

Code of Student Discipline

Scope

1. The purpose of this Code is to enable Queen Mary University of London to fulfil its obligations relating to the care of, and responsibility for, staff and students, and the public, and to protect its reputation. All staff and students are expected to act at all times in accordance with Queen Mary's stated core values of inclusivity, pride, ambition, collegiality, and ethical behaviour.
2. The Code of Student Discipline applies to any person defined as a student or associate student of Queen Mary in accordance with [Ordinance C1](#). This includes students who are interrupting study or resitting out of attendance but remain registered with Queen Mary.
3. The Code of Student Discipline may apply to any action of misconduct whether it takes place on or off Queen Mary premises. The Code also applies to actions that are electronic and occur via electronic means such as (but not limited to) the internet, email, social media sites, chat rooms or text messages.

Definitions

4. In this Code:
 - a. **Misconduct** means the improper interference in any way with the proper functioning or activities of Queen Mary, or those who study or work at Queen Mary, or members of the public, or action which otherwise damages Queen Mary.
 - b. References to **Queen Mary**, to **Queen Mary activities, premises** and **facilities** and to any **office** or **committee membership** includes the Students' Union and any premises of the University of London (including intercollegiate halls of residence) or other college of the University of London, or any educational institution or facility at which the student is properly present in connection with their programme of study or by virtue of their status at Queen Mary.
 - c. **Responding student** refers to the student against whom an allegation has been made.
 - d. **Reporting student** refers to the student who has made the allegation against the responding student. If the allegation of misconduct has been made by a complainant who wishes to make a Formal Complaint via the [Student Complaints Policy](#), then for the purposes of this Code, that complainant will be considered to be the reporting student. In all cases, a reporting student will receive a Formal Complaint outcome letter, in accordance with the Student Complaints Policy, at the conclusion of the disciplinary process.
 - e. **Witness** refers to a person contacted within the course of a disciplinary investigation.
 - f. **Foundation Year One (F1) Doctor** refers to a member of NHS staff who is undertaking Foundation Year One and is a member of a Foundation School.
 - g. **Institutional level** refers to processes operated by the centre of Queen Mary; normally these are more serious cases of misconduct.
 - h. **School/Institute/Directorate level** refers to processes operated by a student's academic School/Institute or a Professional Service department such as Student and Academic Services or Estates and Facilities.

- i. **Instruction restricting activity** means a requirement that a student refrain from contact with a specified individual or undertaking a specific form of action. The precise nature of the instruction restricting activity will be made to the student in writing.
- j. **Exclusion** means selective restriction on attendance at, or access to, Queen Mary or prohibition on exercising the functions or duties of any office or committee membership at Queen Mary or the Students' Union. The precise nature of an exclusion order will be made to the student in writing.
- k. **Suspension** means the total prohibition on attendance at, or access to, Queen Mary and to any participation in Queen Mary activities, but at Queen Mary's absolute discretion it may be qualified for example to permit a student to attend an examination.
- l. **Expulsion** means the immediate termination of a student's registration.
- m. **Formal body** means any committee of Queen Mary, normally constituted by Senate or Council, but also including School/Institute committee structures.

General principles underlying this Code

- 5. Anyone who is accused of misconduct under the Code of Student Discipline is presumed innocent until guilt is determined.
- 6. It is the responsibility of Queen Mary to establish that misconduct has occurred. The standard of proof required is the balance of probabilities: that is, it is more likely than not that the alleged misconduct occurred.
- 7. Allegations of misconduct and other formal notifications will be provided in writing, normally by email.
- 8. Responding students will be afforded an opportunity to respond to an allegation of misconduct before a decision is made, except where suspension pending investigation is required.
- 9. At all stages of the process any student may be represented or accompanied by one person of their choosing.
- 10. If the President and Principal, or a named officer, believes that a criminal offence has been committed they may refer the case to the Police.
- 11. No person who has had any significant prior involvement in a case will consider an allegation of misconduct under this Code.
- 12. Responding students shall receive a fair and impartial hearing.
- 13. When determining the penalty to be applied consideration will be given to:
 - a. the seriousness of the misconduct.
 - b. the student's previous disciplinary record.
 - c. the conduct of the student following the misconduct.
 - d. if the misconduct has been admitted.
 - e. any mitigating factors as applicable.

14. If a responding student, having been given proper notice, fails to attend a meeting or hearing under this Code without a reasonable explanation, the meeting or hearing may proceed as planned. In the event that the responding student is not able to attend a meeting or hearing, for good reason, it may be rearranged.
15. A responding student against whom an allegation of misconduct is made may be subject to this Code even if it can be shown that the alleged misconduct is due to reasons of incapacity such as a serious emotional or psychiatric condition. In such cases Queen Mary will be mindful of its duty to make reasonable adjustments in order to mitigate the effects of any impairment.
16. An annual report on Disciplinary cases, which does not identify individual students, will be submitted to Senate for consideration.

Examples of misconduct

17. Examples of actions and behaviours that will usually be considered misconduct include, but are not limited to, the following:
 - a. any breach of a Queen Mary rule, regulation, policy, or code of practice approved by Council or its delegated authority.
 - b. disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of Queen Mary, whether on Queen Mary premises or elsewhere.
 - c. obstruction of, or improper interference with, the functions, duties or activities of any student, member of Queen Mary staff or any visitor to Queen Mary.
 - d. violent, indecent, disorderly, intimidating or offensive behaviour or language whilst on Queen Mary premises or engaged in any Queen Mary activity (including field trips, placements or sporting activities), or directed at any student, member of staff or visitor to Queen Mary or other member of Queen Mary. This shall include oral, physical, written, or online forms of communication including posts on social media sites, chat rooms, email, texts or instant messaging. It shall also include words or actions related to gender, sexuality, race, religion, disability, or age.
 - e. violent, indecent, disorderly, intimidating or offensive behaviour or language, as set out in [d] above, including words or actions focusing on sex, sexuality, race, religion, disability or age which could constitute harassment.
 - f. sexual misconduct which includes (but is not limited to) the following, within or outside a sexual or romantic relationship, including where consent to sexual activity has been given then withdrawn, or if consent has been given on previous occasions: sexual intercourse or engaging in a sexual act without consent; attempt to engage in sexual intercourse or a sexual act without consent; sharing private sexual materials of another person without consent; kissing or touching inappropriately without consent; inappropriately showing sexual organs to another person; repeatedly contacting or following another person without good reason; making unwanted remarks of a sexual nature. For the avoidance of doubt, in this paragraph, 'without consent' includes purported consent obtained by force, intimidation, manipulation or coercion.
 - g. fraud, deceit, deception or dishonesty in relation to Queen Mary, members of its staff, or in connection with holding any office of Queen Mary or being a student of Queen Mary.
 - h. action causing, or likely to cause, injury, or action impairing, or likely to impair, health and safety.
 - i. any breach of the provisions of Queen Mary's Freedom of Speech Policy, or any other action or activity which fails to respect the lawful rights of others to freedom of belief or freedom of speech.

- j. cheating or plagiarism in coursework or examinations, or research misconduct including advertising on essay production websites or seeking help with assessment in any other unauthorised manner, notwithstanding that the conduct in question is covered by, or has been dealt with under, other regulations.
- k. theft of, damage to, or defacement of, Queen Mary property or the property of staff or other students of Queen Mary, caused intentionally or recklessly.
- l. vexatious or malicious complaints, or unsupported allegations made about a member of staff, student or other member of Queen Mary.
- m. misuse, or unauthorised use, of Queen Mary premises or items of property.
- n. misuse of computers, including: downloading, or publishing material that encourages violence or extreme behaviour towards people or property.
- o. behaviour which brings, or is likely to bring, Queen Mary into disrepute.
- p. failure to disclose name and personal details to a member of Queen Mary staff where it is reasonable and lawful to require that such information be given.
- q. failure to comply with a previously-imposed penalty under this Code or requirements put in place during the pre-hearing stages or the disciplinary procedure.
- r. conduct which constitutes a criminal offence in the United Kingdom, or which would, if committed in the United Kingdom, constitute such an offence, where that conduct:
 - i. took place on Queen Mary premises; or
 - ii. affected or concerned staff or other students of Queen Mary; or
 - iii. damages the good name of Queen Mary; or
 - iv. itself constitutes misconduct under the terms of the Code; or
 - v. is an offence of dishonesty, where the student holds an office of responsibility at Queen Mary; or
 - vi. is such as to render the student unfit to remain a member of Queen Mary community or to practice a profession to which their course is designed to lead, or if Queen Mary repeated would pose a threat to staff or other students, or threaten the discipline and good order of Queen Mary.
- s. conviction of an offence within the United Kingdom, or elsewhere if the conduct in question would have constituted an offence in the United Kingdom, where the conduct in question falls within any of the six provisions in paragraph [r] above.

Relationship of this Code to other regulations, policies and procedures

Professional Capability and Fitness to Practise Regulations

18. Queen Mary has a responsibility to ensure that those students who graduate from a primary medical or dental qualification are fit to practise. This responsibility extends to Foundation Year One (F1) Doctors. Students registered on programmes leading to a primary medical or dental qualification are subject both to the Code of Student Discipline and any other codes and policies that inform their professional conduct. Allegations of misconduct about students registered on such programmes may also give rise to

concerns about a student's fitness to practise and are reported to the Professional Capability Committee in all cases.

19. In applying the Code of Student Discipline, account is not taken of fitness to practise. The outcome is reported to the Professional Capability Committee which may wish to take appropriate action in its own right, including referral to the Fitness to Practise Committee. Where the misconduct has been proven through the Code of Student Discipline, the Professional Capability Committee and/or Fitness to Practise Committee do not rehear the case but consider capability and fitness to practise in the light of the misconduct and outcome of the disciplinary procedures.

[Other Queen Mary regulations](#)

20. Allegations of breaches of other Queen Mary regulations, for example Halls of Residence Regulations, The Library Code of Conduct, and ITS Policies, particularly 'DG29 Acceptable Use of IT', are normally dealt with in accordance with those regulations. Repeated or more serious misconduct or breaches of these regulations may also be dealt with under this Code.

[Students' Union Disciplinary Procedures](#)

21. Allegations of misconduct in relation to Students' Union affairs that fall within the remit of the Students' Union Disciplinary Procedures are dealt with by the Students' Union. The Students' Union may also refer allegations for consideration under this Code where the misconduct is more serious, subject to the mutual agreement of the Students' Union and the Appeals, Complaints and Conduct Office.

Misconduct that is also a criminal offence

22. The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in court:
 - a. in cases where the alleged misconduct could constitute a criminal offence Queen Mary will usually consider the case under this Code with a view to determining if the alleged misconduct has occurred in accordance with paragraph 17 [a] – [s]. Any decision of the alleged victim not to report to the Police or to press charges, any decision of the Police not to investigate or prosecute, or any eventual not-guilty verdict, will not prohibit Queen Mary from following this Code and taking action as it sees fit. Queen Mary can make no determination with regard to offences under the criminal law, and decides misconduct issues on the balance of probabilities as set out in general principle 6 above.
 - b. if the alleged misconduct has been reported to the Police, usually no further action (other than suspension, exclusion or instruction restricting activity) will take place under this Code until the outcome of the Police investigation or criminal proceeding is known. However, Queen Mary reserves its rights to take further action under this Code where it considers this to be appropriate.
 - c. the student under investigation will keep Queen Mary informed of any developments in the Police investigation or criminal proceedings. Once the outcome is known, a Vice-Principal will review the case and determine whether further action under the Code of Student Discipline should be taken.
 - d. if a student has been sentenced by a court in relation to the same matter, the penalty imposed by the court will be taken into consideration in determining a penalty under this Code.
 - e. staff dealing with the incident should clearly document their involvement and any decisions made, and bear in mind that any notes made or documents created could be requested by the Police as a part of a criminal investigation.
 - f. where one student has made allegations against another student, both must be treated fairly and Queen Mary will take into account the interests and welfare of both, particularly when considering

suspension, exclusion or instruction restricting activity. Queen Mary will also consider any support arrangements that need to be put in place for the students involved, such as counselling sessions or academic adjustments.

23. When action is taken for misconduct, following conviction, the conviction will be taken as evidence that the misconduct has occurred, and will be open to challenge only to the extent that the student disputes that they were the person convicted.
24. The registration of a student who is convicted in a criminal court and sentenced to a term of imprisonment of one year or more will be terminated, and the student may be re-admitted only with the permission of the President and Principal.

Student disciplinary procedure

Suspension, exclusion and instruction restricting activity pending investigation

25. Queen Mary may suspend, exclude or instruct restriction of activity for any student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of a police investigation.
26. In such circumstances, suspension, exclusion or instruction restricting activity pending investigation are not penalties and will not be used as such. The purpose is to enable Queen Mary to exercise its duty of care to staff and students while an investigation takes place. The reasons for any decision to suspend or exclude a student will be recorded and will be made available to the student along with details about the length of the suspension/exclusion/restriction of activity.
27. Where immediate suspension, exclusion or instruction restricting activity is a proportionate step to take to preserve good order or to protect staff or students from harm, it may be imposed with immediate effect. In such cases, the student may make representations against the decision within five days of its notification.
28. Suspension will generally only be used where exclusion from specified activities or facilities would be inappropriate. Exclusion will generally only be used where an instruction restricting activity would be inappropriate.
29. When a student is suspended pending investigation an investigation will take place as outlined in this code. It is expected that investigations will be conducted promptly and normally within 25 working days.
30. A student who has been suspended, excluded or received an instruction restricting activity may make representations against the decision to the President and Principal in writing. The President and Principal will consider such representations and respond in writing.
31. A student may request a review of a suspension, exclusion or instruction restricting activity should new information come to light. In such circumstances, the student makes the request to the President and Principal who will respond in writing.
32. **At institutional level** a Vice-Principal has the authority to suspend, exclude or instruct a restriction of activity pending hearing. The Head of the Appeals Complaints and Conduct Office has the authority to exclude or instruct a restriction of activity following consultation with the Vice-Principal.
33. **At school/institute level** a Head of School/Director of Institute has the authority to exclude a student from facilities and activities or instruct a restriction of activity pending investigation.

34. The President of the Students' Union has the authority to exclude a student from facilities and activities or instruct a restriction of activity pending investigation where this is provided for in the applicable regulations.
35. **At professional services directorate level** a Director, has the authority to exclude or instruct a restriction of activity pending hearing where this is provided for in the applicable regulations.

Misconduct investigation

36. Allegations of misconduct should be made in writing, directly to the relevant Head of School, Director of Institute, Director of Professional Service, or to the Head of the Appeals Complaints and Conduct Office via the Appeals, Complaints and Conduct Office.
37. On those occasions where support is also required, reporting students are strongly encouraged to use the Queen Mary [Report + Support](#) portal as this will allow them to simultaneously access the various support networks available to all Queen Mary students. Upon receipt of a report made through the Report + Support portal, the Appeals, Complaints and Conduct Office will contact the reporting student with further information on how the matter will be taken forward.
38. The Head of the Appeals Complaints and Conduct Office, Head of School, Director of Institute, or Director of Professional Service is responsible for conducting an investigation into the misconduct as appropriate.
39. An independent Investigating Officer may be appointed to undertake the investigation. The Investigating Officer should have no involvement with the allegation of misconduct; in some cases an appropriately qualified external investigator may be appointed. In all cases, the responding student is notified of the name of the Investigating Officer.
40. At any point during the course of an investigation the Head of the Appeals Complaints and Conduct Office, Head of School, Institute Director, or Director of Professional Service may suspend, exclude or restrict activity pending hearing in accordance with their relevant authority to act in this regard.
41. An investigation will be completed as soon as possible and will normally take no longer than 25 working days.
42. An investigation will normally involve the following stages:
 - a. Notification to the responding student of the allegation/s made against them and provision of a copy of this Code.
 - b. Request for written statements from the reporting student and all relevant witnesses, and collection of any other factual evidence.
 - c. Interview with the reporting student, however, the decision to attend an interview rests solely with the relevant student. Where appropriate, interviews may be conducted with any relevant witnesses, subject to their consent.
 - d. Interview with the responding student to provide them with an opportunity to put their case. Where an interview is not possible in person, or where the responding student does not wish to submit to an interview, a written statement will be requested. In all cases, the responding student will be provided with sufficient information to allow them to respond to the allegation/s.
 - e. A written report of the investigation and the details of evidence gathered.

43. The Investigating Officer keeps notes of meetings held with all parties, namely, the responding student, the reporting student, and any witnesses. These notes must be included in the casefile alongside the written report and all other evidence collected.
44. In all cases, at the conclusion of the investigation the casefile is made available to the responding student, unless there is a concern for the safety of any relevant party. The safety of any relevant party is likely to be a concern where the alleged offence involves some form of violent behaviour, threat or injury to another. Any document included in the casefile may be redacted when it contains personal or sensitive information.

Misconduct handled at school/institute level

45. At any time during the investigation, or hearing, the Head of School/Director of Institute/Director of Professional Service may decide to refer the matter for consideration at institutional level.
46. Once the investigation is completed, the Head of School/Director of Institute/Director of Professional Service reviews the casefile and either:
 - a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the student's record.
 - b. **Decides that the case should be heard.**

Hearing at school/institute/professional service level

47. A hearing at school/institute/professional service level will normally take place within 2 months of an allegation of misconduct. The Head of School/Director of Institute/Director of Professional Service (or nominee) shall notify the responding student of the hearing in writing giving at least three working days' notice.
48. The responding student shall be provided with copies of all documents that will be considered for the allegation of misconduct.
49. The Head of School/Director of Institute/Director of Professional Service hears the case alone but will be assisted by another staff member who should take notes of the hearing.
50. The hearing is held in private. The following stages shall normally be followed:
 - a. the Head of School/Director of Institute/Director of Professional Service questions the responding student about the allegation(s).
 - b. the responding student or their representative responds to the allegation(s) and questions.
 - c. the Head of School/Director of Institute/Director of Professional Service decides the outcome of the disciplinary hearing in private.
51. Irrespective of the outcome, the Head of School/Director of Institute/Director of Professional Service may require that the responding student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the responding student's guilt or innocence.
52. The responding student shall be notified of the outcome and decision, normally, within three working days of the date of the hearing. A written notification of the outcome that records the decision, the reason(s) for the decision and the responding student's right of appeal shall be provided within five working days.

Decisions at school/institute level

53. Once the hearing is completed, the Head of School/Director of Institute either:
- a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the responding student's record.
 - b. **Decides that the misconduct is proven but should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, takes informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - c. **Decides that the misconduct is proven and imposes one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - d. **Refers the matter to the Head of the Appeals Complaints and Conduct Office** for consideration at institutional level.
 - e. **Refers the matter to the Professional Capability Committee** for consideration under the [Professional Capability and Fitness to Practise Regulations](#).

Penalties that may be imposed at school/institute level

54. If the Head of School or Institute Director decides that the misconduct is proven, one or more of the following penalties may be imposed:
- a. A reprimand which is a formal penalty for the misconduct.
 - b. The requirement to apologise in specified terms to one or more named persons by a specified date.
 - c. A formal instruction restricting activity for a specified period.
 - d. A first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - e. A final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - f. A fine not exceeding £100.
 - g. Compensation in respect of damage to property at the value of the damage where its value is no more than £250.
 - h. Compensation in respect of injury to a person not exceeding £250.
 - i. Prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.
 - j. Exclusion from prescribed departmental or Students' Union and/or Queen Mary facilities, including Student Services and IT Services, for a period of no more than one calendar year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.

55. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be given.
56. Any fine or penalty imposed will take account of the responding student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The responding student may be permitted to make the payment in prescribed instalments.

Misconduct handled at institutional level

57. Once the investigation is completed, the Head of the Appeals Complaints and Conduct Office or nominated decision-maker reviews the casefile and either:
 - a. **Dismisses the allegation** of misconduct, in which case the matter is closed and no record of the allegation is retained on the responding student's record.
 - b. **Decides that the allegation should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, take informal action by way of caution and/or restorative and educational activity. This will not be intended as a penalty, but students are expected to comply any request.
 - c. **Refers the matter to the Professional Capability Committee.**
 - d. **Refers the matter to a Student Disciplinary Committee.**

Student Disciplinary Committee

58. The constitution of the Student Disciplinary Committee is as follows:
 - a. a Vice-Principal, who chairs the Committee.
 - b. a member of academic staff drawn from the membership of Senate.
 - c. the President of the Students' Union or one of the Sabbatical Officers.
 - d. an independent legal adviser may support the Committee when required.
59. A non-voting secretary shall be appointed to the Committee. The secretary's role is to take notes of the meeting and advise on the implementation of the Code and/or the relevant [Academic Regulations](#). The secretary remains present throughout the hearing and deliberations but has no role in the decision-making of the committee.
60. A Queen Mary representative shall present the case to the Committee on behalf of Queen Mary. This will normally be the named Investigating Officer.
61. No person who has any close personal connections with any student due to appear before the Committee, or with the alleged misconduct, is eligible for appointment to the Committee.
62. The absence of one member of the Committee does not prevent the hearing taking place, or invalidate its outcome. The Chair of the Committee may, at any time between the initial appointments and the date of the hearing, appoint a replacement member, should any of the initial members be unable to attend the hearing.

Student Disciplinary Committee hearing procedure

63. The Student Disciplinary Committee meets as soon as reasonably practical to consider an allegation referred to it and normally within 2 months of an allegation of misconduct. This meeting is called a hearing.
64. At least 7 calendar days before the date of the hearing the secretary to the Committee sends the responding student a copy of these regulations, together with copies of all relevant documents to be presented at the hearing.
65. The hearing will take place in the absence of the responding student should they not attend, not respond, or provide good reason for not attending.
66. The responding student is required to inform the secretary of any documents that they intend to present or refer to at the hearing and to provide copies of them at least five calendar days before the date of the hearing. The Chair of the Committee may, at their discretion, allow the responding student additional time in which to produce documents for a hearing; there is no appeal against any refusal to allow such additional time.
67. The hearing is held in private. Only those persons party to the case and the Committee attend the hearing.
68. The Chair of the Committee is responsible for the conduct of the hearing and does so in accordance with the process set out below and the provisions of this Code. Their rulings on matters of procedure are final. The Chair of the Committee may take whatever action they feel is appropriate in order to ensure the availability of all relevant facts and to facilitate a fair hearing and outcome. Any matter relating to the hearing not covered by this Code will be decided by the Committee, whose decision will be final.
69. If a person is asked to attend a hearing as either a reporting student or a witness, but is unwilling or unable to for good reason, a written statement may be provided. Copies of any such statements are provided to the responding student. In circumstances where a reporting student or a witness is likely to be in distress, the Committee may permit them to be accompanied by another person, who will not participate in the proceedings in any way.

Student Disciplinary Committee order of proceedings

70. The responding student may be represented, or assisted by a person of their choosing. A maximum of two individuals are permitted to accompany a responding student at any meeting, interview or hearing.
71. At the commencement of the proceedings the Chair will:
 - a. inform the responding student and/or their representative of the names of the members of the Committee and the secretary.
 - b. indicate the Queen Mary representative who will present the facts in possession of Queen Mary.
 - c. check that the responding student and/or their representative have copies of all the documentation supplied to the Committee.
 - d. inform the responding student and/or their representative of their right to examine any documents, reports or written statements used in the case and of the Committee's right to examine any written reports or documents introduced by the responding student, and of the right of either side to call witnesses who may be examined by both sides.
72. The Chair will read the allegation and will then ask whether the responding student admits to the offence or not.

73. The Queen Mary representative will be asked to present the facts in the possession of Queen Mary and call any witnesses who may be examined by both sides. The Committee and the responding student may ask the Queen Mary representative questions.
74. The responding student or their representative is invited to present their case. If any witnesses are called they may be examined by both sides. The Committee may ask questions, as may the Queen Mary representative.
75. At the conclusion of the evidence both the Queen Mary representative and the responding student or their representative may address the Committee. The Queen Mary representative will address the Committee first followed by the responding student.
76. The Queen Mary representative together with the responding student and their representative will be asked to leave the room while the Committee deliberate on the outcome. The Committee should tell the student if it will be possible for them to make a decision and inform them of the outcome on the day of the hearing.
77. The Committee may either:
 - a. **dismiss the allegation of misconduct**, in which case the matter is closed and no record of the allegation is retained on the responding student's record.
 - b. **decide that the allegation should not be subject to further action** under the Code of Student Discipline and, where considered appropriate, take informal action by way of caution or otherwise. In applicable cases, the outcome is reported to the Professional Capability Committee.
 - c. **decide that the misconduct is proven and impose one or more penalties** from those available. In applicable cases, the outcome is reported to the Professional Capability Committee.
78. Irrespective of the outcome, the Committee may require that the responding student complete training or awareness activities. Unless specifically defined as such this is not a penalty and does not imply anything in relation to the student's guilt or innocence.
79. The responding student is notified of the outcome and decision, either in person by the Committee, or within three working days of the date of the hearing. The decision will be formally put in writing within five working days. The letter will record the decision of the Committee, the reasons for the decision, any penalty that is applied, and the responding student's right of appeal. The outcome of a hearing, together with the rationale, may be provided to a reporting student where appropriate. This information is particularly relevant where a reporting student has reported an issue relating to behaviour or sexual misconduct; the outcome may be required to ensure the implementation of any undertakings, or for health and safety more generally.

Penalties that may be imposed by a Student Disciplinary Committee

80. When allegations of misconduct are upheld, the following penalties may be imposed by a Student Disciplinary Committee:
 - a. a reprimand which is a formal penalty for the misconduct.
 - b. the requirement to apologise in specified terms to one or more named persons by a specified date.
 - c. a formal instruction restricting activity for a specified period.
 - d. a first written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.

- e. a final written warning, which is formal advice to the student that if the misconduct is repeated a more severe penalty will result.
 - f. a fine not exceeding £1000.
 - g. compensation in respect of damage to property at the value of the damage with no upper limit.
 - h. compensation in respect of injury to a person not exceeding £2,000.
 - i. a requirement to undertake some service to the Queen Mary and/or QMSU community, the nature and timing of the service to be determined by the President and Principal or Committee as appropriate.
 - j. prohibition from holding any office, or any particular office, including committee membership of any body or society of Queen Mary.
 - k. exclusion from prescribed departmental, Students' Union and/or Queen Mary facilities, including Student Services and IT Services, for a period of no more than one year, but not including attendance at lectures, classes, tutorials or other timetabled teaching and learning activities student's programme of study.
 - l. suspension from Queen Mary for a period of up to one year. Suspension may be ordered to take effect subject to such terms and conditions as the Committee may prescribe, but otherwise will prevent the student from entering Queen Mary or making use of any Queen Mary facilities or participating in any Queen Mary activities.
 - m. recommendation to the President and Principal that the student's registration be terminated and the student expelled from Queen Mary. The President and Principal considers the recommendation and either supports the recommendation or imposes an alternative penalty.
81. In addition to imposing one of the above penalties, an informal caution or other informal cautionary advice may be imposed.
82. Any fine imposed will take account of the responding student's means. Compensation where damage has occurred will take account of the cost of repair/replacement. The responding student may be permitted to make the payment in prescribed instalments. Any fine or penalty imposed may take account of penalties imposed by a Court following a criminal conviction.

Appeal Process

83. A responding student may appeal a decision arising from this Code using the process set out below. This includes the right to appeal any penalty imposed. A reporting student cannot appeal a decision arising from this Code but will have recourse via the [Student Complaints Policy](#) following receipt of the Formal Complaint outcome letter noted in paragraph 4[d] above.
84. The appeal will be considered by an Appeal Chair.
85. A Disciplinary Appeal must be submitted on the proper form and must include explicit reasons for the appeal. The appeal must be received by the Appeals, Complaints and Conduct Office within 14 calendar days of the date of the outcome letter. The Head of the Appeals, Complaints & Conduct Office has discretion to allow and consider later requests where a student demonstrates [good reason](#) for the delay.

86. New evidence or issues will not be considered unless the student can demonstrate good reason why that information was not previously made available.
87. The appeal process will involve a review of the existing casefile by the Appeal Chair to determine whether:
 - i. the procedures were followed appropriately, *and/or*,
 - ii. the outcome was reasonable in light of the available evidence.
88. If it is determined that the case was not handled in accordance with the procedures and/or that the outcome was not reasonable in light of the available evidence, the Appeal Chair may take corrective action where appropriate, refer the case back to the original decision-making body for reconsideration, or refer the case back to the Appeals, Complaints and Conduct Office for reconsideration under the Code of Student Discipline.
89. The student will be informed of the outcome of an appeal in a [Completion of Procedures letter](#). This is the final stage in Queen Mary's internal Code of Student Discipline.
90. A Disciplinary Appeal will normally be concluded within 28 calendar days of receipt. The student will normally be notified if consideration of their appeal is likely to take longer than this.

Office of the Independent Adjudicator for Higher Education

91. The Office of the Independent Adjudicator for Higher Education (the OIA) is an independent body set up to review student complaints about higher education in England and Wales.
92. A student not satisfied with the outcome of Queen Mary's internal procedures may submit a complaint to the OIA. The OIA will not normally consider a submission until a student has completed all of Queen Mary's internal procedures and is in possession of a [Completion of Procedures letter](#).
93. The OIA will consider whether Queen Mary followed its policy correctly and whether the outcome was reasonable in light of the facts of the case.
94. Information on submitting a complaint to the OIA will be included in the [Completion of Procedures letter issued to the student](#). Information is also available on the [OIA website](#).

This version of the Code of Student Discipline was approved by Senate on 8 June 2023

Appendix 1 - Responsibility and authority

1. The President and Principal is responsible to the Council for the management of Queen Mary, which includes student conduct and discipline.
2. The President and Principal normally delegates authority for student discipline and the operation of this Code to other members of Queen Mary.
3. The President and Principal's delegations are detailed below. In all cases, the Principal may assume responsibility to undertake any of the actions delegated to another.
4. Where a delegated office holder is unable to act, their deputy, or the person acting in the office or the office holder's nominee will act in their place.
5. At institutional level the President and Principal delegates responsibility to a Vice-Principal (including Deputy Vice-Principals) for all actions that may be undertaken under the Code of Student Discipline, except approving expulsion of a student on the recommendation of a Student Disciplinary Committee.
6. At institutional level the President and Principal delegates responsibility for organising an investigation into the alleged misconduct to the Head of the Appeals Complaints and Conduct Office, or their nominee.
7. At school/institute/directorate level the President and Principal delegates responsibility to the Head of School, or Director of Institute for all authorised actions under the Code of Student Discipline for students in their department.
8. At professional services directorate level the responsibilities and authorities of the Director of a professional services department are those which are approved by the appropriate authority and detailed in the relevant regulations, e.g. Halls of Residence Regulations, Library Regulations etc.