

STUDENT DISCIPLINARY PROCEDURE

This Procedure is approved by the Senate and should be read in conjunction with the following documents:

[Ordinance E2: Student Discipline](#)

[Student Code of Conduct](#)

[Student Casework Investigation Protocol](#)

[Precautionary Action Protocol: Suspension or Exclusion Pending the Outcome of a Case](#)

Student Disciplinary Procedure Guidance

PART A: JURISDICTION AND INTERPRETATION

Interpretation

(A) Under this Procedure the following terms have the meanings described below:

- *“Appellant”* means a responding party who exercises their right to appeal under Part H of this Procedure.
- *“College”* means Imperial College London.
- *“Days”* means Monday to Friday, excluding Public Holidays and College Closure Days.
- *“Decision maker”* means in relation to the Summary Procedure, a person described in paragraph 51a-c.
- *“Friend”* means in relation to a responding party:
 - a registered student of the College;
 - an Officer Trustee of Imperial College Union or their nominee; or
 - a member of staff of the College;the Friend may not speak on the responding party’s behalf.
- *“Guidance”* means the Student Disciplinary Procedure Guidance.
- *“Investigation report”* means the report produced by the Investigator for the purposes of a Summary or Panel Procedure.
- *“Investigator”* means a member of staff, or appropriately qualified person not employed by the College, who is appointed by the Academic Registrar to conduct an investigation in accordance with the College’s Investigation Protocol into the alleged misconduct.
- *“Legal representative”* means a barrister, advocate or solicitor who holds a Practising Certificate permitting them to practise law in the UK.
- *“Major Offence”* has the meaning given in paragraph 19 of this Procedure.
- *“Minor Offence”* has the meaning given in paragraph 18 of this Procedure.
- *“Outcome”* means the decision as to whether the alleged misconduct is proved.
- *“Panel”* means a College Disciplinary Panel convened under Part F of this Procedure.
- *“Procedure”* means this Student Disciplinary Procedure, and “proceedings” shall be construed to mean steps taken under the Procedure.
- *“Relevant parties”* means the reporting party, the responding party, and any witnesses who might be asked to give evidence under this Procedure.
- *“Report”* has the meaning given in paragraph 24.
- *“Reporting party”* means the person making the report alleging the misconduct.
- *“Responding party”* means the student against whom the allegation of misconduct is made.
- *“Student”* means a person registered on a course or programme of study at the College.
- *“Summary Procedure”* means the procedure detailed in Part E of this Procedure.
- *“Union”* means Imperial College Union.

- (B) Where the Academic Registrar or Director of Safeguarding are named in this Procedure they may appoint delegates to perform some or all of their functions or duties.

Jurisdiction

1. This Procedure applies to all registered students of the College and must be read in conjunction with the Guidance.
2. Where there has been an allegation that a student has committed misconduct the College has the right to investigate the allegation and may take appropriate disciplinary action under this Procedure.
3. Cases of alleged misconduct may be dealt with either summarily as set out in Part E or by a Panel as set out in Part F of this Procedure.
4. (1) Subject to sub-paragraph (2), to be investigated under this Procedure a report normally must be received within:
 - a. Three months of the date of knowledge of the misconduct in the case of Minor Offence misconduct; or
 - b. Twelve months of the date of knowledge of the misconduct in the case of Major Offence misconduct; but
 - c. Where the Major Offence is one that satisfies paragraph 19(a) to (d) a report may be received at any point up until four months before the responding party will cease to be a student at the College.

(2) The Academic Registrar may accept any report of misconduct beyond the time limits specified in sub-paragraph (1) provided the responding party is still a student at the College, where the Academic Registrar considers that the personal circumstances of the reporting party means that it would be just and equitable to do so, having consideration for the matters detailed in the Guidance.
5. The Academic Registrar may decide to combine the investigation of two or more related allegations of misconduct under this Procedure where:
 - a. The responding party is the same;
 - b. The reporting party is the same;
 - c. There are at least two allegations against the same responding party; or
 - d. The responding party to one allegation has made an allegation against the reporting party.
6. Subject to paragraph 7, the College will only investigate alleged misconduct that occurs on College-owned or operated premises and facilities, or involves incidents in relation to conduct connected to a programme of study, fieldwork, placements, or whilst engaged in any other College-related activity, or is online.
7. The College reserves the right to investigate allegations about conduct that occurs off its campuses if they are considered to be Major Offences involving members of the College community at the time of report.

Additional procedures

8. Students whose course of study leads to provisional registration as doctors and whose misconduct is proved under this Procedure might also have the misconduct considered under the College's Procedure for the Assessment of Fitness to Practise Medicine.
9. Any case of misconduct by a member of staff of the College who is also a student of the College will be dealt with under the Staff Disciplinary Procedure, unless the alleged misconduct solely relates to their activity as a student.
10. If a student who is also member of staff must be suspended from a programme of study, this Procedure will apply for the suspension, and the Staff Disciplinary Procedure will then apply for all other aspects of their case.
11. If a report of alleged misconduct relates to a person who is no longer a student at the College, the Academic Registrar may pass the report to the Alumni Office for it to consider any authorised measures it may wish to take with regard to Alumni activities and to the Advancement Office with regard to attendance at and/or participation in Graduation Ceremonies.

Interaction with procedures of Imperial College Union

12. Where an allegation of misconduct occurs on Union premises or relates to Union activities, the Union will confer with the Academic Registrar to determine whether a case should be considered under this Procedure or the Union disciplinary procedure.

PART B: INFORMATION AND ADJOURNMENTS

Information provided to the reporting party

13. In accordance with matters detailed in the Guidance, information will be provided to the reporting party about:
 - a. What to expect from the process in terms of timelines, taking evidence from them, the ability to have a Friend with them if they are interviewed, what to expect at any Panel hearing, provision of a statement about the effect any admitted or proved misconduct has had upon them, and support available to them;
 - b. Any restrictions relevant to them that are placed on the responding party;
 - c. The investigation report, subject to any limitations that are considered appropriate by the Academic Registrar; and
 - d. The outcome and any sanctions, subject to any limitations that are considered appropriate by the decision maker(s).
14. Matters referred to in paragraph 13 will be shared with those members of College or Union staff whom the reporting party has identified as providing them with support as they participate in this Procedure, and may be shared with others, where necessary.

Fitness to participate in the Procedure and adjournments

15. The Procedure may be adjourned for up to two months at any point where there is a demonstrable concern that the responding or reporting party is not fit to participate in the proceedings.
16. If it appears to the Investigator, Decision Maker or Panel that an adjournment will not be sufficient to allow the responding or reporting party to participate in the proceedings, this Procedure may be permanently stopped by the Investigator, Decision Maker or Panel and referred to the Academic Registrar for a decision about whether to apply the Fitness to Practise or Fitness to Study procedures, as appropriate.
17. Where an adjournment is agreed, all parties will be advised of the delay and provided with revised indicative timelines for the Procedure to be conducted, and will be provided with support as detailed in the Guidance.

PART C: TYPES OF MISCONDUCT AND INTERACTION WITH THE CRIMINAL JUSTICE SYSTEM

18. The Student Code of Conduct sets out the expected behaviour of students and provides full details of where poor behaviour will be considered under this procedure. “Minor Offences” will include (but are not limited to):
 - a. Minor disruption of College business, including teaching, research and studying that is not authorised pursuant to a College or Union recognised ballot or process;
 - b. Continued low-level disregard for laboratory safety requirements following a warning from teaching staff or laboratory technicians;
 - c. Causing damage to property or misusing College facilities where the cost of remedying the damage is below £500;
 - d. Use of abusive or offensive language that does not include slurs related to any protected characteristic under English legislation;
 - e. Minor misbehaviour involving intoxication through alcohol or drugs or causing excessive noise;
 - f. Non-material misuse of College information technology assets or systems;
 - g. Refusal to comply with a reasonable financial sanction under this Procedure or any other College regulation;
 - h. Refusal to comply with any sanction imposed following a Summary Procedure.
19. Under this Procedure, “Major Offences” will include (but are not limited to):
 - a. Any conduct that under the criminal law of England and Wales could be tried on indictment;
 - b. Causing damage to property or misusing College facilities where the cost of remedying the damage is £500 or more;
 - c. Use of abusive or offensive language that includes slurs related to any protected characteristic under English legislation;
 - d. Intentional or reckless behaviour that endangers or harms others;
 - e. Significant disregard for laboratory safety measures that endangers themselves or others or poses a risk of other hazard or damage;
 - f. Material misuse of College information technology assets or systems;
 - g. Refusal to comply with any sanction imposed by a Panel under this Procedure;

- h. Major disruption to College business, including teaching, research or studying that is not authorised pursuant to a College or Union recognised ballot or process.

Misconduct that is also a criminal offence

- 20. Where a reporting party has not complained to the police about alleged misconduct that on the face of it amounts to a criminal offence, the Academic Registrar is responsible for determining whether that allegation should be referred to the police by the College, taking account of the views of any reporting party.
- 21. Where an allegation of misconduct is handled under the criminal justice system, the College retains the right to continue its process under this Procedure. The College will take any precautionary action that is deemed necessary.
- 22. Where it is determined by the Academic Registrar that this Procedure should be paused so as not to jeopardise any criminal process, the Academic Registrar will conduct periodic reviews of the time that the criminal process is taking to determine whether the College should recommence proceedings under this Procedure.
- 23. Where the criminal process has concluded, the College may take into account the outcome of the criminal matter; however, as any criminal proceedings are determined on a higher burden of proof than proceedings under this Procedure, the absence of a criminal conviction will not preclude the College from considering the allegation under this Procedure.

PART D: REPORT, DETERMINATION OF APPLICABLE PROCEDURE AND LEGAL REPRESENTATION

Report

- 24. A report is an allegation of misconduct and supporting documentary evidence.
- 25. As the responding party must be afforded the opportunity fully to defend themselves against an allegation of misconduct, an anonymous report will not be accepted under this Procedure.
- 26. Save as described in paragraph 27, a report of student misconduct to be considered under this Procedure must be submitted officially, normally to the Student Discipline Inbox: student.disciplinary@imperial.ac.uk. Reports can also be redirected from the Report and Support tool (or any subsequent replacement).
- 27. Where the College identifies any behavioural trends through the monitoring of anonymous disclosures made through the Report and Support tool (or any subsequent replacement), the College will consider whether it is appropriate to initiate a case under this Procedure.
- 28. If at any point during the investigation process the reporting party withdraws an allegation of misconduct, the Academic Registrar will –
 - a. Decide whether to instruct the Investigator to stop the investigation or continue without evidence from the reporting party; and
 - b. Ensure the withdrawal of the allegation is included in the Investigator's report.

Determination of applicable procedure

29. The Academic Registrar will decide whether a report should be investigated and determined under the Summary Procedure or the Panel Procedure.
30. Where they consider it appropriate to do so, the Academic Registrar may convene an initial case conference to determine the most appropriate route for the allegation that has been received, and to ensure that the parties concerned receive appropriate support and advice as required under the Guidance.
31. On receipt of the report, and after any initial case conference, the parties will be given an indication of the timeline to conclude proceedings under this Procedure, and when they are likely to receive communications from the College.

The Academic Registrar will also determine whether any precautionary action should be undertaken under the Precautionary Action Protocol: Suspension or Exclusion Pending the Outcome of a Case

Transfer of cases between procedures

32. At any point during the investigation of a case the Academic Registrar may change the consideration of a case between the Summary or Panel procedures. The Academic Registrar may also refer a matter to be dealt with under another College procedure, or to the Union to be considered under its Disciplinary Procedure.
33. In all cases dealt with under this Procedure, the responding party must be provided with a written statement of the allegations made against them.

Responding to a report

34. The responding party is to be given seven days to respond to the allegation to contest it, or where the responding party admits the allegation, to provide evidence of any mitigating factors that they consider relevant to the matter. The time to respond may be extended by the Investigator if they consider the circumstances of the case warrant this, and the responding party will be given a new deadline by which to submit their response.
35. The Investigator shall consider any evidence from the responding party.
36. Where an interview is held with any party, a record of the discussion must be made and the interviewee must be asked to agree the record or suggest amendments. Where such amendments are not agreed, they will be appended to the record of the interview.
37. If interviews take place, the interviewee may be accompanied by a Friend.

Legal representation

38. Legal representation is not permitted during any investigation stage under this Procedure.
39. Legal representation is not permitted under the Summary Procedure.

40. In Panel proceedings the responding party may be represented at a Panel hearing by a legal representative if the interests of fairness require it, taking into account matters such as:
 - a. The seriousness of the allegation of misconduct;
 - b. The complexity of the allegations of misconduct;
 - c. The potential sanction if the misconduct is proved;
 - d. Whether any points of law are likely to arise in the proceedings;
 - e. The capacity of the responding party to understand the allegations against them and present their case;
 - f. Any likely procedural difficulties in the proceedings;
 - g. The need to avoid delay;
 - h. Any safeguards that are or can be put into place to mitigate any of the factors at (a) to (g).
41. If a responding party wishes to be legally represented in Panel proceedings they must notify the Academic Registrar of their request within seven days from the date on which the report was sent to them, explaining why they consider the interests of fairness require them to be allowed legal representation.
42. The Academic Registrar will consider the request for legal representation and shall notify the responding party in writing within seven working days from the date on which the request was received whether to allow legal representation of the responding party at the Panel hearing, providing reasons for this decision.
43. The Academic Registrar's decision referred to in paragraph 43 is final and no right of appeal arises from it.

PART E: SUMMARY PROCEDURE

Investigation

44. Subject to paragraph 46, allegations of Minor Offences ordinarily will be dealt with under this Summary Procedure.
45. Where a responding party previously has received two or more outcomes under the Summary Procedure, the Academic Registrar may decide that any further allegations of Minor Offence misconduct will be considered by a Panel under Part F.
46. (1) Subject to sub-paragraph (2), any previous disciplinary record of the responding party will not be considered as part of the investigation process of the present allegation of misconduct and the Decision Maker will not be notified of any existing disciplinary record before they have decided whether the allegation is proved (or the responding party's admission is recorded in the investigation report).

(2) Where in the opinion of the Academic Registrar the alleged misconduct is so similar in fact or appears to be linked to previously proved misconduct, the Investigator will be informed of the previous misconduct and may include it in the investigation report to be submitted to the Decision Maker.

47. If two or more students are involved in related alleged misconduct the Investigator may deal with their cases together and so produce a joint investigation report.
48. The investigation of an allegation of misconduct under the Summary Procedure could lead to a recommendation by the Investigator to the Academic Registrar that the case be transferred to a Panel for consideration and decision.
49. When the Investigator has concluded their investigation an investigation report will be submitted to a Decision Maker who will decide the outcome based upon that report; the report will include:
 - a. A record of whether the responding party has admitted the alleged misconduct;
 - b. Details of the alleged misconduct;
 - c. Any record of interviews conducted during the course of the investigation; and
 - d. Any other evidence the Investigator considers material to the case.
50. For the purposes of this Summary Procedure a Decision Maker may be any one of the following appointed by the Academic Registrar:
 - a. Dean of Faculty;
 - b. Head of Department; or
 - c. Director of Professional Services.
51. The responding party will be informed in writing within five days of the decision and made aware of their right to appeal against the decision where the allegation is held to be proved.

PART F: COLLEGE DISCIPLINARY PANEL PROCEDURE

52. Allegations of Major Offences misconduct will be considered by a College Disciplinary Panel.

Investigation

53. The Investigator will conduct an investigation into the allegations of misconduct.
54. Any previous disciplinary record of the responding party will only be provided to the Investigator and considered as part of the investigation process if it appears to the Academic Registrar that the:
 - a. Previous misconduct is so similar in fact to the present allegation that it appears to show a course of conduct by the responding party; and
 - b. Seriousness of the present allegation and the previous misconduct mean that it is reasonable for the Investigator and Panel to be aware of the prior misconduct.
55. If two or more students are involved in related alleged misconduct the Panel may deal with their cases together, in which case the Investigator will produce a joint investigation report.

Panel composition

56. The Panel shall comprise four members, including the Chair who will normally be a College Consul or Pro-Consul, with at least one member who shall be a student nominated by the President of the Union.
57. The remaining Panel members will be drawn from academic or Professional Services staff save that no person who is in the same academic Department as the reporting party or responding party shall be a member of the Panel.
58. The Clerk to the Panel will be appointed by the Academic Registrar who may also decide to appoint an adviser with expertise to support the Panel. Such an expert adviser will not be a member of the Panel.

Notice and information provided to the responding party

59. The responding party must be given 10 days' written notice of the Panel hearing and be provided with details of the allegation made against them and the names of the Panel members, together with copies of any documentary evidence to be made available to the Panel in advance of the meeting.

Attendance at the Panel hearing

60. The Panel or the responding party may request the participation of the reporting party at the Panel hearing; if the reporting party attends the Panel hearing they may be accompanied by a Friend and the Panel must consider whether any measures are required to assist the reporting party when giving evidence or answering questions, whilst ensuring fairness to the responding party in how they are able to present their case.
61. The responding party must attend the Panel hearing. If the responding party fails to attend the hearing without providing good cause, the hearing may be conducted in their absence.
62. The Panel has the power to adjourn a hearing to another date as it sees fit.
63. The responding party may be accompanied at the Panel hearing by a Friend; where the responding party has been permitted legal representation, the legal representative shall ask any questions that the responding party is permitted to put under this Part.

Procedure at the Panel hearing

64. The Chair of the Panel will ask the responding party whether they admit the allegation of misconduct; if the responding party admits the allegation the Panel will proceed to consider the imposition of an appropriate sanction.
65. Where the responding party does not admit the allegation, the Investigator will present their report to the Panel; the Panel may ask the Investigator questions to clarify any matter in their report, and then the responding party may put questions to the Investigator.
66. Subject to paragraph 61, if the reporting party is at the Panel hearing, the Panel and then the responding party may put questions to them. The responding party's questions should be asked through the Chair.

67. The Panel may request the attendance of any other person they consider may be able to provide relevant evidence and ask them questions; the responding party may also put questions to them.
68. The responding party must be given the opportunity to present their case, and the Panel may put questions to the responding party.
69. The responding party may call their own witnesses and put questions to them; the Panel may also ask questions of these witnesses. If the responding party calls their own witnesses, details of these witnesses should be provided to the Panel ahead of the Panel meeting.

Decision

70. Having considered all of the evidence, the Panel will retire and determine on the balance of probabilities whether the allegation of misconduct is proved.
71. Whilst the Panel should try to reach a unanimous decision, it may decide the outcome on the basis of a majority vote, with the Chair having the casting vote if needed.
72. If, on the balance of probabilities, the misconduct is not proved, the case shall be dismissed and it shall be recorded that the responding party is cleared of the alleged misconduct.
73. When the Panel has made its decision any precautionary action that had been in place in respect of the responding party shall cease to have effect.

Imposition of a sanction

74. Where possible, the Panel should impose any sanction(s) immediately after finding an allegation of misconduct proved. Where this is not possible because the Panel requires further information, the sanction(s) should be imposed within five days of the Panel hearing.
75. The sanctions that may be imposed by the Panel are specified in Part G.
76. In cases where the Panel is considering the return of a student (whether subject to conditions or not), who has been suspended or excluded from the College, the Panel will commission a risk assessment from the Academic Registrar. If appropriate, a safeguarding assessment could be commissioned from the Director of Safeguarding. The Panel will take appropriate safeguarding or other measures to protect the College community as necessary.
77. A written outcome from the Panel giving the findings of fact, the decisions and the reasons for them, the sanction and reasons for it, and any recommendations of the Panel shall be sent by the Academic Registrar to the:
 - a. Responding party within five days of the Panel reaching its decision; and
 - b. Reporting party within seven days of the Panel's decision, to allow the Academic Registrar sufficient time to make any necessary redactions to the outcome report.

PART G: SANCTIONS

78. If the misconduct is admitted by the responding party, or is found to be proved, one or more of the sanctions listed below may be applied to achieve the objective of restorative justice.
79. Any prior disciplinary record of the responding party may be taken into account when deciding upon the appropriate sanction.
80. (1) In Panel proceedings, where the responding party admitted the misconduct or the Panel has decided that the misconduct was committed, the Panel will receive any statement that the reporting party wishes to make about the effect the misconduct has had upon them, and the Panel shall consider that statement before deciding upon the appropriate sanction.
(2) The reporting party's statement referred to in sub-paragraph (1) may be written and prepared in advance of the Panel's consideration of sanction, or provided orally to the Panel at the beginning of its deliberation about the appropriate sanction to impose.
81. Sanctions that may be imposed either individually or in reasonable combination under the Summary Procedure are:
- a. A written reprimand and a warning about future behaviour;
 - b. A requirement upon the student to give an undertaking as to their future good conduct within the College;
 - c. A requirement upon the student to pay for any damage to property they may have caused or to recompense the College for any loss (or part of the loss), it may have suffered arising from the student's misconduct;
 - d. Restriction of access to the College or a specified part thereof for a period of up to two weeks ("exclusion"), or an order of restricted access where there is a requirement that the responding party shall have no contact with a named person or persons for a fixed period of time. These restrictions may also include a request to the President of the Union for a suspension of membership of the Union and access to Union services and facilities, or where there is a requirement to have no contact with a named person or persons.
 - e. Where the misconduct relates to behaviour in a College Hall of Residence, the Decision Maker may apply the following sanctions:
 - i. A period of expulsion or suspension from any part of the residences other than their own room;
 - ii. Notice to quit their room after a certain date;
 - iii. Moving them from their room to an alternative room.
 - f. Developmental requirements, such as a requirement to undertake specified tasks or services for the benefit of the Department, Faculty, hall of residence or the College community up to a maximum of forty hours, or undertake some specific training or exercise;
 - g. A recommendation to the Head of Faculty or Department of the responding party or the President of the Union that they give due consideration to the outcome of these proceedings before deciding to award any non-academic prizes to the responding party; and
 - h. Referral to the Academic Registrar to determine whether the case should be referred to a Panel.
82. Sanctions that may be imposed either individually or in reasonable combination by a Panel in addition to those available under the Summary Procedure are:

- a. Restriction of access to the College or a part of the College for a fixed period (“exclusion”). An order of restricted access may include a requirement that the responding party shall have no contact with a named person or persons, and may also restrict or prohibit attendance at the graduation ceremonies and alumni events and services;
- b. Suspension from the College for a fixed period. An order of suspension may include a requirement that the responding party will have no contact with a named person or persons;
- c. Expulsion from the College; and
- d. A request to the President of the Union for suspension or removal of membership of the Union or access to Union services and facilities.

PART H: APPEALS

Grounds for appeal

- 83. Subject to paragraph 85, a responding party who wishes to appeal an outcome (“the appellant”), may make an application to appeal (“the application”), only on the grounds of:
 - a. Procedural irregularity in the conduct of the Procedure;
 - b. The availability of relevant new evidence which could not reasonably have been presented during investigation of the alleged misconduct or the Panel proceedings and which is likely to have had a material impact on the outcome;
 - c. That the sanction imposed was not one the deciding body had the authority to make; or
 - d. That the sanction imposed was excessive in the circumstances of the case.
- 84. An appellant who admitted the misconduct may appeal only on the grounds of paragraph 84(c) or (d).
- 85. An application, including a statement of the ground(s) on which the application is made, must be submitted to the Academic Registrar in writing within ten days of the date on which the written notification of the outcome was sent to the appellant.
- 86. An application received after the time stipulated in paragraph 86 will be considered only where the appellant is able to demonstrate good reason for being unable to meet the deadline.

Permission to appeal

- 87. An initial evaluation of the application will be made by the Academic Registrar within five days of its receipt to determine if the grounds for appeal are met. The appellant will be advised in writing of the decision on whether leave to appeal is granted within ten days of the application being received by the Academic Registrar.
- 88. Where an appeal is allowed to proceed, appeals against:
 - a. A Summary Procedure, the Academic Registrar will ask a Decision Maker who has had no involvement in the case to consider the appeal; and

- b. Panel proceedings will be considered by a Disciplinary Appeals Panel which will be established and managed by the Academic Registrar.

Disciplinary Appeals Panel

89. The Disciplinary Appeals Panel (“Appeals Panel”), will be chaired by a College Consul, with the rest of the membership drawn from a designated list of Appeals Panel members.
90. Appeals Panels must have a minimum of a Chair and two members, none of whom have had any prior involvement with the case, or the reporting or responding parties.
91. The Appeals Panel will not consider the case afresh but will consider whether the initial hearing and outcome were fair against the stated grounds of the appeal.

Outcome of appeal

92. In relation to an appeal against a finding that the alleged misconduct is proved (“the finding”), the person or Appeals Panel considering the appeal has authority to:
 - a. Confirm the finding;
 - b. Set aside the finding and remit the matter to the same or new Decision Maker or Panel for re-consideration; or
 - c. Substitute a finding that the alleged misconduct is not proved and that the appellant is therefore cleared of the allegation.
93. In relation to an appeal against the sanction imposed or where a finding is confirmed pursuant to paragraph 93(a) to (c), the person or Appeals Panel considering the appeal has authority to:
 - a. Reduce, confirm or increase the sanction; but
 - b. The sanction may only be increased where the appeal is judged to have been wholly without merit.
94. The decision of the person or Appeals Panel considering the appeal shall be final and there shall be no further opportunity for appeal against that decision within the College.

Completion of Procedures

95. A Completion of Procedures letter will be issued to the responding party or appellant within five days of the:
 - a. Appeal being decided; or
 - b. Expiration of the time limit to make an appeal, where no application for an appeal is received.

PART I: RE-OPENING OF A MATTER FOLLOWING COMPLETION OF PROCEDURES

96. Exceptionally, following Completion of Procedures where a responding party was:
 - a. Held by a Panel or on appeal to be cleared of the alleged misconduct; or
 - b. In the opinion of the reporting party, awarded an unduly lenient sanction,

an application may be made by a relevant party to the Academic Registrar for the allegation of misconduct or the sanction to be reconsidered.

97. An application to reconsider an allegation of misconduct or a sanction may only be made where:
- a. New evidence is made available that was not considered during the Panel proceedings;
 - b. It is demonstrated that there was a significant impediment that prevented that evidence being made available during the Panel proceedings; and
 - c. That new evidence is likely to have had a material impact on the outcome of the Panel proceedings; or
 - d. In the case of a sanction, that the Panel or Appeals Panel failed to give due consideration and weight to the statement of the reporting party referred to in paragraph 81 when determining the appropriate sanction to impose.
98. Subject to paragraph 100, an application to reconsider an allegation of misconduct, together with an explanation of the matters specified in paragraph 98(a) to (c), must be submitted within twelve months of the Completion of Procedures, provided the responding party is still a student at the College.
99. (1) Applications received after the time specified in paragraph 99 will not be considered unless, in addition to the matters specified in paragraph 98(a) to (c):
- a. The new evidence is compelling evidence against the responding party in relation to the original allegation of misconduct;
 - b. The responding party is still a student at the College; and
 - c. It would be in the interests of justice to allow the original allegation of misconduct to be re-considered.
- (2) In sub-paragraph (1)(a) new evidence is compelling if it:
- a. Was not provided in the original Panel proceedings;
 - b. Is reliable;
 - c. Is substantial; and
 - d. It appears to carry such evidential weight that it is likely it would have had substantial impact upon the outcome of the Panel proceedings.
- (3) In sub-paragraph (1)(c) in assessing the interests of justice consideration must be given to whether it appears likely that new Panel proceedings would be fair, taking into consideration the:
- a. Length of time that has elapsed since the date of the alleged misconduct; and
 - b. Availability of any witnesses.
100. An application to reconsider only the sanction imposed by a Panel or Appeals Panel, together with an explanation of the matters specified in paragraph 98(d), must be submitted within ten days of the reporting party being sent the outcome report referred to in paragraph 78(b).

101. Where the Academic Registrar is satisfied that the requirements under this Part are met, they will submit a report to the Provost for a decision upon whether to allow the reconsideration to proceed.
102. The report referred to in paragraph 102 will include:
 - a. The original investigation report;
 - b. The reporting party's statement referred to in paragraph 81;
 - c. The original Panel decisions and reasons;
 - d. Where a finding of innocence was made on appeal, the record of that decision and reasons;
 - e. The Completion of Procedures letter;
 - f. The matters specified in paragraph 98;
 - g. The matters referred to in paragraph 100, if applicable; and
 - h. Any new evidence relied upon.
103. The Provost will consider the report and determine whether, exceptionally the:
 - a. Allegation of misconduct should be remitted to a new Panel for full re-consideration;
or
 - b. Sanction should be remitted to the same or new Panel for re-consideration.
104. The Provost's decision on this matter is final and there is no right of appeal from this decision.

PART J: ADMINISTRATIVE MATTERS

Record Keeping

105. All actions and decisions taken in respect of the application of this Procedure must be formally recorded in writing ("the record").
106. The record should document all procedural steps and decisions taken by the College from the day when the report of the alleged misconduct was received until the conclusion of the process.
107. The outcome of any Summary Procedure must be reported to the Head of Student Casework in Registry so that a record of all Disciplinary Procedures may be maintained.
108. The record must include details on which Procedure was followed, what issues and matters were considered, the outcome and basis for it, and any sanctions applied and reasons for that, and confirmation that an appeal route was offered.

Annual Report

109. Each year, the Academic Registrar will prepare a report for the Senate on the number and nature of cases referred to a Panel, identifying any general trends or issues that have arisen.