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**Queens' College  
Student Disciplinary Procedure**

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# **Student Disciplinary Procedure**

## **1 Introduction**

- 1.1 A degree of discipline is fundamental to the educational and social life of the College, as to any community. Students should behave appropriately at all times and maintain a standard of conduct that is not harmful to others or the College or University community, and the work, good order and good name of the College and University. Members of the College are required to observe certain rules, and adhere to certain standards of behaviour, failure to comply with which may result in disciplinary action. The rules embody principles found by experience to be to the common good, and they exist for sensible reasons, to help a complex community run smoothly.
- 1.2 The College aims to be a supportive environment and any student who is involved in this Student Disciplinary Procedure (the “Procedure”) is able to seek the support of their tutor or any other member of the Student Support Team.

## **2 General Disciplinary Rules**

- 2.1 The following examples would normally be regarded as breaches of the acceptable standards of student conduct. This is a non-exhaustive list and shall not prevent the College from considering within its disciplinary processes any other conduct referred to it as a breach of discipline:
- 2.1.1 disruption of, or improper interference with, the academic, administrative, sporting, social, religious or other activities of the College, whether on College premises or elsewhere, including interference with anyone’s right to freedom of speech within the law;
- 2.1.2 obstruction of, or improper interference with, the functions, duties or activities of any member of the College, employee or authorised visitor, including the unlawful denial of any such person’s right to freedom of speech within the law;
- 2.1.3 violent, indecent, disorderly, threatening, abusive or offensive behaviour or language, including such language in any poster, sign, notice or publication (whether on College property or elsewhere, or on social media), aimed at any person if such conduct has a detrimental impact on

the College or its members or employees; or when engaged in any College activity or if directed to any member or employee of the College or any visitor;

- 2.1.4 fraud, deceit, deception or dishonesty in relation to the College, in connection with holding any office in a College club or society or in relation to being a student;
- 2.1.5 action likely to cause injury or impair safety on College premises;
- 2.1.6 harassment of any member of the College, employee or authorised visitor;. For the purpose of this Procedure, “harassment” means any physical, verbal or non-verbal conduct that has the purpose or effect of violating a person’s dignity or creating (whether intentionally or not) an offensive, intimidating, hostile, degrading or humiliating environment for the recipient and includes (subject to paragraph 3 below):
  - (A) behaviour that is unwelcome, uninvited and causes a detrimental effect;
  - (B) verbal or physical aggression;
  - (C) sending abusive or threatening messages (including on social media);
  - (D) behaviour that causes offence on account of a person’s age, sex, gender, gender reassignment, sexual orientation, disability, marital or civil partner status, pregnancy or maternity, race, colour, ethnic origin, nationality, religion or belief; and/or
  - (E) sexual or physical assault or assault;
- 2.1.7 damage to, or defacement of, College property or the property of members or staff or authorised visitors of the College caused intentionally, negligently or recklessly, and misappropriation of such property;
- 2.1.8 misuse or unauthorised use of College premises or items of property;

- 2.1.9 misuse or unauthorised use of the College computer system, including accessing prohibited material;
- 2.1.10 subject to paragraph 3 below, conduct which amounts to a criminal offence in English law (or conviction of such an offence) where the conduct:
- (A) took place on College premises or through the College's computer system; or
  - (B) affected or concerned other members of the College community; or
  - (C) damages the reputation of the College; or
  - (D) itself constitutes misconduct under this Procedure; or
  - (E) is an offence of dishonesty wherever committed and the student holds an office of responsibility within the College; or
  - (F) is such as to render the student a danger to other members of the College community or unfit to remain a member of the College or to enter and practise a profession to which the student's course is designed to lead;
- 2.1.11 misconduct (within the meaning of this Procedure) in the course of engaging in, or otherwise relating to or concerning, any clubs or societies associated with (whether formally or informally) the College;
- 2.1.12 breach of any Order made by Governing Body of the College;
- 2.1.13 failure to comply with any penalty, measure, duty or requirement arising under this Procedure;
- 2.1.14 obstructing the Dean or relevant Ad Hoc Appeal Committee ("the "Committee, as further detailed in paragraph 9 below) in carrying out duties under this Procedure, giving false evidence at any hearing under this Procedure or in any other way seeking to pervert the course of justice in relation to action under this Procedure;

2.1.15 disorderly or unruly behaviour within the College, whether or not induced by drink or drugs, including any anti-social conduct resulting from the consumption of drink or drugs, or coercing or inappropriately encouraging others to participate in the use of drink and/or drugs.

2.2 In paragraph 2 above:

2.2.1 references to the College include the University and other colleges of the University, and references to members and employees and to property or premises shall be construed accordingly;

2.2.2 references to words, language or behaviour shall include written, printed and electronic expressions, publications and communications and images; and

2.2.3 other terms shall be given their ordinary or dictionary meaning and not any technical meaning found in statute or case law.

2.3 The effects of self-administered alcohol or non-prescribed drugs shall not constitute a defence to a charge of misconduct.

### **3 Excluded offences**

3.1 An excluded offence for the purposes of this Procedure is any offence of misconduct within paragraph 2 above which falls within one of the following categories:

3.1.1 amounts to a criminal offence which is triable only on indictment;

3.1.2 amounts to a criminal offence which is designed to facilitate or lead to an offence against the person (including a sexual offence) which is triable only on indictment;

3.1.3 amounts to a criminal offence contrary to section 3 of the Sexual Offences Act 2003, unless the Dean is satisfied of the following:

(A) that there are no aggravating features;

(B) that the case if prosecuted in the criminal courts would be regarded as suitable for summary trial in the magistrates' court

and on conviction would be unlikely to result in a custodial sentence; and

(C) that the complaint is in all the circumstances appropriate to be handled under this Procedure and would not exceed the resources, powers or capacity of the College;

3.1.4 amounts to any other criminal offence punishable by imprisonment where the Dean, having regard to all the circumstances and in particular to the seriousness, difficulty or complexity of the matter, at any stage reasonably considers that the investigation or hearing of the alleged offence would exceed the resources, powers or capacity of the College such that justice could not be done; or

3.1.5 constitutes any misconduct which by agreement or otherwise the College has yielded to the exclusive or primary jurisdiction of the University. The College is unable to consider allegations of misconduct on the part of students of other colleges of the University.

3.2 It shall be for the Dean, having taken such legal advice as is deemed appropriate, to determine whether any alleged misconduct constitutes an excluded offence; and alleged misconduct which appears to the Dean to amount to a criminal offence triable only on indictment shall be so treated, and any lesser offence or offences included within that offence shall not be pursued under this Procedure as an alternative to the excluded offence.

3.3 A complaint of misconduct within the terms of paragraph 3.1 above shall not be pursued under this Procedure unless there has first been a conviction for that offence in a criminal court or University proceedings, as the case may be, or the student against whom the complaint has been made accepts full responsibility and does not substantially dispute the facts alleged.

3.4 Where a complaint cannot be pursued because of paragraph 3.3 above, the complainant shall be advised by the Dean or other appropriate person of the other options available for pursuing the matter.

#### **4 Scope of this Procedure**

4.1 The Procedure applies in relation to any alleged misconduct as a student of the College within paragraph 2, subject to excluded offences within paragraph 3 above.

4.2 The College reserves the right to manage allegations of misconduct through a different procedure if it appears more appropriate to do so in all the circumstances. Examples where this may arise include:

4.2.1 **Fitness to Study.** Where there is concern that mental health, illness or disability subject to the provisions of the Equality Act 2010 may have impacted or continues to impact negatively on a student the College may intervene to support a student. The College has a formal Fitness to Study process which can be found [here](#).

4.2.2 **Fitness to Practise.** For medical and veterinary students subject to the Fitness to Practise Procedure, conduct which affects professional suitability may also be referred to other relevant University authorities to be handled in accordance with the appropriate procedures. The University's Fitness to Practise Procedure can be found [here](#).

#### 4.2.3 **Criminal Investigations and Convictions:**

(A) This Procedure does not replace a police investigation. Where serious incidents have occurred, students should report these to the police . The College will, where possible, support and advise students who wish to report concerns to the police.

(B) The College will not normally investigate complaints about student behaviour while there is an on-going police investigation or court proceedings. However, the College may consider whether any temporary measures are appropriate in the circumstances to support and protect the interests of all parties concerned in accordance with paragraph 6 below.

(C) Where criminal investigations are underway, the student should keep the College informed of any progress and/or change in status regarding their case.

- (D) Conviction will be taken as conclusive evidence that the alleged offence has occurred, and no further investigation will be required by the College. Under the circumstances, the focus of any subsequent College disciplinary proceedings will include an assessment of the risk posed to staff or students. Any penalty imposed by the criminal court will be taken into account.
- (E) Where the victim of an alleged offence chooses not to report the matter to the police or does not co-operate with their inquiries, and irrespective of whether or not a preference for internal disposal has been indicated, the College reserves the right not to invoke its own procedures but may investigate where it deems it to be appropriate in all the circumstances.
- (F) In cases where an allegation is withdrawn, the College reserves the right to continue with its investigations and invoke the Procedure.

4.3 An investigation will normally be deferred if there is a police or University investigation into the matter, but the Dean shall resume consideration of the complaint if it is decided that there will be no prosecution or University proceedings and shall, in continuing or discontinuing the Procedure, take into account the reasons for the decision not to prosecute or take action if such reasons are available.

## **5 Principles Governing Disciplinary Procedure**

5.1 Those involved in enacting this Procedure will act in accordance with the following principles:

5.1.1 **Fairness:** both sides to any complaint of misconduct against a student will be dealt with fairly; however, fairness to the person making the complaint is limited to what is fair and reasonable to investigate their complaint. The Procedure is not intended to resolve disputes between individuals but to address misconduct by students. Therefore, a complainant should only be involved during proceedings as a witness. Fairness to a student responding to allegations of misconduct is important and any person complained against has the right to know the nature and sufficient details



of the complaint and to have a proper opportunity to respond to the complaint.

- 5.1.2        **Representation:** any person complained against has the right to be accompanied and supported by a friend or other representative. In the event of a member of the College seeking legal representation at any meeting with the Dean or hearing of a Committee, they should apply for permission to the Dean or the Chair of a Committee respectively, who shall have the discretion to allow legal representation where appropriate in all the circumstances.
- 5.1.3        **Confidentiality:** confidentiality must be strictly respected. Those seeking advice and support, and those who wish to make an informal complaint, can expect confidentiality. Information about a complainant will not be released without their express consent, save as set out below and in accordance with any relevant legal obligations such as where there is an obligation on the College to report certain criminal conduct to the Police. If a formal complaint is made, however, it will be necessary for information to be given to the other party or parties, and, to the extent necessary, to those involved in any subsequent investigation and in any appeals that might follow. The College will process personal data in accordance with data protection legislation. Where a disciplinary case has been brought against a student as the result of a complaint from another student, the student bringing the complaint may be informed of the outcome of the disciplinary provided that this does not breach data protection legislation.
- 5.1.4        **Records and monitoring:** The College and all those involved in this process must observe the principles of data protection. Records about a student may be retained and kept securely to the extent necessary for the proper management of this policy. The College will process personal data in accordance with data protection legislation. Records of prior allegations and/or findings of misconduct may be reconsidered by the College subsequently if, for example, new evidence emerges which for good reason could not have been obtained by the College at the time the allegation was originally considered, or the student's previous disciplinary record is the same or similar to a fresh allegation under consideration

5.1.5 **Evidence:** The standard of proving misconduct on the balance of probabilities shall rest on the Dean. The Dean or the relevant Committee may find a student responsible for an offence of misconduct other than the one which the student was initially informed of, provided that all its elements are contained in the offence charged.

## **6 Precautionary Action**

- 6.1 In cases where a student's conduct or ongoing criminal proceedings give rise to a need for immediate action, the Dean may take the decision to exclude the student from the College's facilities and premises, or their access to such facilities and premises may be made subject to specified conditions, for successive periods of up to 14 days. It is anticipated that this will only occur in exceptional circumstances and that the student will not be excluded for longer than is necessary and proportionate in all the circumstances.
- 6.2 Similarly, where it is necessary for the welfare of the College and proportionate in the circumstances, the Dean may require the student to leave student accommodation immediately or require the student to move to alternative student accommodation pending the outcome of disciplinary or criminal proceedings.
- 6.3 The Dean should consult with the student's tutor and Senior Tutor before he takes action. Any subsequent renewals and/or variations of the arrangements will be determined by the Dean, who can invite the student to make written representations regarding their temporary exclusion.
- 6.4 If the student disagrees with the decision to temporarily exclude him or her, the student may apply to the President for a review. The President will ordinarily consider the request for a review on the basis of papers alone and may at his or her discretion invite the student to make further written representations regarding their temporary exclusion before issuing a decision. The President may uphold the precautionary action invoked by the Dean; amend and/or revoke the precautionary action, or remit the matter to the Dean for reconsideration. The President shall communicate in writing their decision to the student and the Dean within five working days of the student's request for a review.

## **7 The Role of the Dean**

- 7.1 All references in this Procedure to the Dean shall include such other person as, in the absence of the Dean or in the event of the Dean's inability to act, has been appointed by the President to exercise the duties and powers of the Dean.
- 7.2 Upon receiving a report of a breach of discipline, the Dean shall undertake (or cause to be undertaken through an investigating officer appointed by the Dean to assist the Dean's investigations) such inquiries and investigations as the Dean shall see fit, unless the Dean is of the opinion that the complaint is frivolous, manifestly ill-founded or vexatious (in which case the complaint shall be immediately dismissed without investigation) or the misconduct complained of constitutes an excluded offence as defined in paragraph 3.
- 7.3 The Dean shall notify the student in writing of :
- 7.3.1 the allegation(s) to be considered; and
  - 7.3.2 the date, time and place of an interview to be chaired by the Dean for the purpose of the Dean's investigations and those who will be present;
  - 7.3.3 any documents to be considered by the Dean under this Procedure, enclosing a copy with the written notification; and
  - 7.3.4 the student's rights to:
    - (A) be accompanied by a friend or representative; and
    - (B) submit a written statement to the Dean prior to the investigatory interview.
- 7.4 The purpose of an investigatory interview shall be to determine:
- 7.4.1 whether any breach may have been committed or whether the complaint is frivolous or vexatious and should be dismissed;
  - 7.4.2 whether the breach is made out on the balance of probabilities;
  - 7.4.3 whether in the Dean's view any emergency action needs to be taken pending the conclusion of proceedings.

- 7.5 If the Dean finds upon conducting an appropriate investigation that the breach is made out on the balance of probabilities, the Dean shall go on to consider whether any of the following action(s) and/or sanction(s) are appropriate:
- 7.5.1 no further action in respect of the breach of discipline;
  - 7.5.2 oral reprimand from the Dean;
  - 7.5.3 formal written warning from the Dean to be placed on the student's file;
  - 7.5.4 to require the student to make a written apology to the parties affected by the breach of College's disciplinary Procedure;
  - 7.5.5 to require repair or restitution by the student to the property or equipment damaged or the payment of compensation ;
  - 7.5.6 to require payment of a fine;
  - 7.5.7 removal or restriction of College benefits/facilities/privileges;
  - 7.5.8 to require the student to move to alternative accommodation (which may include deprivation of the right to use College accommodation entirely);
  - 7.5.9 to exclude the student from the whole or any specified part or parts of the College and its facilities for a defined period or periods (including rustication);
  - 7.5.10 expulsion of the student from the College;
  - 7.5.11 any other such action as may be appropriate in the circumstances, including referral on to another procedure such as the Fitness to Study procedure, if more appropriate in the circumstances.
- 7.6 The Dean shall confirm in writing their decision to the student and inform the student of their right to appeal under paragraph 8 below.
- 7.7 The Dean shall report matters relating to the Procedure to the Governing Body as necessary.

## **8 Appeals**

- 8.1 If the student disagrees with the decision of the Dean, they may appeal the decision in writing on one or more of the following grounds:
- 8.1.1 that there was an irregularity or procedural unfairness in the Dean's investigation or decision such as to render the finding unsafe;
  - 8.1.2 that the evidence did not support the finding reached;
  - 8.1.3 that the facts as found did not constitute misconduct under this Procedure; and/or
  - 8.1.4 that the penalty imposed was too severe.
- 8.2 Any appeal should be made in writing to the President, within 21 days of receiving written notification of the Dean's decision. The appellant may receive guidance and support in the composition of the appeal and in all subsequent processes from any friend or representative.
- 8.3 On receipt of an appeal, the Governing Body will convene a Committee comprised of three independent Fellows, one of whom shall be appointed Chair, to consider the appeal.
- 8.4 The following shall not serve on a Committee:
- 8.4.1 any person who has had prior involvement in the case;
  - 8.4.2 a person who is or has been the student's or complainant's tutor;
  - 8.4.3 any person who has some other close relationship with the student or complaint;
  - 8.4.4 any person in respect of whom there is otherwise a real risk of actual or perceived bias.
- 8.5 A Committee shall, subject to the requirement to act impartially and fairly, have the power to determine its own procedure, to call such evidence and direct such enquiries as it sees fit, to control and regulate proceedings, and to seek independent legal advice. However, in general terms:

- 8.5.1 the burden is on the appellant to satisfy a Committee that the appeal should be allowed but a Committee shall hear from both the Dean and the appellant and both shall be entitled to be present throughout the hearing;
- 8.5.2 if the appellant fails without reasonable excuse to attend the appeal hearing, a Committee may either dismiss the appeal forthwith or proceed with the hearing in the appellant's absence;
- 8.5.3 all hearings and appeals shall take place in private, but where the complainant is a member of another College, the President may invite the Head of the complainant's College to nominate one of that College's Fellows or Honorary Fellows to observe the proceedings;
- 8.5.4 the College may arrange for a legal advisor and/or note taker to be present at hearings of a Committee; and a Committee shall ensure that a record of the proceedings is kept;
- 8.5.5 appeals shall not take the form of a re-hearing of the original hearing with witnesses and evidence, but a Committee shall consider submissions on the points on which challenges are made and may exceptionally agree to hear or decide to call a witness from the original hearing;
- 8.5.6 fresh evidence will normally be admitted only if it was not reasonably possible to have presented it before the Dean;
- 8.5.7 committees shall reach their decisions by majority vote;
- 8.5.8 a Committee may dismiss the appeal or, if it allows the appeal in whole or in part, shall have the following powers:
  - (A) quash the finding of breach of discipline contrary to this Procedure;
  - (B) where the finding is quashed, it may direct that no further action be taken, substitute a different finding of misconduct, or remit the matter for fresh consideration by the Dean; and/or

- (C) confirm the penalty or substitute such other penalty or penalties as it sees fit (including imposing a penalty sanction harsher than that originally imposed by the Dean);

8.5.9 a fully reasoned decision shall be issued as soon as possible following every hearing and appeal, including the reasons for the penalty imposed.

8.6 The President will inform the appellant of the result of their appeal. The President will also inform the student that the Senior Tutor will subsequently supply a Completion of Procedures Letter that shall include details concerning how the student may make a complaint to the Office of the Independent Adjudicator (“OIA”) and how they may access guidance and/or support in order to follow this course.

8.7 The President reports a Committee’s decision to the Governing Body.

## **9 Office of the Independent Adjudicator**

9.1 If, following receipt of a Committee’s decision, the student remains dissatisfied, it is open to the student to make an application to the OIA. The Completion of Procedures Letter will indicate how to make such a complaint, and details are also available at the OIA’s website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).