

# Student Discipline Policy

## 1. Introduction and values

- 1.1. Queen Mary University of London aims to deliver an outstanding, inclusive, world-class education that aligns with our core values: inclusive, proud, ambitious, collegial and ethical. To achieve this, all students are expected to treat Queen Mary and members of its community with respect, and to act in accordance with our core values.

## 2. Purpose

- 2.1. This policy outlines the University's procedures for responding to reports that a student's actions are believed to fall short of our core values and behavioural expectations. The policy sets out the rights and responsibilities of students and staff during the process, and the principles that guide and underpin the University's response to reports.

## 3. Scope

- 3.1. This policy applies to all students at Queen Mary.
- 3.2. All staff are responsible for ensuring that the Policy is implemented and adhered to, and for reporting concerns to the Appeals, Complaints & Conduct Office.
- 3.3. Where the concerning conduct relates to a student's interactions with another individual, this policy will normally apply when any of the following apply:
  - a. One or more of those individuals are other members of the Queen Mary community (including students, staff and visitors).
  - b. The interaction took place on Queen Mary premises, at a Queen Mary event or activity held in an external location, or during Queen Mary duties or functions.
  - c. The interaction took place online in a context affiliated, associated or identifiably related to Queen Mary by a reasonable observer.
  - d. The interaction brought, or has the reasonable potential to bring, Queen Mary into disrepute.
  - e. The interaction occurred in a similar context related to a Queen Mary partner, including placement providers, study abroad or collaborative provision institutions.
  - f. The interaction may amount to a criminal offence and is the subject of police investigation and/or criminal proceedings.

- g. The interaction calls into question a student's fitness to practise or study, and their programme is governed by a Professional, Statutory, and Regulatory Body (PSRB).
- 3.4. Queen Mary respects students' right to private life, and will not normally investigate interpersonal matters which are not related to the student's studies or their membership of the Queen Mary community. Members of the public concerned about their interactions with a Queen Mary student are encouraged to report the concerns to relevant public authorities. Where Queen Mary decides that a report of concerning conduct falls outside of the scope of this policy, the student will normally be contacted to inform them of the concerns and reasons for the decision. They may be provided advice about Queen Mary's values and expected standards.

## **4. Principles**

- 4.1. The educational and student experience principles set out in Queen Mary's Strategy 2030, and our Core Values (Inclusive, Proud, Ambitious, Collegial, Ethical) inform the application and implementation of this Policy.
- 4.2. The principles of natural justice, fairness and proportionality underpin the University's response to any reports of potential misconduct.
- 4.3. Natural justice means that all responding students have the benefit of being considered innocent until misconduct is found to have occurred and that it is the duty of the University to prove that misconduct has occurred. It also means that all responding parties will have the right to see and respond to evidence presented in their case before an outcome is reached.
- 4.4. Fairness means that students will be supported to understand the process and be given sufficient detail about the concerns being investigated. All students have the right to access support or representation, and to request reasonable adjustments.
- 4.5. Queen Mary recognises that misconduct matters can be challenging or distressing for students, and strives to ensure that the procedures are accessible, inclusive, supportive and educational. Students are strongly encouraged to engage with the procedures in good faith. Should a student decline to engage, the process is not invalidated by their absence.
- 4.6. Although this policy is informed by the legislative context, the University is not a court of law; it is an inclusive educational institution committed to supporting all students and ensuring all members of the community are treated with dignity and respect. These procedures are internal to the university and will not consider or reach any decision regarding whether or not a criminal offence has occurred. These procedures do not substitute the role of public authorities.
- 4.7. 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.

## 5. Roles and Responsibilities

- 5.1. The Appeals, Complaints & Conduct Office is responsible for:
- a. Ensuring that the disciplinary process is conducted fairly and impartially.
  - b. Providing students with information about the support available to them throughout the disciplinary process.
  - c. Maintaining accurate and secure records of all disciplinary cases
  - d. Provision of appropriate training for decision-makers
  - e. Providing advice and resources to support informal resolution
  - f. Undertaking timely and proportionate investigations into all formal reports
  - g. Consistent and proportionate decision-making that aligns with Queen Mary values
- 5.2. Students are responsible for:
- a. Their own actions and behaviour.
  - b. Upholding the University's values in their actions and demonstrating respect, inclusivity, and collegiality in all interactions.
  - c. Engaging with the procedures set out in the policy in good faith, honestly, respectfully, and with integrity.
  - d. Respecting the privacy and confidentiality of personal information.
  - e. Timely compliance with requests and engagement with the disciplinary process.
- 5.3. The Chair of the Student Disciplinary Panel holds overall responsibility for the conduct of the hearing.
- 5.4. Members of the Student Disciplinary Committee are responsible for reviewing the documentation in advance of the committee hearing, for asking questions during the hearing to understand the facts of the case and participating in decision-making. Panel members are responsible for undertaking all training required of the role.
- 5.5. Representatives are responsible for maintaining sufficient understanding of this policy and process to provide guidance and support to students involved in disciplinary cases. They are also responsible for conducting themselves in a professional and collegial manner at all stages and showing respect for the process.
- 5.6. The Appeals, Complaints & Conduct Office will present an annual report to the Education Quality Standards Board and Senate with detailed statistics about disciplinary cases, and any relevant training activities.

## 6. Definitions

### General definitions

- 6.1. **Misconduct** refers to actions contrary to Queen Mary values and/or actions that fail to show respect for Queen Mary, members of its community, or its functions and

activities. In line with the University's duties to protect its community and prevent harm, misconduct includes activities that have the reasonable potential to cause damage or harm, regardless of whether the harm did eventuate.

- 6.2. **Reporting student** refers to a student who has made a formal report about the conduct of another student.
- 6.4. **Responding student** refers to a student who is the subject of an investigation.
- 6.5. **Witness** refers to any person who has factual knowledge and credible information to provide about an incident being investigated.
- 6.6. **Character Reference** refers to any person who provides commentary on the character of individuals who are party to any investigations.
- 6.7. **Representative** refers to a person who provides professional advice and/or submissions on behalf of a student during the process.
- 6.8. **Support person** refers to someone who accompanies a student during the process to provide pastoral and moral support but is not actively involved in the proceedings.
- 6.9. **Minor restrictions on activity** refer to selective, specific and limited restrictions on participation in activities or access to locations which do not call into question a student's status and do not unduly affect their access to learning opportunities. Examples include a no contact instruction, timetable change, limited access to extra-curricular activities or facilities, or the requirement to refrain from undertaking certain actions.
- 6.10. **Exclusion** means the selective restriction on attendance at, or access to, Queen Mary premises or activities, as specified by Queen Mary.
- 6.11. **Suspension** means the total prohibition on attendance at, or access to, Queen Mary premises and participation in activities.
- 6.12. **Expulsion** means the immediate termination of a student's registration.

## 7. Types of misconduct

- 7.1. The non-exhaustive list of categories below describes common examples of actions or behaviours that are likely to constitute misconduct.
  - a. **Breaches of Queen Mary rules, policies, regulations or other codes.** This includes the failure to comply with any requirement, instruction or outcome issued in line with Queen Mary policies.
  - b. **Disruption, obstruction and improper interference with Queen Mary activities, functions or premises.**
  - c. **Deceptive and dishonest behaviour.** This category includes any form of fraud, falsification, impersonation, or other deceptive and dishonest action. This

category includes providing, arranging or advertising services that undermine academic integrity, such as contract cheating or research misconduct.

- d. **Theft, damage or misuse of Queen Mary property, premises or infrastructure.** This category includes online or digital infrastructure, as well as physical estate and facilities.
- e. **Posing a health and safety concern.** This includes the failure to disclose or confirm identity or follow reasonable directions by a Queen Mary staff member.
- f. **Unwanted and undesirable conduct towards others.** This category may include actions that a reasonable person would think amounted to unwanted and undesirable conduct towards others regardless of whether the conduct was directed at them. When considering whether actions of this nature constitute misconduct, the University will show regard to the principles of freedom of speech and the definitions of harassment in the United Kingdom.
- g. **Physical Misconduct.** This category includes physical violence, unwanted physical contact, and the use or threat to use a weapon.
- h. **Sexual Misconduct.** This category includes engaging in any form of sexual act or contact, without consent or attempting to engaging in such an act without consent. This includes acts such as sexual intercourse or another sexual act, kissing or touching inappropriately, sharing sexual materials, showing sexual organs, repeated contact against someone's wishes, or comments of a sexual nature. 'Without consent' includes situations where consent has been withdrawn or obtained by force, intimidation, manipulation or coercion.
- i. **Criminal offences.** This category includes criminal offences in the United Kingdom or elsewhere. Queen Mary will not normally reinvestigate such incidents but will take a conviction as evidence that the misconduct has occurred.
- j. **Other behaviours that undermine Queen Mary values.** This category includes, but is not limited to, behaviour which brings, or is likely to bring, Queen Mary into disrepute.

- 7.2. The above list is not intended to specify every action that may constitute misconduct and must not be interpreted as an exhaustive or specified list of all prohibited actions or behaviours.
- 7.3. Misconduct may be found following a single incident or a course of conduct. Persistent or repeated actions will normally be considered an aggravating factor either when determining whether the threshold for misconduct has been met (that is, repeated occurrence of minor incidents may amount to misconduct when considered severally) and/or when determining the severity of the misconduct (that is, the appropriate outcome).
- 7.4. In line with the Queen Mary values, where misconduct is directed towards another member of the community based on their protected characteristics, this will be considered an aggravating factor.

## 8. Misconduct procedures

### Reporting a concern

- 8.1. The Queen Mary Report + Support portal is recommended for reports relating to bullying, harassment, sexual misconduct, hate incidents or gender-based violence. Student submissions to Report + Support that indicate they wish for formal action and/or investigation will be referred to the Appeals, Complaints & Conduct Office who will contact the reporting student to discuss the options available under this policy.
- 8.2. Staff members who wish to report other forms of potential misconduct should contact the Head of Appeals, Complaints & Conduct Office to report their concerns.
- 8.3. Anonymous reports will not normally lead to formal disciplinary investigations, unless there is substantive independent and verifiable evidence to support the report that warrants investigation, without reliance on anonymous testimony.
- 8.4. Where a reporting student does not wish to be identified to the responding student, the options available under this Policy will normally be limited to indirect informal resolutions. Queen Mary cannot guarantee that a reporting student's identity would be protected during any other action.

### Informal Resolution

- 8.5. If a student or staff member is concerned about the conduct of a Queen Mary student, they are encouraged to consider informal options for early resolution. Informal approaches can have the advantage of resolving the situation quickly and with minimal disruption to relationships, or social and academic activities. Effective informal approaches are often sufficient to resolve the matter without the need for more formal means. There are several informal approaches that can be adopted, as outlined in sections below.
- 8.6. Any decision about whether a concern should be resolved informally will consider the wishes of the reporting party. Formal action will not normally be commenced without the agreement of the reporting party, unless the University determines that there is a credible risk of harm if it fails to act.
- 8.7. **Individual Action.** This is where the person concerned about the conduct of the student speaks to the person directly, or may put their concerns to them in writing. It is always up to the individual to decide if this approach is appropriate to their situation. It is helpful to carefully consider the best approach for any individual action, such as finding a time and place to speak privately or without interruption, being clear on the behaviour causing concern, stating that the conduct is unwanted, and being clear on any request for the future – such as a request for no further contact, or for a certain type of behaviour to not be repeated.
- 8.8. **Third-Party Intervention by an appropriate staff member.** All members of the Queen Mary community are encouraged to use Report + Support, and can do so to request assistance with informal resolution. Alternatively, students may access

local support from their School/Institute/Faculty support staff and staff may contact their line manager or Head of School/Director of Institute.

- 8.9. Third-Party Intervention supported by an appropriate staff member includes both indirect and direct steps to promote good relations, safety and support. Indirect resolutions include promoting Queen Mary values and information about respectful communication or the expected standards of behaviour. Direct resolution measures include facilitating a meeting or mediation, contacting the student on the person's behalf to explain the concerns, requesting that certain unwanted behaviours or contact should stop. In either case, informal resolution may also include facilitating supportive measures for the reporting party to reduce future contact, such as adjustments to their own schedule or activities or limiting the means of contacting them (such as redirecting email or blocking messages).
- 8.10. Informal resolution is always undertaken in good faith, to foster good community relations, and is not based on any assumption about whether misconduct has occurred. Any third-party intervention does not represent a decision by the third party about any potential misconduct, nor seek to apportion blame. No attempt for informal resolution will constitute a penalty, nor will a student suffer detriment as a result of informal resolution. It is reasonable for a person to request that unwanted contact should not be repeated, without the need for a formal finding of misconduct.

### Precautionary Measures

- 8.11. To protect the safety and wellbeing of the community and/or to preserve good order, Queen Mary may take precautionary measures pending disciplinary investigation and/or police or criminal proceedings. The purpose of precautionary action is always to mitigate risk and never intended as a penalty, it is a neutral action and is not premised on the assumption of guilt.
- 8.12. Precautionary action will be considered as part of a risk assessment exercise that will document the reasons for any recommended action or detail of why it is not necessary. The starting point for any precautionary action is that the least restrictive step necessary will be considered to mitigate the risks identified, together with any additional supportive measures recommended to support the student(s) involved in the matter. Risk assessments will normally involve representatives from the Appeals, Complaints & Conduct Office, Student Wellbeing, the School/Institute/Faculty/Service and, where a case involves under 18s or vulnerable adults, a Designated Safeguarding Officer.
- 8.13. Precautionary action may be authorised by:
  - a. Head of Appeals, Complaints & Conduct Office (or nominee) for minor restrictions on activity that do not impact the student's status.
  - b. Head of Security (or nominee) for temporary restrictions on access to campus for up to 24 hours
  - c. Director of Library Services (or nominee) for temporary restrictions on access to Library facilities for up to 24 hours.

- d. President of the Students' Union for restrictions on QMSU facilities or activities.
  - e. Head of School/Director of Institute for restrictions or exclusion from campus or education activities.
  - f. Vice-Principal or Chief Officer for suspension from Queen Mary.
- 8.14. Precautionary measures are normally imposed with immediate effect and remain in place until the disciplinary/criminal proceedings have concluded. However, the precautionary measures may be reconsidered in the event of new information which may be made known during the investigation or if the student(s) status changes.
- 8.15. Queen Mary may exercise discretion to permit specific and limited exceptions to any precautionary measure where there is a good reason to do so, and may place appropriate conditions to this exception.
- 8.16. A student subject to precautionary measures will be informed of reasons for the decision, support available to them, and their right to appeal the measures. An appeal against a precautionary measure does not involve a (re)hearing of the matter pending investigation but will consider whether the measures are proportionate and necessary.
- a. Appeals against precautionary measures imposed by the Head of Appeals, Complaints & Conduct Office, Head of Security or Director of Library Services will normally be considered by the Head of School/Director of Institute.
  - b. Appeals against precautionary measures imposed by the Head of School/Director of Institute will normally be considered by the Vice-Principal or Chief Officer.
  - c. Appeals against precautionary measures imposed by the Vice-Principal or Chief Officer will normally be considered by the President & Principal.
- 8.17. A responding student in an ongoing disciplinary investigation will not normally be permitted to graduate until the disciplinary proceedings have concluded.
- 8.18. If the reported matter is subject to police investigation or criminal proceedings, Queen Mary may pause its investigation until it is deemed appropriate to proceed without jeopardising the criminal proceedings.

## Investigation

- 8.19. On receipt of a formal report about potential misconduct, the Head of Appeals, Complaints & Conduct Office will nominate an investigator who will have no prior involvement in any aspect of the case. The investigator may be a Queen Mary staff member or an external investigator.
- 8.20. The purpose of the investigation is to gather all evidence relating to the potential misconduct before a decision is reached.
- 8.21. The investigator is responsible for ensuring that all parties involved have a fair opportunity to present evidence and information. The responding and reporting students are responsible for providing all relevant information in a timely manner



during the investigation. New information presented after the conclusion of an investigation will not normally be accepted.

- 8.22. Information collected during an investigation often contains sensitive and personal information. All parties are expected to show respect to others and the process by limiting disclosure of sensitive material related to the investigation. This requirement does not prevent them from seeking advice and support from professional services.
- 8.23. The investigation will normally be concluded within five weeks from the time the responding student is notified of the allegation. However, an investigation may take longer where more than one student is involved, the matter is complex, or a student requests additional time as a reasonable adjustment.
- 8.24. On receipt of a report about potential misconduct from the Head of Appeals, Complaints and Conduct Office, the investigator will make preliminary enquiries and gather available evidence about the matter and circumstances. This may include meeting with the reporting student and/or staff members with knowledge of the incident.
- 8.25. The investigator (or University nominee) will decide what (if any) of the reported events constitute potential misconduct, and the specific allegation(s) that will be put to the reported student(s) by Queen Mary. In all cases, the University is responsible for deciding on the allegation of misconduct that should be made. The responding student will be informed of the allegation(s) under investigation, and will be provided with information about the investigation process.
- 8.26. The investigator will normally meet with the responding student to hear their account of the incident(s) being investigated, although the student may submit a written statement in place of attending a meeting.
- 8.27. Notes and/or recordings of all meetings conducted as part of the investigation will be stored securely and included in the investigation casefile.
- 8.28. The investigator will provide both reporting and responding students an opportunity to present any evidence they wish to be considered, together with the names of any witnesses. The investigator will normally request that this information be provided within 7 calendar days. Evidence may include photographs, screenshots, messages, receipts, recordings, artefacts or independent professional evidence (such as medical certificates). Evidence which contains the personal information of third parties which cannot be verified, or hearsay evidence, will be afforded less evidentiary weight.
- 8.29. Students should provide the name and details of any witnesses they wish to be contacted and explain their relevance to the investigation. The appointed investigator will contact the witness to gather relevant evidence and provide information about how their data may be used.
- 8.30. The investigator will make reasonable and proportionate requests for information

held by a third party (for example, CCTV footage or account data held by a business). However, the University does not have the power to compel individuals or companies to provide evidence or testimony.

- 8.31. Where a student or witness does not provide information when requested, the investigator will decide whether it is proportionate and necessary to delay the investigation to obtain the information, or to proceed. Late evidence will only be accepted where there is a good reason it was not provided when requested.
- 8.32. When the investigation has concluded, the casefile containing all evidence gathered during the investigation, is made available to the reporting and responding students. Personal and sensitive information included in the casefile may be redacted where it is not material to the conduct under investigation. For example, where a responding student provides personal medical information in mitigation for the misconduct, but this information has no bearing on whether the incident occurred as described.
- 8.33. If a student wishes to submit commentary on the casefile, this must be received within 7 calendar days. As the investigation has concluded, new evidence will not normally be accepted at this stage.

### Concluding the investigation

- 8.34. The investigator or University nominee will consider all the information gathered during the investigation, and decide on one of the following outcomes:
  - a. That the concern should be dismissed.
  - b. That a minor form of misconduct has occurred, and apply an outcome from paragraph 10.1 a-f.
  - c. That the matter should be referred to a Student Disciplinary Panel for consideration.
- 8.35. In all cases, the responding student (and reporting student if applicable) will be provided with a written outcome which explains the reasons for the decision and the next steps available in the procedure.
- 8.36. Where the investigator decides that minor misconduct should be upheld, the responding student has the right to contest this finding, in which case the matter will be referred to the Student Discipline Panel. Any contestation must be received within 7 calendar days.

## 9. Student Disciplinary Panels

### Membership

- 9.1. The Student Disciplinary Panel will normally include:
  - a. Two senior staff members, one of whom will act as a Chair
  - b. A student representative, nominated by Queen Mary Student Union
  - c. Where a student representative is unavailable, a third staff member may be appointed to ensure that the Panel is quorate.

- 9.2. All panel members will be independent, having no prior involvement in the matter or any prior relationship with parties involved.
- 9.3. All panel members must complete training on an annual basis. Where the misconduct under consideration includes any form of harassment or sexual misconduct, members must complete an additional component of specialist training.
- 9.4. The Panel will be considered quorate with at least two members, although all reasonable attempts will be made to secure three members; this may include substituting a member
- 9.5. The Panel will be accompanied by a non-voting Secretary. The Secretary provides advice on implementation of the Policy and/or other regulations. The Secretary is also responsible for recording notes of the proceedings.
- 9.6. The panel may request independent legal advice.

### Panel Hearings

- 9.7. The Secretary will circulate all relevant documentation, including all available evidence and details of the date, time and location/format of the hearing, at least seven days before the date of the hearing.
- 9.8. The Student Disciplinary Panel is a decision-making body and does not normally reinvestigate a case. Students are expected to have provided all evidence and the names of all witnesses during the investigation. Where late submissions of such evidence are made, the Chair has the discretion to reject the evidence, or exceptionally, to postpone the hearing to ensure that all parties have sufficient opportunity to consider the new evidence.
- 9.9. Any written statement or representation that either student wishes to present to the Panel in writing must be received at least 3 working days before the hearing, so that there is sufficient time for the statement to be circulated and reviewed by all parties.

### Attendance

- 9.10. A Queen Mary representative attends the hearing to present the case on behalf of the University. This will normally be the nominated investigator.
- 9.11. The reporting student (if applicable) attends the hearing as a witness called by the investigator.
- 9.12. The investigator may recommend the attendance of other witnesses and/or subject matter experts where this is considered proportionate and necessary. The Chair has the discretion to accept or decline their recommendation and will decide whether the witness(es) should attend the hearing or a written statement should be relied on.
- 9.13. Where any student or witness is requested to attend the hearing but declines to do

so, the Panel will reflect on any evidence or testimony they have previously provided, although they may give less evidentiary weight to this evidence.

- 9.14. A reporting or responding student may be accompanied to the hearing by one representative. Additionally, or alternatively, they may be accompanied by a support person, who is not permitted to address the Panel.
- 9.15. A witness may be accompanied by a support person.
- 9.16. Student Discipline Panels are organised in a timely way for the benefit of all parties. When a date has been agreed but the reporting or responding student subsequently requests the hearing be postponed or rescheduled, they must provide good reason and evidence to support the request. The Chair has the discretion to accept or decline the request and will consider the potential impact on both reporting and responding students when reaching their decision. Personal travel, work commitments or the unavailability of a representative or support person are not normally 'good reason'.

### The Hearing

- 9.17. The purpose of the hearing is for Panel members to satisfy themselves that they have sufficient information to reach a decision. The hearing is inquisitorial and not adversarial.
- 9.18. Panel members will carefully review all evidence and information contained in the casefile and documentation circulated prior to the hearing. It is not normally necessary for the information contained in the casefile to be repeated or rehearsed during the hearing, rather, the panel members will seek clarification and/or enquiries related to any matters which remain in doubt.
- 9.19. The Chair is responsible for the conduct of the hearing and holds the final decision on all matters of procedure during the hearing. The Chair may adjourn the hearing to seek advice or consult other panel members. All attendees will have the opportunity to address the panel and be asked to respond to questions from the panel members.
- 9.20. The responding student may present any mitigating circumstances that they wish to be considered, without prejudice to whether they agree that the misconduct has occurred.
- 9.21. Only members of the Panel have the right to question witnesses; there is no direct cross-examination of student witnesses. Students and their representatives may challenge evidence or matters of fact by making statements to the panel outlining their concern or contestation. A student or their representative may direct questions to the Chair, who will determine whether the question is appropriate and necessary; they may also rephrase the question before it is put to any witness.

### Panel decision-making

- 9.22. At the conclusion of the hearing, the Panel will deliberate in private and all outcomes will be reported as a decision of the panel as a whole. If the panel is

divided on any matter, the Chair will have the casting vote.

- 9.23. The Panel must first decide whether the misconduct is found to have occurred.
- 9.24. If the Panel decides that there is insufficient evidence to make a finding, or finds that the misconduct did not occur, the matter will be dismissed. This means that the reporting student's complaint will not be upheld (if applicable).
- 9.25. Where misconduct has been found, the Panel will take appropriate action from any of the outcomes set out in paragraph 10.1.
- 9.26. In either case, the Panel may also refer the matter for consideration under the Fitness to Practise Policy. The referral will normally specify whether it made based on any finding of misconduct, or because the information presented gives rise to professionalism concerns outside the scope of the Student Discipline Policy.
- 9.27. Irrespective of the outcome, the Panel may require that the responding student complete training or awareness activities and/or apply any informal remedy, for example, a no contact agreement between the parties involved. Unless specifically defined as such these outcomes are not penalties and do not infer any judgement in relation to the student's guilt or innocence.
- 9.28. All students involved will have access to support services, regardless of the outcome.
- 9.29. The responding and reporting student will be notified of the outcome and reasons for the decision. The outcome will normally be communicated in writing within five working days. As a reasonable adjustment, students may request to be informed of the outcome in person, via an online call, or at a specified time when they are accompanied by a support person.

## **10. Outcomes**

- 10.1. Where misconduct has been found to occur, the decision-maker(s) will issue one or more of the outcomes below.
  - a. formal warning
  - b. requirement to apologise
  - c. requirement to complete an educational or restorative activity
  - d. restriction on specified activities
  - e. conditions on the continuation of student status
  - f. community service
  - g. fine of up to £1,000
  - h. charge for compensation of damages or loss
  - i. ban from holding an official post or position within Queen Mary
  - j. exclusion, normally for a specified time
  - k. suspension, normally for a specified time
  - l. a recommendation that the student be expelled from Queen Mary

- 10.2. The authority to expel a student from Queen Mary rests with the President and Principal who will consider any recommendation from the Student Discipline Panel and decide to either support the recommendation, impose an alternative penalty, or require that the matter be reheard.

## **11. Appeals**

- 11.1. All appeals following a disciplinary outcome must be submitted within 14 days of the formal outcome. Appeals received after this time will only be accepted where there is good reason for the delay, at the discretion of the Head of Appeals, Complaints & Conduct Office.
- 11.2. New evidence which was not provided during the investigation will not normally be considered at the appeal stage.
- 11.3. The appeal will be considered by a nominated member of ACCO who has had no prior involvement in the case. This process will involve a review of the existing casefile to determine if the relevant grounds have been met.

### **Responding Student: grounds for appeal**

- 11.4. When misconduct has been found to occur, the responding student may appeal against this decision and/or any outcomes issued as a result.
- 11.5. A Disciplinary Appeal must include reasons and evidence that the appeal meets one or both of the following grounds:
- a) The procedures were not followed appropriately
  - b) The outcome was not reasonable in light of the available evidence
- 11.6. If the appeal is upheld, the decision-maker will either take corrective action or refer the matter for reconsideration by a Student Disciplinary Panel.

### **Reporting Student: grounds for review**

- 11.7. Following the conclusion of any misconduct proceedings, the reporting student may request a review of case.
- 11.8. The review will not reconsider whether the misconduct has occurred, or any outcome issued to a responding student. The review is concerned either or both of the following grounds:
- a) The procedures were not followed appropriately
  - b) The reporting student was not treated fairly or appropriately during the procedures.
- 11.9. If the review is upheld, the decision-maker may issue a personal remedy and/or facilitate access to support for the reporting student. Additionally, they may make recommendations to the Head of Appeals, Complaints & Conduct Office to improve

the procedures in light of the reporting students' experience and feedback.

## Appeal Outcomes

- 11.10. Unless the matter has been referred for reconsideration by a Panel, students will be informed of the outcome of their appeal in a Completion of Procedures letter, and informed that there is no further recourse to appeal within Queen Mary.
- 11.11. A Disciplinary Appeal will normally be concluded within 15 working days. The student will normally be notified if consideration of their appeal is likely to take longer than this.
- 11.12. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education student complaint scheme. Where a student remains dissatisfied following the completion of Queen Mary's internal procedures, they may complain to the OIA. Information about the OIA and a student's rights to access this scheme will be provided in any Completion of Procedures letter.

## **12. Review**

- 12.1. This policy will normally be reviewed every five years.
- 12.2. Minor updates to this policy that do not affect the rules, principles or intent of this policy may be approved by the Director of Governance & Legal Services and reported to Senate.

## Appendix 1: Legislative and Regulatory Context

1. The Higher Education and Research Act 2017 makes it clear that all universities and colleges that register with the Office for Students must follow its regulatory framework. This framework requires universities to take steps which make a significant and credible difference to protecting students from harassment and/or sexual misconduct. The framework also requires universities to ensure that procedures for investigating or decision-making in relation to incidents or harassment and/or sexual misconduct are credible, fair and aligned with the principles of natural justice and freedom of speech.
2. Queen Mary subscribes to the Office of the Independent Adjudicator for Higher Education (OIA) student complaints scheme, in line with the Higher Education Act 2004. The OIA is an independent review body to which students have recourse should they be dissatisfied with the University's handling of a disciplinary matter. The OIA's Good Practice Framework outlines principles and guidance that the University's procedures are expected to comply with.
3. The Equality Act (2010) sets out the legal duty to protect members of the University community from discrimination or harassment on this basis of protected characteristics during their work or education, to advance equality of opportunity and foster good relations between members of the community. The Worker's Protection (Amendment of Equality Act 2010) Act (2023) sets out additional legal duties in relation to protecting staff from sexual harassment in the course of their employment.
4. Under the Equality Act (2010), harassment is defined as unwanted conduct related to a protected characteristic, which has the purpose or effect of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating, or offensive environment for that person.
5. The Protection from Harassment Act 1997 sets out the legislative framework for conduct that a reasonable person would consider amounts to harassment, and the provisions for protecting members of the community from harassment.
6. Under the Protection from Harassment Act 1997, a person must not pursue a course of conduct (a) which amounts to harassment of another, and (b) which he knows or ought to know amounts to harassment of the other. The person whose course of conduct is in question ought to know that it amounts to or involves harassment of another if a reasonable person in possession of the same information would think the course of conduct amounted to or involved harassment of the other. References to harassing a person include alarming the person or causing the person distress.



## Appendix 2: Relationship of this Policy to other regulations, policies and procedures

### *Academic Integrity & Misconduct Policy*

1. During any investigation under this policy, should information become known that calls into question the integrity of assessments submitted for academic credit and/or a student's academic standing, the Head of Appeals, Complaints & Conduct Office may refer the matter for consideration under the Academic Integrity & Misconduct Policy.

### *Professional Capability and Fitness to Practise Policy*

2. Queen Mary has a responsibility to ensure that students registered on programmes regulated by Professional, Statutory and Regulatory Bodies (PSRBs) are fit to practise.
3. Any decision-maker may refer a matter to the Professional Capability Committee, regardless of whether misconduct has been found, where they believe that information uncovered during an investigation gives rise to professionalism concerns that fall outside the Student Discipline Policy.
4. Any instance of misconduct for students registered on programmes regulated by PSRBs will be reported to the Fitness to Practise Committee, and to other professional bodies as required.
5. In deciding on the outcome following a finding of misconduct, fitness to practise is not considered. The outcome is reported to the Fitness to Practise Committee which may wish to take action in its own right. Where the misconduct has been proven, the Fitness to Practise Committee does not rehear the case but considers the professional implications of the misconduct.

### *Enhancing Support for Students' Fitness to Study Policy*

6. Where a student shows concerning conduct that is considered to be the result of an underlying health or wellbeing issue, they may be referred to the Fitness to Study procedure to consider the needs of the student and the support that is being provided. Similarly, where a student fails to engage with the Fitness to Study process and there may be a risk to Queen Mary and/or members of its community, or the conduct has an adverse effect on the learning or working environment, or the health and wellbeing of other students or staff, the matter may be referred for consideration under this Policy.
7. Disciplinary action may still be taken where the potential misconduct is due to reasons of incapacity such as a serious emotional or psychiatric condition. Students will have access to support and reasonable adjustments, and decision-makers will give regard to the condition as a mitigating factor.

### *Other Queen Mary regulations*

8. Minor breaches of Queen Mary policies (for example, Residence Handbook, Library Regulations, and ITS Policies), are normally addressed directly in line with those regulations. However, repeated or serious issues will be considered under this Policy.

### *Students' Union Disciplinary Procedures*

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