encourage the exploitation of its technology through the creation of spin-out companies as a complement to the more traditional route of licensing. The activity, managed for the College by Imperial Innovations (its wholly-owned subsidiary), is now a significant part of the work of that Company. It is conducted with the main aim of attracting and retaining world-class staff to pioneer the development of promising technology and with the additional expectation of a financial return in the future.

2. The Council has previously agreed that it should receive an annual report on the College’s spin-out companies and this Paper is the fourth of these reports.

PORTFOLIO OF SPIN OUT COMPANIES

3. The creation and management of spin-out companies constitutes a major part of Imperial Innovations’ efforts to support the College’s core mission. The College, either directly or indirectly via Innovations and a Limited Liability Partnership, now holds stakes in a portfolio of some 55 companies, addressing a very broad range of technologies and markets. The holdings in spin-out companies are structured for management and legal purposes into two separate portfolios as shown in the table below:

<table>
<thead>
<tr>
<th>No</th>
<th>Portfolio of Spin-out Companies</th>
<th>Number of Companies</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>March 2003</td>
</tr>
<tr>
<td>1</td>
<td>Limited Liability Partnership</td>
<td>36</td>
</tr>
<tr>
<td>2</td>
<td>Other Equity Holdings in Spin-outs</td>
<td>19</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>55</td>
</tr>
<tr>
<td></td>
<td>University Challenge Seed Fund Investments</td>
<td>14</td>
</tr>
</tbody>
</table>

4. Due to its commercially sensitive nature, a more detailed report on the companies and additional information has not been included with this paper, but will be available for inspection at the Meeting.

(1) At the Council meeting on 12 April 2002, the total number of spin-out companies was reported as 53. This figure for last year has been restated to 48 in order to eliminate five companies which were “in the process of formation” at that time and to provide consistency with the definitions adopted in this report.
ACTIVITIES OF THE LAST YEAR

5. The principal events of the last year include:

a. **Imperial FF&P Gordon House LLP.** The formation of this Limited Liability Partnership (LLP) with Fleming Family & Partners and Gordon House Asset Management took place on the 31 July 2002. Equity investments held in 36 Imperial spin-out companies were transferred into the LLP and Fleming Family and Gordon House then acquired 30% of the LLP vehicle for a consideration of £7.7M. The implied valuation of the College’s holdings in the entire portfolio of 36 companies by this transaction amounts to £25.9M (of which £7.7M has been realised).

b. **University Challenge Seed Fund (UCSF).** This Fund continues to provide pathfinder investment (up to £25k) and seed funding (up to £250k) in support of early stage companies. Ten pathfinder and seven seed investment were made during the year leaving the Fund with the capacity for only one or two more seed investments. Replenishment of the UCSF will occur from two main sources: a successful bid to HEIF for additional funds from 2004; and proceeds from equity realisations on exit.

c. **College Equity Committee.** The Committee has approved the formation of a further eight companies since April 2002 of which two have received seed funding and are therefore included in the portfolio numbers.

d. **Medical and Life Sciences Fund.** Negotiations are well advanced on the appointment of an experienced fund management group to raise a fund of £50M - £60M for investment in medical and life sciences. This Fund will support seed and later stage financing of the College’s spin-out companies as well as other opportunities outside the College’s portfolio.

e. **General Fund.** Gordon House is seeking to raise a follow on fund as an extension to the Limited Liability Partnership to invest in Imperial spin-outs. Investment sources in Asia are being targeted. A share of fees and return has been agreed with Innovations.

f. **Entrepreneurship Programme.** The capability within the College for entrepreneurship continues to be developed. Activities include IP seminars for academics, monthly awareness meetings, inventor network events, directors’ workshops and three-day programmes to develop entrepreneurial skills. These events continue to be well attended.

6. Over the year, the depressed state of the public capital markets has increasingly had a direct and inhibitory effect on the environment for financing the further growth and development of spin-out companies. No stock market flotations or IPOs took place during the year from the portfolio and thus the number of publicly quoted companies in the portfolio remains at two. A trade sale of one company provided the only investment realization from the portfolio. In addition, a number of companies are near to the point of exhausting their funds and have so far been unable to secure investors for further financing rounds. One
company has gone into administration and one two others are considering a members’ voluntary liquidation or winding-up. In the light of this difficult climate, it has been decided to adopt a more pro-active portfolio management style in order to ensure the spin-out companies have the best possible chance of survival. In the near term, reflecting this climate, Innovations is rebalancing its efforts to place more emphasis on trade sales and out-licensing activities.

7. As the number of College spin-outs grows, an issue of increasing importance is providing them with a location - particularly in their early years. It is clear that the informal incubation provided within the College to new start-ups has contributed to their success and the College is now conducting feasibility studies into the optimal size, cost and location for an incubation facility. Developing companies will typically remain in an incubator for only two to three years, so the College is also giving attention to extending its participation in science parks, at least partly to provide facilities for the next phase of growth of the companies originating from innovative research carried out within the College.

Dr Tidu Maini
INTRODUCTION

1. The 1998 Report of the Joint Group of the then Committee of Vice-Chancellors and Principals’ (CVCP’s) Medical Committee and the General Medical Council’s (GMC’s) Education Committee recommended to Universities the need to have mechanisms which would enable them to bar from professional qualification students who are unfit to practise medicine for health or disciplinary reasons.

2. On 14th December 2001, the Council approved a Fitness to Practise Medicine procedure. It was anticipated that the Procedure would only be used infrequently and as a last resort.

3. Since the Procedure was approved, it has been implemented once. This proved a valuable experience in assessing its effectiveness. As a result, the Procedure has been comprehensively reviewed over the past year, in consultation with the Faculty of Medicine, the Imperial College Union, the College Tutors and the Occupational Health Service.

4. In addition, the College’s solicitors, Mills & Reeve, have undertaken a thorough review of the revised Procedure from a legal perspective and have made a number of recommendations for additional changes to it.

SUMMARY OF REVISIONS

5. **The Role of the Student Progress Group.**

   a. Whereas in the previous Procedure, allegations of unfitness to practise were, in certain defined circumstances, referred to the Student Welfare Committee, the Student Progress Group now considers all cases. The terms of reference of the Student Progress Group, included as an annex to the Fitness to Practise Medicine Procedure, have been amended to reflect this responsibility.

   b. In the original Procedure the Student Progress Group had the option of either convening a Fitness to Practise Medicine panel, or undertaking an informal resolution of the issue, if appropriate. In the revised Procedure, this informal option is no longer available and all *prima facie* cases will be referred to a Fitness to Practise Medicine panel.

6. **The Role of the Principal of the Faculty of Medicine.**

   a. The Principal now determines who from the Faculty should formulate and present the case.
b. Instead of the Chair of the Fitness to Practise Medicine Panel, the Principal determines whether the evidence available justifies an appeal being proceeded with.

7. **The Role of the Academic Registrar.** The Academic Registrar is now no longer a member of the Fitness to Practise panel. Instead, the Academic Registrar is responsible for convening the Fitness to Practise Medicine Panel in place of the Student Progress Group.

8. **The Fitness to Practise Medicine Panel.**

a. The membership of the Panel has been revised to include only one person, not being a staff member or student of Imperial College, to be appointed by the Academic Registrar in consultation with the Chair from among a panel of nominees, selected by the Council of Heads of Medical Schools.

b. The Panel will also now include an occupational physician working for the NHS, and not from the College’s Occupational Health Service, and a member of Senate appointed by the Rector, and not from the Faculty of Medicine.

c. An additional criterion has been added stating that no person may sit as a member of the Fitness to Practise Medicine Panel if he/she formed part of the disciplinary authority referring the case to the Panel.

d. The quorum of the Fitness to Practise Medicine Panel has been increased to five members.

e. Evidence of earlier misconduct by the student, which has already been the subject of previous disciplinary procedures, may now be admitted and considered by the Panel in deciding on any action.

f. An additional finding by the Panel has now been permitted. In cases concerning the student’s health, the student can be found fit to practise medicine upon clearly defined terms. The terms relate to adjustments to the course that the Faculty agrees to make and provide the basis for any progression of the student’s clinical studies.

9. **The Role of the Clerk to the Panel.**

a. Whereas in the original Procedure, a member of the Faculty of Medicine’s Undergraduate Medical Office acted as the Clerk to the Fitness to Practise Panel, the Academic Registrar will now appoint the Clerk from the Registry Division.

b. The Clerk’s responsibilities have been clarified in the revised Procedure, ensuring that the Clerk undertakes all correspondence between the Panel and the appellant.

c. The Clerk is now expected to remain present during the Panel’s deliberations in order to provide procedural advice and to record the reasons for any decision reached.
10. **The Student.** The document provides further information for the student on how to obtain advice and support within the College, including the Faculty of Medicine’s Head of Pastoral Care, the Imperial College Union, and the Personal Tutors system.

**Student Discipline Code.**

11. Subject to the agreement of the Imperial College Union, the Discipline Code will be revised to incorporate the following:

   a. The roles of the Principal of the Faculty of Medicine within the Fitness to Practise Medicine Procedure suggest that it is not ideal to have the Principal as the Responsible Authority for medical students under the student disciplinary procedure. It is therefore proposed to amend the disciplinary procedure so that the Responsible Authority is the Deputy Principal, or delegate.

   b. It is proposed that conduct which, although not a breach of the College’s own disciplinary code, is in breach of the standards expected of medical practitioners, should in future be considered under the student disciplinary procedures. Mills & Reeve terms this “medical discipline”. At present the Procedures state, in Note (1) that conduct, which would be improper in the case of a member of the medical profession, could constitute a disciplinary office and could require action by the Principal of the Faculty in addition to the student disciplinary procedures. A change in wording to Note (1) is therefore required and is included in the draft in Appendix A.

   c. Mills & Reeve have also raised the question of how a College disciplinary committee will be able to make a decision as to whether a medical student has breached "medical discipline". Two options were suggested: either the constitution of the disciplinary committee is amended to include a medic; or the person bringing the charge must present evidence to the disciplinary committee to show that such behaviour is a breach of medical discipline. The latter option has been chosen, since it does not require any procedural change, although it will be necessary to amend the guidance notes to clarify that such evidence must be presented to the disciplinary committee. Mills & Reeve were concerned that the student would then be able to cross-examine the person bringing the charge to refute the evidence, but this provision is already built into the conduct of a disciplinary hearing and would therefore present no change in practice.

**RECOMMENDATION**

5. The revised procedure is attached as Appendix A. The Council is asked to consider, and if it sees fit, to approve the revisions to the Fitness to Practise Medicine Procedure, and related amendments to the Student Discipline Code.

F.V.M.
IMPERIAL COLLEGE LONDON

PROCEDURE FOR THE ASSESSMENT OF FITNESS TO PRACTISE MEDICINE

The College offers a programme of study that leads to the degrees of MBBS/BSc, which qualify graduates for provisional registration as doctors. Graduates then undertake a further year as a pre-registration house officer (PRHO) in order to achieve full registration by the General Medical Council (GMC). Under the Medical Act (1983) the College is responsible for the education and training of doctors up to full registration, including both the undergraduate and PRHO stages of education and training. The Act also places a duty upon the College to ensure that those who graduate from undergraduate programmes and who subsequently complete their PRHO training are fit to practise.

Imperial College’s Procedures for Dealing with Student Disciplinary Offences, which set out the jurisdictional areas for discipline purposes and details of the summary punishments, procedures and penalties, is prefaced by a note which is addressed specifically to medical students. (The College’s Procedures for Dealing with Student Disciplinary Offences are given in Annex A.)

This Note, in its entirety, states that:

“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.”

The following procedure provides the arrangements for assessing any conduct, behaviour or other matters that could bear on a student’s/ PRHO’s suitability in respect of fitness to practise medicine. The procedure has three distinct components, details of which are given below. These are:

1. Procedure for the Initiation of an Assessment of Fitness to Practise Medicine.
2. Procedure for a meeting of the Fitness to Practise Medicine Panel.
3. Procedure for making appeals against the decision of the Fitness to Practise Medicine Panel.

In the procedure references to “College working days” means days upon which the College administration is open and should not be confused with “term-time”.

Appendix A
1. **PROCEDURE FOR THE INITIATION OF AN ASSESSMENT OF FITNESS TO PRACTISE MEDICINE**

   a. A flow diagram outlining the procedure for the initiation of an assessment of fitness to practise medicine is given in Annex B.

   b. All issues relating to the conduct or behaviour of a medical student may amount to misconduct under the College’s *Procedures for Dealing with Student Disciplinary Offences* and will be considered under those *Procedures*. (The College’s Procedure for Dealing with Student Disciplinary Offences appear as Annex A.) Accusations of such misconduct should be submitted to the Responsible Authority, as defined in the College’s *Procedures for Dealing with Student Disciplinary Procedures*, in writing, as set out in the *Procedures*. Anonymous allegations will not be considered, although the accuser has the right to confidentiality. Allegations must be substantiated and, if necessary, action, including disciplinary action, may be taken against individuals who use the system to make false, vexatious or malicious accusations.

   c. The student’s case will be dealt with by the appropriate disciplinary authority defined in the College’s *Procedures for Dealing with Student Disciplinary Offences*, who will determine whether a disciplinary offence has been committed and, if so, what penalty should be imposed. The disciplinary authority will refer it on to the Faculty of Medicine’s Student Progress Group in any of the following situations:

   (1) All cases where the student is found guilty of a disciplinary offence but a penalty short of permanent exclusion from the College is made.

   (2) Where the case raises an issue relating to the student in question’s physical or mental health.

   d. Allegations against a student that are based solely on that student’s physical or mental health will be made directly to the Faculty of Medicine’s Student Progress Group. It is inappropriate for such allegations to be considered under the College’s *Procedure for Dealing with Student Disciplinary Offences*.

   e. The Terms of Reference of the Faculty of Medicine’s Student Progress Group are given in Annex C.

   f. When a case is referred to the Student Progress Group, that Group will consider whether a *prima facie* case exists for finding the student unfit to practise medicine. The Group is entitled to consider the student’s disciplinary record. Should the Group decide that a *prima facie* case exists, it shall inform the Academic Registrar that a meeting of the Fitness to Practise Medicine Panel should be convened.
g. Where there is found to be a *prima facie* case, the Student Progress Group may consider that the conduct or health issue is so serious that restrictions should be placed on the student’s activities. The Group may make recommendation to the Principal of the Faculty of Medicine who shall consider the material provided by the Group and invite the student to make representations. Taking the protection of the public as the paramount consideration, the Principal 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 the Fitness to Practise Medicine Panel or the Principal of the Medical Faculty direct otherwise.

h. Upon receipt of notification from the Student Progress Group, the Academic Registrar will write to the student and the Principal of the Faculty of Medicine informing them of this decision and advising them what the next stages of the procedure will be.

i. The Student Progress Group has the right to initiate action under *Regulations for Students Number 9* to seek a medical examination of a student, if the mental or physical health of that student has had any bearing on the case. (Please see Annex D for details of the College’s *Regulations for Students.*)

j. Where the Student Progress Group decides that there is no *prima facie* case in relation to fitness to practise, it will inform the student and disciplinary authority that referred the matter (if any) of its decision.

k. The student has the right to support from the College’s counselling service, which will be confidential except in wholly exceptional circumstances where the counsellor believes that the student is actively a danger to him/herself or to others.

l. The student has the right to support from the Imperial College Union, as well as through the Head of Pastoral Care in the Faculty of Medicine. Support is also available through the College pastoral system, which includes Personal Tutors.

2. PROCEDURE FOR A MEETING OF THE FITNESS TO PRACTISE MEDICINE PANEL

a. Terms of Reference and Constitution of the Fitness to Practise Medicine Panel

(1) The Terms of Reference of the Fitness to Practise Medicine Panel are to consider cases referred to it by the Student Progress Group, where that Group has determined that there is a *prima facie* case to be heard. Its constitution shall be:

(i) a Chair whom shall normally be a member of the Faculty of Medicine, appointed by the Principal of the Faculty of Medicine;
(ii) one clinical member of the academic staff of the Faculty of Medicine, appointed by the Principal’s Advisory Group;

(iii) a practising consultant psychiatrist selected from a pool which has been appointed by United Kingdom Medical Schools on behalf of the Council of Heads of Medical Schools;

(iv) one person who is both a teacher and practitioner of law, appointed by the Chairman of the University of London Social Sciences Subject Area Board;

(v) a Lay member of the Panel, to be appointed by the College Council;

(vi) one person, not being either a member of staff or student of Imperial College, to be appointed by the Academic Registrar in consultation with the Chair from among a Panel of nominees, selected by the Council of Heads of Medical Schools;

(vii) wherever possible, an occupational physician working for the NHS and not from the College’s Occupational Health Service;

(viii) the Imperial College Union President or his/her nominee from among the other Imperial College Union Sabbatical Officers;

(ix) a member of Senate appointed by the Rector, and not from the Faculty of Medicine.

(2) No person shall sit as a member of the Fitness to Practise Medicine Panel 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;
(v) connected with the student being charged or any other person involved with the case;
(vi) formed part of a disciplinary authority referring the case to the Panel.

(3) The Clerk of the Fitness to Practise Medicine Panel will normally be appointed by the Academic Registrar from the Registry Division.

(4) No member of the Fitness to Practise Medicine Appeals Panel shall be a member of the Fitness to Practise Medicine Panel.
The quorum for a meeting of the Fitness to Practise Medicine Panel shall be five including the Chair. If a hearing before the Panel is adjourned, only those members who have been present at that meeting shall continue the hearing when it is resumed.

b. Procedure for a meeting of the Fitness to Practise Medicine Panel

(1) Students whose cases are referred to the Fitness to Practise Medicine Panel shall be informed in writing, by the Clerk, of:

- the charges against them;
- their right to have the hearing in public;
- their right to be represented (at their own expense) at the hearing by a person of their choice, including a lawyer;
- their right to be accompanied by a friend, relative or Student Union representative;
- their right to bring witnesses;
- any suspension from his/her clinical course or limitations or conditions placed upon the continuance of his/her studies or practise during the period of the investigation;
- the names of members of the Panel and of the Clerk and their right to challenge the Panel members for any good cause.

(2) The Notice of the hearing shall include a copy of this procedure.

(3) If the student wishes to challenge the inclusion of any member of the Panel he/she should notify the Clerk immediately in writing setting out the reasons for the challenge. Prior to the hearing, the Chair of the Panel shall decide whether to uphold the challenge or not, having heard from the Student or his/her representative as is necessary. If the challenge is to the Chair of the Panel, the Principal of the Faculty of Medicine shall rule on the challenge.

(4) The Fitness to Practice Medicine Panel hearing will normally be held within twenty College working days of the referral from the Student Progress Group.

(5) The Principal of the Faculty of Medicine shall determine who from the Faculty will formulate the charge and present the case. That person will send to the Clerk to the Panel in good time before the hearing, any documents to be submitted, which shall include the record made under paragraph 14 of Disciplinary Code (attached as Annex A) of any disciplinary hearing, and the name of any witnesses to be called and at least a summary of the evidence each witness will give. The Clerk shall forward the material received to the student.

(6) If the student wishes to be represented, to call witnesses or present documents either bearing on the charge or in mitigation of any penalty
which may be imposed, he/she shall notify the Clerk to the Panel accordingly with reasonable notice in advance of the hearing, but after receiving the material to be presented by the person presenting the case against the student’s fitness to practise medicine.

(7) All documentary information concerning the case against a student’s fitness to practise medicine which is submitted prior to the hearing to the Clerk of the Panel, and which will be taken into consideration by the Panel during the hearing, shall be provided to all parties, including the Panel, in reasonable time before the hearing.

(8) The Panel 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 Panel shall not be invalidated by the failure to appear of the student charged following notification of the proceedings and case against him/her in accordance with the preceding paragraphs. Evidence of earlier misconduct by the student, which has already been the subject of previous disciplinary procedures, may be admitted and considered in deciding on any action.

(9) Hearings shall normally be in private and confidentiality observed. A written account of the proceedings, prepared by the Clerk, may be released at the discretion of the Chair or Vice Chair acting as Chair. The student charged may request that the hearing is held in public.

(10) A full record shall be made and retained for possible use in connection with an appeal. This will usually be by recording the proceedings of the Panel on a tape recorder except when the Panel withdraws to consider its decision. A full written report must be provided to the Principal of the Faculty of Medicine if the student makes an appeal, and to the student and to members of the Appeals Panel if a meeting is convened to consider an appeal by the student.

(11) The Panel shall be empowered to call any person before it to clarify evidence. The student or his/her representative will be entitled to cross-examine those individuals called to clarify evidence.

c. Decisions of the Panel

(1) All Panels shall reach their decision by a simple majority voting. The Chair may exercise a casting vote. The Clerk in each case shall not be entitled to vote.

(2) The Panel shall deliberate in the absence of all parties. The Clerk will remain present in order to provide procedural advice to the Panel, and to record their reasons.

(3) At the conclusion of the hearing the Panel may either find that:
(i) the student is fit to practise medicine; or

(ii) the student is fit to practise medicine but that the conduct of the student has been such as to warrant a formal reprimand. The reprimand will remain on the student’s file and may be taken into consideration in the event of future allegations being made about the student’s fitness to practise medicine; or

(iii) the student is unfit to practise medicine. The student will not be permitted to complete the programme of study leading to the award of the MBBS degrees. There may be other academic qualifications to which the student may progress. Any decision regarding academic qualifications lies outside the Fitness to Practise Medicine Panel [and with the Medical Studies Committee of the Senate]; or

(iv) in cases concerning the student’s health, the student is unfit to practise medicine but the decision may be reviewed. The Fitness to Practise Medicine Panel shall set a minimum period of time before the student may seek review of the decision, during which the student shall take a period of leave of absence. After the expiry of the stated minimum period of time, the student may write to the Academic Registrar and ask that a Fitness to Practise Medicine Panel be convened to review the decision. The student’s request must be received at the Registry not less than 25 College working days before the expiry of the time permitted for completion of medical training as set out in the course requirements. A student who is deemed to be unfit to practise may not continue with clinical studies.

(v) in cases concerning the student’s health, the student is only fit to practise medicine upon certain defined terms. The terms shall relate to adjustments to the course that the Faculty of Medicine agrees to make and shall be conditions upon which the student may continue with his/her clinical studies.

(4) In keeping with the Human Rights Act (1998), should the student wish, the decision of the Fitness to Practise Medicine Panel will be published on an appropriate College notice-board. A record of the reasons for those decisions made in paragraph 3 above will be kept, although these will remain confidential with the exception of possible disclosure to the General Medical Council or other public authority at the discretion of the Principal of the Faculty of Medicine.

(5) Upon completion of its deliberations the Clerk to the Panel shall notify its decision in writing giving a summary of its reasons to the Academic Registrar, within seven days of the hearing. The Academic Registrar shall then notify the student and other relevant parties in
writing within two College days. This will include notice of the student’s right to appeal, the time within which the appeal must be made and the grounds upon which it may be made.

(6) Where a student seeks review of a Fitness to Practise Medicine Panel’s decision under paragraph 3(iv) above and has notified the Academic Registrar, the Academic Registrar shall notify the Student Progress Group and the Principal of the Faculty of Medicine, who shall consider and present any case against the student’s fitness to practise. The Academic Registrar shall make arrangements for the convening of a Fitness to Practise Medicine Panel, including the giving of directions as to the delivery and exchange of documents to be relied upon. The student should co-operate with the Student Progress Group in the obtaining of such medical reports as are necessary under Regulations for Students Number 9.

3. PROCEDURES FOR MAKING APPEALS

a. Appeals may be made on the grounds of procedural or other material irregularity, unreasonable conclusions or excessive penalty. All appeals must be made within five College working days in accordance with the guidance as follows:

(1) Any student wishing to appeal against the decision of the Fitness to Practise Medicine Panel must do so in writing to the Academic Registrar stating their grounds. The factual basis of the decision shall not be open to appeal unless evidence is produced which the Principal of the Faculty of Medicine regards as both new and significant. Where the allegation relates to the student’s conduct, the student should have exhausted the appeals process under the disciplinary procedure before the matter was considered by the Fitness to Practise Medicine Panel, however, the Principal shall retain a discretion to remit a matter to the appropriate disciplinary appeal body. The student will have one month from the date of the Fitness to Practise Medicine Panel’s decision to provide all supporting documentary evidence for the appeal.

(2) The Clerk to the Panel will prepare a full report of the proceedings before the Fitness to Practise Medicine Panel. 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 and may submit comments.

(3) The Principal of the Faculty of Medicine shall be supplied with a copy of the Clerk’s report and the appellant’s comments and grounds of appeal. The Principal shall decide on the evidence available whether or not the appeal should be proceeded with and should only dismiss unmeritorious claims.
If it is decided not to proceed with the appeal, the Principal of the Faculty of Medicine shall inform the Clerk to the Panel and the appellant of the decision, normally within seven College working days of having received the documentation.

Where it is decided that the appeal shall be proceeded with, the Principal shall inform the Academic Registrar of the College, who shall inform all parties of the decision and make the necessary arrangements for the appeal to be held as early as possible. All parties shall be informed of the date of the appeal in good time.

Where an appeal is referred, the student shall be permitted to continue with his/her programme of study at the discretion of the Principal of the Faculty of Medicine, until the Fitness to Practise Medicine Appeals Panel has reached its decision.

Students whose cases are referred to the Fitness to Practise Medicine Appeal Panel shall be informed in writing of the date of the appeal and of their right to have the hearing in public, and to be represented and/or accompanied at the hearing by a person of their choice (and normally the person who acted in this capacity at the Fitness to Practise Medicine Panel hearing). They will also be informed of their right to be represented by a solicitor whom he/she may pay for his/her services.

b. The Terms of Reference of the Fitness to Practise Medicine Appeals Panel are to consider appeals by reviewing the findings of Fitness to Practise Medicine Panels made on the allowable grounds. The Panel shall consist of:

(1) a Chair who shall normally be a member of the legal profession, nominated by the Chairman of the Bar Council and appointed by the Principal of the Faculty of Medicine as and when required;

(2) two individuals not being members of the College Council, Staff or Students of the College, to be appointed by the Chair as and when the Appeals Panel needs to be convened, from among a panel of nominees selected by the Council of Heads of Medical Schools.

c. No person shall sit as a member of the Fitness to Practise Medicine Appeals Panel if he/she is:

(1) the subject of a charge;
(2) the complainant;
(3) a witness or a potential witness (i.e. has personal knowledge of the facts surrounding the case);
(4) successfully challenged for any good cause. The Chairman of the Panel shall decide whether or not to uphold the challenge, including a
challenge to his/her own inclusion on the Appeal Panel, prior to the hearing;

(5) connected with the student being charged or any other person involved with the case;

(6) a member of the Fitness to Practise Medicine Panel or any other committee or body which heard the original case.

d. The quorum for a Fitness to Practise Medicine Appeals Panel shall be three including the Chair.

e. The Clerk to the Appeals Panel shall normally be appointed by the Academic Registrar from the Registry Division and may have been the Clerk to the Fitness to Practise Medicine Panel.

f. The Fitness to Practise Medicine Appeals Panel shall be supplied with the report of the proceedings of the Fitness to Practise Medicine Panel prepared by the Clerk to the Fitness to Practise Medicine Panel provided to the Principal. Members of the Appeals Panel will also be provided with any comments submitted by the appellant and any new or relevant documentation submitted to the Principal of the Faculty of Medicine.

g. At any hearing before the Fitness to Practise Medicine Appeals Panel, the student whose case is being considered shall be entitled to be present throughout the hearing, except when the Appeals Panel considers its decision.

h. A Fitness to Practise Medicine Appeals Panel shall have power to reverse or modify the decision appealed against, in any way within the permitted findings at 3(c)(3).

i. The decision of a Fitness to Practise Medicine Appeals Panel shall be based on evidence and submissions presented and examined in the presence of the student bringing the appeal. The proceedings of the Appeal Panel shall not be invalidated by the failure to appear of the student charged, following notification of the proceedings in accordance with paragraphs 3a(5) and 3a(7).

j. The decision of a Fitness to Practise Medicine Appeals Panel shall be reached by a majority vote of the members of the Panel and shall be announced as the decision of the Panel. The Chair shall have a second or casting vote in the event of one member abstaining. The Clerk to the Panel shall not have a vote. The votes of the individual Appeal Panel members shall always be treated as confidential and there shall be no disclosure either of such votes or of information showing whether the decision was reached by a unanimous or a majority vote.

k. A full record of the proceedings shall be made and retained normally by recording the proceedings of the Panel on a tape recorder except when the Panel withdraws to consider its decision.
l. The Clerk of the Fitness to Practise Medicine Appeals Panel shall notify the appellant and the Principal of the Faculty of Medicine of the decision of the Appeals Panel, within seven College working days of the decision being made. The Clerk will also provide the appellant and the Principal of the Faculty of Medicine with the reasons for the decision. A report on the proceedings shall be submitted to the next appropriate meeting of the Medical Studies Committee.

m. The decision of the Fitness to Practise Medicine Appeals Panel shall be final as far as internal College Procedures are concerned.

n. If, having exhausted the College’s internal appeals structure, the student is still dissatisfied, the student may petition the College’s Visitor. Under the 1998 Charter of Imperial College, section 22, a student may appeal to the College’s Visitor who is Her Majesty the Queen acting through the President of the Privy Council. Information on how to petition is contained at www.privy-council.org.uk/output/Page48.asp.

14.03.03
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, save that the responsible authority referred
to in 2(i) to 2(iii) may also impose summary punishment where misconduct
comes 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, the Head of Department or his/her
nominee;
(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;

* Students may be summarily expelled from their halls of residence only if there is a
perceived danger to other residents.

(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 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 16 below). The Academic Registrar (or his/her nominee) will appoint a Clerk to the Committee.

* Students may be summarily expelled from their halls of residence only if there is a perceived danger to other residents.
C. PROCEDURES

10. 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.

11. 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.

12. 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 10 and 11. 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.

13. 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.

14. 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 29 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.

15. 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.

16. 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.

17. 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

18. 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 18 (iv) until such time as the College Discipline Committee reaches a decision.

19. 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.

20. 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.
21. 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.

22. 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.

23. 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.

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

E. APPEALS

25. 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

26. 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.

27. 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, to the College Discipline Committee.

Appeals against the IC Union Disciplinary Committee

28. 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

29. 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.

30. 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.
Consideration under the College

**PROCEDURE FOR DEALING WITH**

**STUDENT DISCIPLINARY OFFENCES**

For Full details Please See Annex A

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**DISCIPLINARY ISSUE**

1. Student Breaches College Discipline
2. Student Breaches Medical Discipline

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**GUilty - Expelled from college**

**NOT GUILTY - not expelled**

**and NO HEALTH ISSUE RAISED**

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**HEALTH ISSUE**

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**STUDENT PROGRESS GROUP**

For details of Terms of Reference see Annex C

- Can require medical reports
- Decides on a prima facie basis whether Fitness To Practise Medicine Panel should be convened

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**END**

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If a disciplinary issue not previously considered by Disciplinary Authority refer back under Disciplinary procedure

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To next diagram.

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Issue of health and/or conduct involves fitness to practise medicine

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No issue involving fitness to practise medicine

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END
STUDENT PROGRESS GROUP

Health and/or conduct raises issue of fitness to practise medicine

- Consider whether issue merits restriction on student’s activity

  **Yes**
  Recommendation to Principal of Faculty of Medicine

  **No**

  Consider whether require health report under Student Regulation 9

  - Inform Academic Registrar

  **PRINCIPAL of Faculty of Medicine**
  - Hears from student
  - Decides what, if any, restriction

  **ACADEMIC REGISTRAR**
  - Appoints Clerk

  **CLERK**
  - Notifies student of:
    - charges
    - rights
    - members of the Panel
  - Person presenting case against student provides information
  - Student provides response

  **CHAIR (or PRINCIPAL)**
  - Rules on challenge

  **HEARING**
  - Fit to practise
  - Fit to practise but reprimanded
  - Unfit to practise
  - (Health issue only) Unfit to practise at present but a Panel may review at a later date
  - (Health issue only) Only fit to practise upon certain conditions
STUDENT PROGRESS GROUP - TERMS OF REFERENCE AND MEMBERSHIP

To be responsible to the Principal of the Faculty of Medicine, who may delegate this responsibility to the Head of Undergraduate Medicine for all aspects of undergraduate medical student academic progress, including:

1. To make certain that systems are in place to:
   (i) monitor student attendance and progress throughout the course, in addition to “formative” and MBBS/BSc examinations, following an initial consideration of the student.
   (ii) identify cases of significant non-attendance or poor academic progress, and that such cases are discussed with the student and his/her personal tutor initially by a member of staff at an appropriate level, and that a report of the discussion is logged with the Undergraduate Medicine Office.
   (iii) select and pass on, with appropriate confidentiality, information on students who have experienced difficulties to Year Co-ordinators, Directors of Clinical Studies, teaching staff and/or tutors to enable them to assist the students in their subsequent studies and to monitor the future performance of students who have been referred to the Group.

2. To receive and consider reports on students where no improvement is noted following the initial consideration, or where (multiple) reports from tutors/teachers indicate that remedial action may be required.

3. To commission and receive health assessments on students where considered appropriate, under Regulations for Students Number 9, and to recommend to the Principal of the Faculty of Medicine, periods of leave of absence on medical or compassionate grounds, and conditions under which students may return or continue their studies, in consultation with the College Health Centre or Occupational Health Service.

4. To consider all disciplinary findings against medical students and to refer to the Fitness to Practise Medicine Panel any student whose conduct and/or health (physical or mental) may bear on that student’s suitability to practise medicine.

5. To confirm formally that students being entered for examinations have “attended the appropriate course of study to the satisfaction of their teachers” and if appropriate, after meeting with the student, to withdraw his/her entry to an examination.

6. To provide the Examinations Board with information about factors affecting performance at the time of the exams.

7. In consultation with representatives of the examiners, course tutors and the students’ personal tutors where appropriate, to advise the Head of Undergraduate Medicine on
appropriate action in the case of students who have failed formative and MBBS/BSc examinations.

Members of the Committee

Head of Pastoral Care, School of Medicine (Chair)
Head of Undergraduate Medicine
Directors of Clinical Studies at (i) St Mary’s, (ii) Chelsea & Westminster and (iii) Charing Cross Hospitals
Curriculum Year Group Chairmen for: (i) Years 1 &2, (ii) Year 3, (iii) Year 4, (iv) Final Year
Chairman of the BSc Committee

In attendance

UMO Administrator (with responsibility for student welfare) – Committee Secretary
Head of Administration (UMO)
Examinations Administrator (UMO)
A representative from the Imperial College Health Centre
A representative from the IC Occupational Health Department

Frequency of Meetings

Normally monthly (except August). However, regular meetings may be cancelled if there is no business and/or ad hoc meetings convened to deal with urgent business.
1. All registered students of the College are subject to the provisions of these Regulations for Students, the College Academic Regulations, the Regulations of the University of London as appropriate and such other Regulations and Instructions for Students as the College may from time to time approve.

2. Any student whose sessional fees or whose residence charges* have not been paid in full will not be allowed to proceed to the next year of the course and will be required to withdraw from the College. If any fees or charges are still unpaid at the time when a student enters for the last examination necessary to qualify for the award of a degree/diploma, the award will not be conferred and no certificate in respect of the award will be issued until the debt has been paid in full.

3. Any student wishing to occupy residential accommodation provided by, or on behalf of, Imperial College will be required to abide by the terms and conditions of the Licence. Acceptance of an offer of accommodation will signify acceptance of such terms and conditions.

4. Every registered student of the College is automatically a member of Imperial College Union unless, under the provisions of the Education Act 1994, a student has formally opted out of student union membership by recording that decision with the Academic Registrar in the manner prescribed.

5. Student disciplinary offences of a non academic nature are dealt with under a code of procedure agreed by Imperial College Union and approved by the Governing Body. In the case of serious offences, this may involve the suspension and/or expulsion of the student from the College. Students must not engage in any conduct which causes harm or unreasonable disturbance to students, staff, neighbours or visitors to the College, or damage to any property of the College or its students, staff, neighbours or visitors, or engage in any activity or behaviour which is likely to bring the College into disrepute. Illegal acts on or near College may also constitute offences under these College Regulations for students.

6. Candidates for the PhD or MPhil degrees are required by the University regulations to give conditional authority for their thesis or dissertation to be made available for public reference. Candidates who wish to retain personally, for a limited period, the sole right to grant permission to consult, borrow or copy their work must obtain the agreement of their supervisor and the appropriate College Graduate School Committee. Approval will be given only in special circumstances and for a period not exceeding two years. Acceptance of a place as a research student at the College is deemed to imply acceptance of these conditions.
7. Undergraduates must inform their Senior Tutor and postgraduates their Postgraduate Tutor if they are absent from College for more than one week during term. If the absence is due to illness a medical certificate must be produced. If an examination is missed on account of illness a medical certificate must be produced immediately.

8. A student who contracts an infectious or contagious disease may be required to present a medical certificate acceptable to the College Health Service, indicating freedom from infection, before resuming attendance at the College.

9. The College may require a student to be assessed by the College Health Service, or other appropriate medical practitioner approved by the Health Service, if there is reason to believe that the student’s state of health makes him/her unable to pursue his/her studies, or causes disruption to other members of the College, or causes or has the potential to cause harm to him/herself or others. If the medical assessment confirms that it is not in the interests of the student or the College that the student should continue his/her programme of study the Head of Department shall consult the College Tutors and, taking into account their advice, may suspend the student until he/she is fit to continue his/her studies or require the student to withdraw from the College. A student who refuses to undergo assessment may be suspended until such time as a medical practitioner acceptable both to the student and the College has assessed the student and confirmed in writing that the student is fit to resume study.

A student who is required to withdraw has the right to appeal against the withdrawal decision but not against the results of the medical assessment on which the decision is based. The student may, however, request that a second medical assessment be obtained from a medical practitioner approved by the College Health Service. The responsibility for hearing and deciding upon appeals is vested in the Senate and is delegated by the Senate to Appeal Committees, whose decisions are final.

A student who is suspended will be regarded as having taken an interruption of studies, and will be required to provide medical evidence as to fitness to return to study in accordance with the conditions attached to the granting of interruption of studies.

10. No work involving ionising radiation may be carried out in any part of the College except in accordance with the current edition of the Imperial College Local Rules for Safe Working Practices with Ionising Radiation (Second Edition Spring 1991).

11. Students who make use of University or College Computing facilities are required to familiarise themselves with and to abide by the current edition of the Imperial College Information Systems Security Policy and Codes of Practice and Guidelines.

12. Computer misuse will be regarded as a serious offence and will be dealt with under the College Disciplinary Procedure or, where appropriate, under the provisions of the Computer Misuse Act 1990.

13. Students who are authorised, as part of their studies, to make use of ‘data’ and ‘personal data’ as defined under the Data Protection Act 1998 are required to familiarise themselves with, and to observe the provisions of, the Act. Further details are available from the College Data Protection Officer.
14. All students must familiarise themselves and comply with the College Policy on Student Derived Intellectual Policy Rights

15. Students must notify the Academic Registrar of any change in their home or lodgings address.

* to include charges by the Ducane Housing Association.

July 2002
I set out below for the approval of Governors the proposed dates for meetings of the Court and Council for the academic year 2003-04.

- Council: Friday, 24 October 2003 (commencing at 10.30 a.m.)
- Council: Friday, 12 December 2003 (commencing at 10.30 a.m.)
- Council: Friday, 13 February 2004 (commencing at 10.30 a.m.)
- Council: Friday, 26 March 2004 (commencing at 10.30 a.m.)
- Court: Friday, 26 March 2004 (commencing at 2.15 p.m.)
- Council: Friday, 14 May 2004 (commencing at 10.30 a.m.)
- Council: Friday, 9 July 2004 (commencing at 10.30 a.m.)

K.A.M.