

IMPERIAL COLLEGE LONDON

ORDINANCE E2

Student Disciplinary Procedure

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

General Principles

- 1 The College shall have the right to investigate any allegation of misconduct against a student and may take disciplinary action where it decides, on the balance of probabilities, that a breach of discipline has been committed.
- 2 Under the terms of this procedure, an investigation is defined as a fact-finding process to establish the relevant evidence and circumstances of the case. The investigation must focus only on the nature of the allegation and should be approached in a non-judgemental manner. The process may involve reviewing supporting records or documentation as well as interviewing the person who raised the allegation, the student/s who is/are under investigation and any witness(es).
- 3 A full record will be kept of all investigations conducted under the Student Disciplinary Procedure as set out in paragraphs 57 to 59.
- 4 This procedure sets out how formally reported cases of alleged non-academic misconduct or breaches of discipline by students will be dealt with, the rights of appeal and sets out the penalties that may be imposed.
- 5 Allegations of academic misconduct will be dealt with under the College's Cheating Offences Policy and Procedures.
- 6 Allegations of misconduct will be considered in accordance with the principles of natural justice.⁽¹⁾ Accordingly, any student subject to disciplinary procedures shall be entitled:
 - (a) to receive adequate notice of the details of the allegation and the date on which any hearing is to be held;

¹ The basic requirements of a process that meets the principles of natural justice are that:

- The person or persons judging the case must be impartial and free from bias.
- The person under investigation should be told the specific allegation of misconduct to which he or she must answer and of the likely consequences if the allegation is established.
- The person under investigation must be given a fair hearing, and have an opportunity to attempt to refute the allegation or to explain or mitigate his or her conduct.
- The person under investigation's explanation must be given unbiased consideration.

- (b) at any Panel meeting, to be present and to be represented by a “friend” of their choice (a fellow registered student, a Students’ Union Officer or a member of staff of the College of his or her choice, who may speak on his or her behalf), other than a lawyer acting in a legal capacity, to give evidence and otherwise be heard, to have access to all the relevant documents to be submitted to the hearing and to call and examine or cross-examine witnesses (see paragraph 30);
 - (c) to receive communications from the College which clearly set out the procedure that is being used and a letter at the end of the proceedings which clearly explains the decision that has been taken and the reason for that decision.
- 7 Pending the outcome of student disciplinary proceedings, the Provost, or their nominee, may suspend a student or impose restrictions on attendance at the College or access to its property. (See paragraphs 49-56).
- 8 Students who are registered on any programme of study at the College are expected to adhere to the expectations of the College in terms of their conduct, and to observe the rules and regulations of the College as set out in the Regulations for Students.
- 9 Students should be aware that conduct of a nature that would be inappropriate for a member of some professions could require additional disciplinary action. In particular, students of the Faculty of Medicine must note that conduct which would be improper in the case of a member of the medical profession could constitute a disciplinary offence which will be considered under these procedures. Additionally, students whose course of study leads to provisional registration as doctors and whose misconduct falls to be considered under these procedures may also fall to be considered under the College’s Procedure for the Assessment of Fitness to Practice Medicine following the conclusion of the Disciplinary procedures where the student was found to have committed a breach of discipline.
- 10 Any case of misconduct on the part of a member of staff of the College who is also a registered student of the College will be dealt with in accordance with the appropriate disciplinary procedure for College staff. In the case that a member of staff needs to be suspended from the programme of study, this procedure will apply for the suspension and the Staff Disciplinary Procedure will then apply.
- 11 Where an allegation is made by one student against another student, the College will act to protect the rights of both students.

Examples of Misconduct

- 12 The following paragraphs elaborate upon, but do not limit the breadth of the general definition of misconduct. The following shall, subject to the above, constitute misconduct:
 - (a) disruption of, or improper interference with the academic, administrative, sporting, social or other activities of the College, whether on College premises or elsewhere;

- (b) obstruction, or improper interference, with the legitimate functions, duties or activities of any student, member of staff or other employee of the College or any authorised visitor to the College;
- (c) behaviour which brings the College into disrepute;
- (d) intentional or reckless damage to, or defacement of, College property or the property of the College and community;
- (e) misuse or unauthorised use of College premises, facilities or items of property;
- (f) failure to disclose name and other relevant details to an officer or employee of the College in circumstances where it is reasonable to require that such information be given;
- (g) distribution of or publication of a poster, notice, sign or any publication which is offensive, intimidating, threatening, indecent or illegal, including the broadcasting and electronic distribution of such material;
- (h) failure to treat others (student, staff and visitors to the College) fairly and with respect (this applies to all communication methods including personal contact, e-mail, written communication and social media websites);
- (i) failure to comply with a previously imposed penalty under these procedures (including non-payment of a disciplinary fine);
- (j) failure to attend a disciplinary interview or provide a statement / response to alleged misconduct when requested to do so by the relevant person of authority;
- (k) acts of dishonesty in relation to the College, its staff or students (but paragraph 48 below applies).
- (l) harassment of any student, member of staff, or any authorised visitor to the College, whether sexual, racial or bullying, including defamation of character or slander (but paragraph 43 below applies).
- (m) violent, indecent, disorderly, threatening or offensive behaviour or language (whether expressed verbally or in writing, including electronically) whilst on College premises or engaged in any College activity (but paragraph 43 below applies);
- (n) breaches of the provisions of the College's Code of Practice for Freedom of Speech;
- (o) breaches of the provisions of the College Dress Code;
- (p) conduct that constitutes a criminal offence where that conduct:

- i takes place on College premises, or
 - ii affects or concerns other members of the College, or
 - iii damages the reputation of the College, or
- (q) any other act of behaviour which may be reasonably interpreted as misconduct notwithstanding the lack of equivalent examples here.
- 13 Examples of misconduct as described above may be deemed to be either minor or major depending on the individual circumstances of the case. This will determine the application of the disciplinary procedure to the individual student case. Normally, minor cases will be dealt with using the Summary Procedures and major cases will be dealt with by a College Disciplinary Panel.

Penalties

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

In respect of Summary Action:

- (a) a written reprimand and a warning about future behaviour;
- (b) a requirement upon the student to give an undertaking as to his or her future good conduct within the College;
- (c) a requirement upon the student to pay for any damage to property he or she may have caused or to recompense the College for any loss it may have suffered arising from the student's misconduct;
- (d) a requirement on the student to pay compensation of not more than £500;
- (e) a fine of not more than £500;
- (f) a requirement on the student to undertake specified tasks or services for the benefit of the Department, Faculty, hall of residence or the College community up to a maximum of forty hours.

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

- (g) restriction of access to the College or a specified part thereof for a fixed period ('exclusion'). A student who receives such a penalty will have restricted rights to enter College premises and/or to participate in College activities or access to College services, the terms of the restriction being notified to the student in

writing. An order of restricted access may include a requirement that the student shall have no contact with a named person or persons;

- (h) suspension from the College for a fixed period. A student who is so suspended will be prohibited from entering College premises and from participating in College activities although the suspension may be subject to qualification, such as permission to take an examination. An order of suspension may include a requirement that the student will have no contact with a named person or persons. A period of suspension is normally included in a student's maximum period of registration;
- (i) expulsion from the College, which means that the student will cease to be a member of the College and will have their registration terminated and lose all rights and privileges of registration.

Disciplinary Procedures

- 15 Cases of alleged misconduct or breach of discipline may be dealt with either summarily as set out in paragraphs 16 to 22 below or by a College Disciplinary Panel established in accordance with paragraphs 23 to 39 of this procedure.
- 16 The Student Disciplinary Procedure may be adjourned where there is a demonstrable concern that the student concerned is not fit to participate in them. In such circumstances, the proceedings may be suspended to allow the student to access support from the College. In such instances, the College may decide to apply the Fitness to Study procedures or the Fitness to Practise policy where appropriate.
- 17 The Imperial College Union has its own Disciplinary Procedure to deal with any alleged misconduct committed on Union premises and in relation to Union activities. Minor offences will normally be dealt with under the Union procedure when that applies. The College would expect that major offences would always be considered by a College Disciplinary Panel, and the Union's procedure contains powers to refer such cases to the College. Where relevant, the Union will confer with the Academic Registrar to determine whether a case should be considered under the College Procedure and by a College Disciplinary Panel.
- 18 All cases of alleged student misconduct which fall under the auspices of this procedure shall be submitted, with supporting documentary evidence, to the Student Casework Officer in Registry, who will make an initial assessment of the severity of the allegation and recommend to the Academic Registrar whether the allegation can be dealt with under the Summary Procedures or by a College Disciplinary Panel.

Summary Procedures (for Minor Offences)

- 19 Cases dealt with under the summary procedures would normally be investigated by the appropriate College Officer as listed in paragraph 20 below. The original complaint and

supporting evidence will be collated and provided to them by the 'Student Casework Officer'. The College Officer will normally conduct an investigation into the allegations of misconduct, and has the option of investigating the allegation themselves, or of appointing an independent and appropriately qualified nominee to investigate and report back to them. The time taken to conduct an investigation will vary according to the complexity of the case, but must also be timely to allow for seeking additional evidence where appropriate.

- 20 The following College officers (or their delegated nominees) are empowered to deal summarily with alleged offences as follows:
- (a) Heads of Department or Deans of Faculty for offences related to departmental buildings or activities;
 - (b) Wardens, for offences committed in a College residence, except those falling within paragraph 12(l) and 12(m) which will, in the first instance, be referred to the Academic Registrar.
 - (c) The Director of Library Services for breaches of the Library Rules;
 - (d) The Director of ICT for breaches of conditions of use of IT Facilities;
 - (e) The College Secretary for breaches not covered by the above.
- 21 In all cases dealt with under the Summary Procedures, the student must be provided with a written statement of the allegations being made against them, and then with an opportunity to respond to the allegation and state his or her case prior to any decision being reached. The officer dealing with the matter shall consider the written or oral evidence from the student. Where an interview is held with the student, a full record of the discussion must be kept. The student should be informed in writing within five working days of the decision, and of their right to appeal against the decision.
- 22 Where a student has been investigated on previous occasions and has received more than one penalty under the Summary Procedures, the Academic Registrar may decide that any further allegations of misconduct will be considered by a College Disciplinary Panel. The investigation of an allegation of misconduct under the Summary Procedures, and the consideration of the evidence could lead to the recommendation that the case be referred to a College Disciplinary Panel.

College Disciplinary Panel (for Major Offences)

- 23 Misconduct which in the opinion of the Academic Registrar cannot be dealt with adequately through the Summary Procedures shall be considered by a College Disciplinary Panel, or, where the responsible authority is a Warden, through a Residence Tribunal. The procedures for both are the same and are referred to in paragraphs 24 to

- 35 throughout as a Panel. Cases dealt with by the College Disciplinary Panel should normally be investigated by the Academic Registrar, or his or her nominee. The original allegation(s) and supporting evidence will be collated and provided to the Academic Registrar by the 'Student Casework Officer'. The Academic Registrar, or nominee, will then conduct an investigation into the allegations of misconduct. The time taken to conduct an investigation will vary according to the complexity of the case but must also be timely to allow for seeking additional evidence where appropriate.
- 24 If two or more students are involved in related misconduct or breaches of the regulations, the Panel may, at its discretion, deal with their cases together.
- 25 **The Residence Tribunal** shall comprise a Chair, appointed by the Provost, a Warden or a former Warden and an academic staff member to be appointed by the Chair of the Tribunal in consultation with the President of the Imperial College Union; and the President of the Union or nominee. A Clerk to the Tribunal will be appointed by the Academic Registrar.
26. Cases dealt with by the Residence Tribunal should normally be investigated by a Warden. The time taken to conduct an investigation will vary according to the complexity of the case but must also be timely to allow for seeking additional evidence where appropriate. A Warden will be responsible for presenting the case to the Residence Tribunal on the basis of the completed investigation. The Warden may call witnesses in support of the case, and may also question witnesses called by the student.
27. If the Chair of the Residence Tribunal decides, after examining documentary evidence, that a case might more appropriately be heard by a College Disciplinary Panel, rather than the Residence Tribunal, the case will be referred back to the Academic Registrar for further consideration.
- 28 The **College Disciplinary Panel** shall comprise of four members, including the Chair who shall be a College Consul, and at least one member shall be a student. The student member(s) will be nominated by the President of Imperial College Union. The academic staff member(s) shall be drawn from the agreed list of Panel Members, which is approved by the Senate each year. No person who is party to or is a potential witness at a hearing before the Panel, or who is in the same Department as the student shall be a member of the Panel. The Head of Central Secretariat shall appoint a Clerk to the Panel.
- 29 The Academic Registrar or nominee will be responsible for presenting the case to the Disciplinary Panel on the basis of the completed investigation.
30. The Clerk to the Panel will write to the student to notify him or her of the Panel meeting and the notification will include details of the allegation made against him or her and the names of the Panel members, together with copies of any documentary evidence to be made available to the Panel in advance of the meeting.
- 31 The College Disciplinary Panel will meet to hear the evidence as soon as is practicably possible and the student concerned will be given at least 10 working days notice in writing (by e-mail) to prepare for the Panel meeting.

- 32 The Panel can require the attendance of a student who is the subject of an allegation to be considered by the Panel. If the student, having been advised of the opportunity to attend the Panel meeting, or being required to do so, fails to attend the meeting without providing good cause, the meeting may be conducted in his or her absence. Failure to attend when required to do so without good cause shall constitute a disciplinary offence.
- 33 A student who is referred to a College Disciplinary Panel or Residence Tribunal will have the opportunity to present his or her case at the Panel hearing. The student may call witnesses and question witnesses upon whose evidence the case against him or her is based, or who can provide relevant additional evidence. The student will be allowed to be accompanied to the Panel hearing by a 'friend' (a fellow registered student, a Students' Union Officer or a member of staff of the College of his or her choice, who may speak on his or her behalf). The 'friend' or any witnesses called by the student cannot be a solicitor or barrister. A member of staff who has been involved in supporting a student following an incident cannot be a member of the College Disciplinary Panel investigating the same incident.
- 34 The College Disciplinary Panel shall consider the evidence presented to it by the Academic Registrar or nominee and hear from relevant witnesses, including any witnesses called by the student. Witnesses may be questioned about their evidence by the members of the panel and by the student.
- 35 Those deciding on the outcome of the Panel meeting should reach their decision on the basis of the evidence presented to them; findings shall be made on the balance of probabilities. Decisions may be by a majority where a vote is required. The Chair may vote and shall have in addition a casting vote. The Clerk shall not be entitled to vote.
- 36 The Penalties imposed by the College Disciplinary Panel may be any of those specified in paragraph 14 above.
- 37 The Penalties imposed by the Residence Tribunal may be any of those specified in paragraph 14 (a) to 14 (f) above, as well as any of these additional penalties:
- (a) expulsion or suspension from any part of the residences other than their own room for such a period as the Tribunal may determine;
 - (b) that a resident shall not be entitled to remain in their room after a certain date.
- Or, if it considers that the Penalties available to it are insufficient, refer any disciplinary matter back to the Academic Registrar to consider whether the case should be heard by a newly constituted College Disciplinary Panel.
- 38 A written outcome from the College Disciplinary Panel or Residence Tribunal giving the findings of fact, the decisions and the reasons for the decisions and any recommendations of the Panel shall be sent to the student against whom the allegations have been brought within five working days of the Panel reaching its decision.

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

Appeals

- 40 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.
- 41 An appeal, including a statement of the grounds on which the appeal is being made, must be submitted by the student concerned to the Head of Central Secretariat in writing within ten working days of the date on which the written notification of the decision is sent to the student. A request for an appeal received after this time will be considered only where the student has been able to demonstrate a valid reason for not being able to meet the deadline.
- 42 An initial evaluation of the appeal will be made by the Head of Central Secretariat within five working days to determine if there are valid grounds for the request for appeal to be considered. If there are no valid grounds, the student will be written to and advised that this is the case.
- 43 Appeals against a Summary Procedure will be considered by a senior member of Registry staff who has had no involvement in the case. Appeals against College Disciplinary Panel proceedings will be considered by a Disciplinary Appeals Panel which will be established by the Head of Central Secretariat. The Disciplinary Appeals Panel will be chaired by a College Consul, with the rest of the membership to be drawn from a designated list of Appeals Panel members, which is approved annually by Senate. Disciplinary Appeals Panels shall normally have a minimum of a Chair and two members, none of whom have had any prior involvement with the case, or with the student.
- 44 The Appeals Panel will not consider the case afresh but shall consider whether the initial hearing and outcome were fair against the stated grounds of the appeal set out in paragraph 40 above.
- 45 The person(s) or Appeals Panel considering an appeal shall have the authority to confirm, set aside, reduce or increase the penalty previously applied, or, if new evidence that is material and substantial has been established through the appeal process, to refer the case back for consideration by a newly constituted College Disciplinary Panel. The decision of the person(s) or Panel hearing the appeal shall be final and there shall be no further opportunity for appeal against that decision within the College.

Completion of Procedures

- 46 The outcome of the appeal stage concludes the College's internal procedures (unless the decision is to refer the case back to a newly constituted College Disciplinary Panel) with regards to the Student Disciplinary Procedures, and therefore a Completion of Procedures letter will be issued to the student.
- 47 This letter will explain that if the student is still dissatisfied, the student may direct their complaint to the Office of the Independent Adjudicator for Higher Education (OIA) within one calendar year of the date on which the Completion of Procedures Letter was issued. Information on the complaints covered by the Office of the Independent Adjudicator and the review procedures is available at: <http://www.oiahe.org.uk>.

Misconduct that is also a Criminal Offence

- 48 Where an allegation of misconduct which may constitute a criminal offence is made against a student, the College will follow two principles when dealing with disciplinary matters:
- (a) the criminal process will take priority and, with the exception of any precautionary action that is necessary, the internal disciplinary procedures will be suspended until the criminal process is at an end;
 - b) if the matter is not being dealt with under the criminal process, or where the criminal process has concluded, the College will consider whether a breach of College regulations has occurred and refer the matter for consideration under these internal disciplinary procedures, where appropriate.

Precautionary Action: Suspension or Exclusion Pending a Hearing

- 49 A student who is subject to a College Disciplinary Panel or who has a criminal charge pending and/or is the subject of a College or police investigation may have restrictions placed on their access to College premises, and/or be suspended or excluded from the College, by approval of the Provost, on the basis of the available evidence, as a precautionary action pending the outcome of that Panel hearing, the criminal investigation and/or the outcome of the criminal process. By way of clarification:
- (a) suspension involves a total prohibition on attendance at or access to the College and on any participation in College activities; but it may be subject to qualification, such as permission to attend for the purpose of assessment;
 - (b) exclusion involves either total or selective restriction on attendance at or access to the College or prohibition of exercising the functions or duties of office or committee membership in the College, the exact details to be specified in writing by the Vice Provost Education or a person to whom they have delegated.

- 50 Precautionary action may be put into place to allow for a full and proper investigation to be carried out (either by the Police or by the College investigator) and/or where it is necessary to protect the College community whilst the allegation is being dealt with as part of a criminal process or disciplinary procedure. The case for precautionary action will include carrying out a risk assessment in relation to risks faced by members of College and the public.
- 51 While any investigation or criminal proceedings are ongoing, any precautionary action will be reviewed periodically in the light of any new developments and of any written representations made by the student either personally or through their representative.
- 52 Once the outcome of any police investigation or criminal proceedings are known, the precautionary measures will be subject to a final review.
- 53 An order of suspension or exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 54 The powers of temporary suspension or exclusion granted by the Provost under paragraph 49 shall be exercised only where necessary to protect a member or members of the College community, or the property of the College or a member or members of the College, or where the students continued presence might be a source of disruption to the College or any part thereof. Written reasons for the decision shall be recorded and made available to the student.
- 55 A student who is subject to an order of suspension or exclusion may make representations to the Provost or his or her delegated nominee. The representations may be put forward by the student or through a representative. The representations will be considered by the Provost or his or her delegated nominee, who may confirm or amend the original order of suspension or exclusion.
- 56 A student may appeal to the President against an order of suspension or exclusion pending a hearing.

Record Keeping

- 57 All actions and decision taking in respect of the application of this Disciplinary Procedure must be formally recorded and these written records must be clear, accurate and appropriate. The records should document all actions and decisions taken by the College from the day when the report of the incident was received until the conclusion of the process.
- 58 The outcome of any Summary Procedures should be submitted to the Student Casework Officer in Registry in order that a full record of all Disciplinary Procedures can be maintained.

- 59 The record should include detail on which process is being used, what issues and matters have been considered and the basis for the decisions that have been made. Such records will enable new decisions to be made effectively and allow for previous decisions to be reconsidered and reviewed as necessary.
- 60 Any member of College staff dealing with an allegation of misconduct which may also constitute a criminal offence should be aware that any notes that are made or documents that are created could be requested by the police as part of a criminal investigation and individuals could be called to give evidence.

Annual Report

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

Approved by the Council: 14 July 2017

Revisions approved by the Council: 14 September 2018