

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 circumstances of the allegation and should be approached in a non-judgemental manner. The role of the investigator does not encompass building a case against the accused, but of assembling evidence impartially. 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 87 to 90.
- 4 Investigators will receive appropriate training so that they have the appropriate skills and expertise to carry out investigations. Training shall be provided at an appropriate time so that the College always has a sufficient panel of trained investigators.
- 5 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.
- 6 Allegations of academic misconduct by a current or former student will be dealt with under the College's Academic Misconduct Procedures and/or the Research Misconduct procedures.
- 7 Anyone involved in an incident which they regard as constituting Sexual Violence or Misconduct by a student of the College is encouraged first to 'Disclose' the incident to an appropriate individual at the College, so that relevant wellbeing support and guidance can be offered. Such advice can then assist the complainant subsequently to decide whether they also wish to "Report" the incident to the College, in which case the student disciplinary policy would then be brought into operation.
- 8 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:

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

- a. to receive adequate notice of the details of the allegation and the date on which any hearing is to be held;
 - b. at any Panel meeting, to be present and to be accompanied 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, to give evidence and otherwise be heard, to have access to all the relevant documents to be submitted to the hearing and to call witnesses (as described in paragraph 54);
 - 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.
- 9 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 68 to 77).
- 10 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.
- 11 Students registered on collaborative provision will be advised within their student handbook which institutions’ disciplinary procedures will be followed, or how they will be enacted, in accordance with the Memorandum of Collaboration which governs the provision.
- 12 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.
- 13 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, unless this misconduct solely relates to their

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- 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 they 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.
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activity as a student. 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.

- 14 Where an allegation is made by one student against another student, the College will act to protect the rights of both students.
- 15 Under these procedures should a student or other member of the College community who is the respondent, complainant, witness or other person connected with the case consider that they should receive reasonable adjustments to the procedures on the grounds of disability, this should be raised at the earliest opportunity. This should include the reason for requesting the adjustment and any suggestions of what this may mean, for example an alternative format to a hearing or an extended deadline.
- 16 Where substantial new evidence comes to light that for good reason could not have been considered at the time of an offence being considered under these procedures, the College reserves the right to reopen a case under limited circumstances. This will be dependent on the seriousness of the offence, the impact on those involved in the case, the length of time that has elapsed, the relative reliability of the evidence, and any potential concerns regarding professional practice.
- 17 The College will only investigate disciplinary offences which occur on College owned or operated premises and facilities, including online, or incidents in relation to conduct connected to a programme of study, conduct on-campus, fieldwork, placements or whilst engaged in any other College-related activity. However, the College reserves the right to investigate allegations which occur off its campuses if they are Major Offences (for examples see paragraphs 21 [l] and [m]) solely between members of the College community, or if it is deemed that a student's action may impact the wider College community.
- 18 The College will not intervene in incidents that are not on College premises, including relating to the breakdown of personal relationships off-campus, unless they have resulted in action by the police or courts, are Major Offences (covered by paragraph 17 above) or a breach of the staff / student relationship policy.
- 19 For cases which involve multiple respondents/complainants/witnesses, the College will follow the same set of procedures as are followed for cases which involve a single complainant/respondent/witness.
- 20 College officers with responsibilities under this Ordinance will nominate a deputy to act on their behalf if they are unable to undertake their duties.

Examples of Misconduct

- 21 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, email, 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 67 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 67 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 67 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 which has resulted in action by the police or the courts;
- (q) any other act of behaviour which may be reasonably interpreted as misconduct notwithstanding the lack of equivalent examples here.
- (r) Vexatious allegations by a student against a student or staff member.

22 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.

Disciplinary Procedures

- 23 Cases of alleged misconduct or breach of discipline may be dealt with either summarily as set out in paragraphs 35 to 38 below or by a College Disciplinary Panel established in accordance with paragraphs 39 to 63 of this procedure.
- 24 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 Practise policy where appropriate.
- 25 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 (equivalent to those where the College Summary Procedure would be applied) 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.
- 26 All cases of alleged student misconduct which fall under this procedure shall be submitted, with supporting documentary evidence, to the Registry. An initial assessment of the severity of the allegation and recommendation would be made to the Academic Registrar, as to whether the allegation can be dealt with under the Summary Procedures or by a College Disciplinary Panel. In reaching a decision on whether a case should be investigated or dealt with under the Summary Procedures or by a College Disciplinary Panel, the Academic Registrar should consult the Director of Student Services and relevant Heads of Department if appropriate.

- 27 At any point during the investigation of a case, the Academic Registrar can change the consideration of a case between one handled as a Summary case or one to be considered by a College Disciplinary Panel.

Communications

- 28 The College will keep all relevant parties as fully and promptly informed as possible about the process for handling a complaint and subsequent disciplinary process (subject to necessary confidentiality) and will offer guidance to staff on how messages are to be conveyed to all parties.
- 29 It will be made clear to the complainant that the outcome of the student disciplinary process should normally be confidential to the respondent, although they may consent to information being shared with the individual who made the complaint. All individuals offering support to the complainant will also be made aware of this. If a disciplinary panel finds that a disciplinary offence has occurred, and that the respondent should be allowed to remain a student subject to conditions, then any of the conditions relevant to the complainant will be made known to them, to alleviate future concerns.
- 30 The College will provide guidance on how messages are to be conveyed externally, particularly in cases where the facts of a case cannot be released into the public domain.
- 31 The College will provide guidance to all parties involved in the disciplinary processes on how confidentiality should be safeguarded throughout the procedures.
- 32 The College will provide clear guidance to Heads of Department on student disciplinary procedures and the reporting of incidents so that cases are escalated to the Academic Registrar or nominated deputy as soon as appropriate.

Support

- 33 The College will provide appropriate wellbeing support for the complainant, respondent, friends, witnesses and staff throughout the disciplinary process, and after it has ended, if necessary, and to students who Disclose an incident, regardless of whether the incident is Reported to the College or the police
- 34 The College will provide clear information about how to access advice and support to all parties involved in disciplinary cases.

Summary Procedures (for Minor Offences)

- 35 Cases dealt with under the summary procedures would normally be investigated by the appropriate College Officer as listed in paragraph 36 below. The original complaint and supporting evidence will be collated and provided to them by the Registry. 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 should be proportionate, but will vary according to the complexity of the case and the involvement of external bodies. Time may be needed to allow for seeking additional evidence where appropriate.

36 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 21(l), 21(m), 21 (n) and 21(p), 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.

37 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 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.

38 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)

39 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 41 to 60 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 Registry. The Academic Registrar, or nominee, will then conduct an investigation into the allegations of misconduct, or appoint an Investigator to do so. The time taken to conduct an investigation should be proportionate, but will vary according

to the complexity of the case and the involvement of external bodies. Time may be needed to allow for seeking additional evidence where appropriate.

- 40 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.
- 41 **The Residence Tribunal** shall comprise a Chair, appointed by the Provost, a Warden or a former Warden, an academic staff member to be appointed by the Chair of the Tribunal, and the President of the Union or nominee. A Clerk to the Tribunal will be appointed by the Academic Registrar.
- 42 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 Tribunal may call and question witnesses for clarification of the events of the case, and may also question witnesses called by the student.
- 43 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.
- 44 The **College Disciplinary Panel** shall comprise of four members, including the Chair who shall be a College Consul, and at least one member who shall be a student. In addition, the Head of the Central Secretariat will act as a senior advisor to the panel and a Clerk to the panel will be appointed. 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. Where possible, and without diminishing panel experience or expertise, consideration should be given to maximising the diversity of the panel members to mitigate against factors such as unconscious bias. Further information on panel roles can be found in the guidance notes.
- 45 The College will provide appropriate training to Consuls to equip them with the necessary skills to chair disciplinary panels.
- 46 The College will provide guidance to new Consuls explaining the procedures for disciplinary cases and putting in place measures for this guidance to form part of the induction process for new Consuls.
- 47 All panel members, including clerks to the panel, will receive appropriate training, including training on unconscious bias and guidance on dealing with particularly sensitive cases.

- 48 The role of the student disciplinary process will be to determine whether there has been a breach of the student disciplinary policy and, if so, to decide if any action should be taken against the respondent, and whether they can remain a student of the College, with or without conditions. The panel will not be reaching any conclusions about whether the student has committed any criminal offences, although it may in the course of its investigation identify a matter for the police and the courts, or rely on information and outcomes provided by the police or judicial bodies.
- 49 The College will recruit an external adviser with expertise in Sexual Violence and Misconduct (SVM) if it is evident that the panel would benefit from this further level of expertise.
- 50 The Investigator will be responsible for presenting the case to the Disciplinary Panel on the basis of the completed investigation.
- 51 The Clerk to the Panel will write to the respondent to notify them of the Panel meeting and the notification will include details of the allegation made against them 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.
- 52 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.
- 53 The Panel can require the participation of a respondent who is the subject of an allegation to be considered by the Panel (by electronic means if most practical). If the respondent, 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 their absence. Failure to attend when required to do so without good cause shall constitute a disciplinary offence.
- 54 A respondent 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 respondent may call witnesses and ask the Chair of the Panel to question witnesses upon whose evidence the case against them is based, or who can provide relevant additional evidence. The respondent 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, but they may not 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.
- 55 The College Disciplinary Panel shall consider the evidence presented to it by the Investigator and hear from relevant witnesses, including any witnesses called by the respondent. Witnesses may be questioned about their evidence by the members of the panel.

- 56 The College Disciplinary Panel will provide information on how the complainant/witnesses might be questioned during hearings if they choose to attend rather than provide a written statement.
- 57 In cases where the College Disciplinary Panel is considering the return of a student to College under conditions, the Panel will undertake a safeguarding assessment and take appropriate safeguarding measures to protect the College community if necessary.
- 58 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. Guidance shall be provided to Panels on how they should consider the evidence they receive, to assist fairness to all parties.
- 59 To avoid unnecessary delay between the panel reaching an outcome and the implementation of proposed sanctions and action(s), the Panel will consider the practicalities of implementing these as part of the disciplinary process, with the aim of the full outcome being finalised within five working days of the panel hearing. Panel members will be permitted to liaise confidentially with other members of the College with expertise in this area – external to the panel – for guidance on the practical applications of its outcome.
- 60 The Penalties imposed by the College Disciplinary Panel may be any of those specified in paragraph 64 below.
- 61 The Penalties imposed by the Residence Tribunal may be any of those specified in paragraph 64(a) to 64(h) above, 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.
- 62 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 respondent within five working days of the Panel reaching its decision.
- 63 The College Disciplinary Panel has the power to adjourn a meeting to another date as it sees fit.

Penalties

- 64 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 their future good conduct within the College;
- (c) a requirement upon the student to pay for any damage to property they 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 addition, a Residence Tribunal may also apply the following additional penalties:

- (g) expulsion or suspension from any part of the residences other than their own room for such a period as the Tribunal may determine
- (h) that a resident shall not be entitled to remain in their room after a certain date

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

- (i) 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;
- (j) 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;
- (k) 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.

Misconduct that is also a Criminal Offence

- 65 The Academic Registrar is responsible for determining whether any allegation that a criminal offence has occurred should be referred to the police, taking account of the views of any complainant.

- 66 The College will provide appropriate wellbeing support for all parties involved in police investigations.
- 67 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

- 68 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 Provost or a person to whom they have delegated.
 - (c) 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.
- 69 The case for precautionary action will include carrying out a risk assessment in relation to risks faced by those involved in the case and the wider College community and, if applicable, the public. The College will take into account the registration status of the student(s) as part of the initial risk assessment.
- 70 Guidance and relevant training will be provided to all those responsible for carrying out our risk assessments related to disciplinary cases.

- 71 While any investigation or criminal proceedings are ongoing, any precautionary action will be kept under review.
- 72 The College will be consistent in its approach to implementing safeguarding measures across all cases, including those which involve both staff and students.
- 73 Appropriate support will be available to all areas of College responsible for implementing any actions that result from a risk assessment. In cases where safeguarding measures must be put in place, including limitations on access, the College will notify Heads of Department and the complainant to prevent any breach of these measures (with suitable confidentiality requirements).
- 74 Once the final outcome of any police investigation or criminal proceedings are known, the precautionary measures will be subject to a final review.
- 75 The powers of temporary suspension or exclusion granted by the Provost under paragraph 69 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.
- 76 A student may appeal to the President against an order of suspension or exclusion pending a hearing.
- 77 If actions are recommended following a risk assessment, consideration will be given to the flow of information about these actions to all parties involved in the disciplinary process

Appeals

- 78 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.
- 79 An appeal, including a statement of the grounds on which the appeal is being made, must be submitted by the student concerned to the 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.

- 80 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.
- 81 Appeals against a Summary Procedure will be considered by a senior member of Registry staff who has had no involvement in the case.
- 82 Appeals against College Disciplinary Panel proceedings will be considered by a Disciplinary Appeals Panel which will be established and managed 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.
- 83 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 78 above.
- 84 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

- 85 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.
- 86 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>.

Record Keeping

- 87 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. The College's obligations under data protection legislation regarding

sensitive personal information will be made clear to all parties involved in the Disciplinary Procedure, including the need to avoid the sharing of information about disciplinary cases on social and other media.

- 88 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.
- 89 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.
- 90 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

- 91 Each year, the Central Secretariat and 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.

The Office of the Independent Adjudicator for Higher Education

- 92 The Office of the Independent Adjudicator for Higher Education (OIA) runs an independent scheme to review the complaints of students subject to disciplinary procedures. The College is a member of this scheme. If a student subject to disciplinary procedures is unhappy with the outcome they may be able to ask the OIA to review their complaint. Students subject to disciplinary procedures can find more information about making a complaint to the OIA, what it can and can't look at and what it can do to put things right here: <https://www.oiahe.org.uk/students>. Students who are subject to disciplinary procedures normally need to have completed the Disciplinary Procedure before they complain to the OIA. The College will send the student a letter called a "Completion of Procedures Letter" when they have reached the end of our processes and there are no further steps they can take internally. Students subject to disciplinary procedures can find more information about Completion of Procedures Letters and when they should expect to receive one here: <https://www.oiahe.org.uk/providers/completion-of-procedures-letters>.