

Standard Misconduct Procedure

This procedure should be read in line with the [Conduct Regulations](#). Where there is any doubt, the Conduct Regulations take precedence. This Procedure is indicative of how the University will manage the Conduct Regulations but the University reserves the right to vary the procedure as and when circumstances warrant such a deviation.

This procedure can be used by QUB students and members of staff.

Members of the public or external organisations may raise allegations of misconduct against QUB students; however it will be for the University to decide how it will deal with these allegations. Where the University decides to invoke the Conduct Regulations, there shall be no further involvement on the part of the member of the public or external organisation in this procedure, beyond raising the allegations. Members of the public and external organisations will not be advised of the outcomes of any conduct investigation, cannot challenge University decisions and cannot participate in the provisions set out in this Procedure.

1. Definitions

1.1. In this Procedure:

- i. A student or member of University staff who brings an allegation of misconduct against a student shall be referred to as “the Reporting Person”.
- ii. A student against whom an allegation of misconduct is brought shall be referred to as “the Responding Student”.

2. Raising Allegations Against a Student

2.1. A Reporting Person, member of the public or external organisations may formally raise allegations against a student by contacting the relevant University department and/or the Appeals and Complaints team.

2.2. Reporting Persons raising allegations against a student are recommended to complete and submit the *Formal Statement of Allegations form* (see section 9). In line with regulation 7.1 of the

Conduct Regulations, the Reporting Person must submit all of their supporting evidence (including witness statements) when raising the allegations against a student; the University is not obliged to seek out additional information/evidence to support a case against a student.

3. Screening Process for Formal Statement of Allegations

- 3.1. As per regulation 7.1 of the Conduct Regulations, where on receipt of an allegation of misconduct against a student, it is not clear that sufficient evidence has been presented to warrant investigation under the Conduct Regulations, the case will be sent to a Screening Panel for consideration.
- 3.2. The Screening Panel, comprising two senior members of University staff (which may include two members of staff from Academic Affairs), will consider the allegation and supporting evidence and will determine either:
 - i. That the evidence presented is sufficiently compelling to warrant investigation, and which University regulations or procedure should be followed; or
 - ii. That the evidence presented is not sufficiently compelling to warrant investigation.
- 3.3. If the Screening Panel determines that the evidence presented is not sufficiently compelling to warrant investigation, the Reporting Person will be advised of this decision normally within eight working days. The Reporting Person will be afforded the right to request a review by a Review Panel, comprising two senior members of University staff, on the following grounds:
 - i. There is substantive and relevant new evidence which could not have been presented to the University at the time of making the allegations of misconduct.
 - ii. There was a procedural irregularity in the consideration of the case and/or the decision of the Screening Panel which had a demonstrable impact on the decision.

- 3.4 Upon request, the Review Panel will consider the case and will determine:
- i. That the evidence presented is sufficiently compelling to warrant investigation, and which University regulations or procedure should be followed; or
 - ii. That the decision of the Screening Panel is appropriate, and will confirm that the evidence presented is not sufficiently compelling to warrant investigation.
- 3.5 The decision of the Review Panel will be communicated to the Reporting Person within eight working days of the decision being made. The outcome letter will explain the reasons for the decision made and will advise that there is no further internal right of appeal; signposting to their right to submit a complaint of maladministration to the [Northern Ireland Public Services Ombudsman](#) (NIPSO) within six months of notification of the final decision.

4. Informal Resolution

- 4.1 As per regulation 8 of the Conduct Regulations, and in accordance with the Informal Resolution Procedure, where it is deemed appropriate, an informal resolution to the allegations of misconduct raised may be reached. This may include application of a Future Conduct Requirement to minimise contact between two or more students.

5. Investigation Process

- 5.1. Where it is deemed that an investigation into the allegation(s) raised is necessary, an Investigating Officer will be appointed by the Conduct Officer or by the Director of Academic and Student Affairs (or nominee) as appropriate. Normally, this appointment will be made within five working days of receipt of the complaint.
- 5.2. The Investigating Officer shall initiate an investigation into the allegations raised. This will normally include the examination of all relevant

documentation and evidence submitted by both the Reporting Person and the Responding Student.

- 5.3. The Investigating Officer may decide that it is appropriate to hold an informal meeting with the Responding Student, to provide advice and guidance to the Responding Student in relation to their obligations under the Conduct Regulations, following receipt of the allegation of misconduct.
- 5.4. As part of the investigation, the Investigating Officer may consider it necessary to meet with the Reporting Person, the Responding Student and/or any named witnesses. The decision on whether to invite relevant parties to attend an investigation meeting or to invite them to submit written representations shall rest with the Investigating Officer.
- 5.5. Should a meeting be required with the Reporting Person, the Responding Student and/or any named witnesses, this may be carried out by telephone, face-to-face, or remotely. The Responding Student will be notified of the date and time of the meeting in advance, and will be advised of the purpose of the meeting. The Investigating Officer will ensure that a record of the meeting is taken.
- 5.6. The Responding Student will be notified of the alleged misconduct offences that have been raised against them, including the standard penalties for each offence, and will be provided with a copy of the Conduct Regulations. Where appropriate, the Responding Student will normally be provided with any relevant documentation to be considered at the meeting.
- 5.7. The Investigating Officer will set a deadline for the Responding Student to provide a response to the allegations raised; this includes collating and presenting all evidence (including witness statements) in support of their case. Documentation submitted after this deadline, without good cause and/or prior approval for the delay, may not be considered.

- 5.8. Should the Reporting Person and/or Responding Student include witness statements within their investigation submission, the Investigating Officer will contact the witnesses to confirm the accuracy of the statement and to advise that their name and the details of their statement will be disclosed to the Reporting Person and Responding Student. In providing a witness statement, the witness confirms that they are content for their statement to be included and shared as part of the investigation. Student witnesses may be asked to adhere to a Future Conduct Requirement and will be advised of the potential consequences of failing to respect the confidentiality of the process.
- 5.9. Once the Investigating Officer has concluded their investigation, the Investigating Officer will make a written report of their findings to the Conduct Officer, providing copies of all supporting evidence.

6. Conduct Officer process

- 6.1. If on consideration of the Investigating Officer's report, the Conduct Officer requires additional information prior to making a decision on the case, the Conduct Officer may refer the case back to the Investigating Officer for further investigation, or may call the student to a meeting.
- 6.2. After consideration of the Investigating Officer's report, and after any meeting which takes place under section 6.1 above, the Conduct Officer will make a decision in line with regulations 9.2-9.3 of the Conduct Regulations. The Responding Student will be advised of this outcome, a rationale for the decision, and (where the decision is that the misconduct offence has been committed), will be provided with a copy of the investigation report by email to their University email account within eight working days of the decision being made. Where appropriate the Responding Student will be advised of their right to appeal the decision to the Conduct Committee (section 7.11 below).

7. Conduct Committee

- 7.1. When convened, the Conduct Committee will normally consist of three senior members of University staff and a Students' Union Sabbatical Officer. At all meetings of the Conduct Committee, three members shall constitute a quorum.
- 7.2. Where the Responding Student is studying at the Institute of Professional Legal Studies, membership of the Conduct Committee will also include one member of the Inn of Court of Northern Ireland and one member of the Law Society of Northern Ireland nominated by the Council of Legal Education.
- 7.3. Member(s) of the Academic and Student Affairs Directorate shall normally act as Secretary to the Conduct Committee. The Secretary shall be responsible for:
 - i. Oversight of the administration of the Committee's proceedings;
 - ii. Circulating any written submissions and other relevant documents ahead of and during the Committee meeting;
 - iii. Drafting and (once approved) circulating Committee outcome letters; and
 - iv. Producing minutes as a formal record of the Committee meeting.
- 7.4. Subject to section 7.11.4.3 below, the Responding Student will be required to attend the Committee meeting, and will be given five working days' notice of the date, time and venue of the meeting.
- 7.5. The Responding Student will be provided with copies of the documentation to be considered by the Committee, and will be informed of the Committee membership.
- 7.6. The Reporting Person will not be required to attend the Committee meeting.
- 7.7. The Conduct Officer (or nominee) will attend the Committee meeting to explain the reason for their decision (to impose a penalty or to refer the

case to a Conduct Committee). The Responding Student and Conduct Officer (or nominee) shall each be present while the other is speaking. The Committee meeting may continue in the absence of the Conduct Officer (or nominee).

- 7.8. Should the Responding Student fail to attend the Committee meeting without providing valid reason for their absence in advance, the Committee reserves the right to consider the case and make a decision on the basis of the paperwork alone.
- 7.9. In the case of appeals to the Conduct Committee, and subject to section 7.11.4.3 below, if the Responding Student fails to attend this meeting without providing valid reason for their absence in advance, the Committee reserves the right not to consider the case and to dismiss the appeal in its entirety.
- 7.10 Referrals to Conduct Committee
 - 7.10.1 If the Chair of the Committee considers the circumstances warrant it (e.g. the facts of the case are not contested), they may deal with the case summarily (on the paperwork alone).
 - 7.10.2 Where it is not appropriate to deal with the case summarily, the Responding Student will be invited to attend the next available Conduct Committee meeting.
 - 7.10.3 The Responding Student will be permitted to submit any additional evidence in support of their case. The onus is on the Responding Student to collate and present this evidence at least two working days prior to the Committee meeting. Documentation submitted after this deadline, without good cause and/or prior approval for the delay, may not be considered.
 - 7.10.4 If two or more students are alleged to have been involved in the same incident of misconduct, the decision may be taken to hear

their cases together. A student may object to having their case heard with another student's case.

7.10.5 The Conduct Committee will make a decision in line with regulation 10.1.1 of the Conduct Regulations. The Responding Student will be advised of this outcome and a rationale for the decision by email to their University email account within eight working days of the decision being made. The Responding Student will be advised of their right to appeal to the Student Conduct Appeals Committee (see section 8).

7.11 Appeals to a Conduct Committee against the decision of a Conduct Officer

7.11.1 Where a penalty is imposed by a Conduct Officer, the Responding Student shall have the right to appeal to the Conduct Committee. Students wishing to appeal must submit an *Appeal to a Conduct Committee form* (see section 9) and all supporting evidence to the Appeals and Complaints team (appeals@qub.ac.uk) within ten working days of notification of the Conduct Officer decision. Evidence submitted after the deadline may not be considered.

7.11.2 Late Appeals

7.11.2.1 As per section 12 of the [General Provisions Relating to Academic Appeals, Conduct, Academic Offences and Student Complaints](#), appeals received after the deadline will not normally be accepted. If the Responding Student can demonstrate that they were unable to submit their appeal before the deadline due to circumstances beyond their control (e.g. hospitalisation), the appeal may be accepted. The Responding Student must submit a written statement to this effect, along with any supporting evidence. This statement and any supporting evidence must be submitted at the same time as their appeal

documentation, and should relate to the entire period from notification of the original decision until submission of the late appeal. Failure to submit this documentation will result in the late appeal not being accepted.

7.11.2.2 The statement and supporting evidence detailing the reasons for the late appeal will be considered by the Head of Student and Academic Affairs (or nominee), who will determine:

- i. That the Responding Student has evidenced sufficient cause for their late appeal to be accepted for consideration; or
- ii. That the Responding Student has not evidenced sufficient cause for the late appeal to be accepted for consideration, and the appeal will not progress.

7.11.2.3 The decision of the Head of Student and Academic Affairs (or nominee) will be communicated to the Responding Student within eight working days of the decision being made. In the case of the late appeal not being accepted for consideration, the outcome letter will explain the reasons for the decision and will advise that there is no further internal right of appeal; signposting the Responding Student to their right to submit a complaint of maladministration to the [Northern Ireland Public Services Ombudsman](#) (NIPSO) within six months of notification of the final decision.

7.11.3 Screening Process for Appeals

7.11.3.1 As per regulation 10.2.1 of the Conduct Regulations, where on receipt of an appeal, it is not clear that sufficient evidence has been presented to warrant

investigation under the Conduct Regulations, the case will be sent to a Screening Panel for consideration.

7.11.3.2 The Screening Panel, comprising two senior members of University staff (which may include two members of staff from Academic Affairs), will consider the allegation and supporting evidence and will determine:

- i. That the evidence presented is sufficiently compelling to warrant consideration of the appeal and will advise which University regulations or procedure should be followed; or
- ii. That the evidence presented is not sufficiently compelling to warrant consideration of the appeal.

7.11.3.3 If the Screening Panel determines that the evidence presented is not sufficiently compelling to warrant consideration of the appeal, the Responding Student will be advised of this decision within eight working days. The Responding Student will be afforded the right to request a review of the decision by a Review Panel, comprising two senior members of University staff, on the following grounds:

- i. There is substantive and relevant new evidence which could not have been presented to the University at the time of making the appeal.
- ii. There was a procedural irregularity in the consideration of the case and/or the decision of the Screening Panel which had a demonstrable impact on the decision.

7.11.3.4 Upon request, the Review Panel will consider the case and will determine:

- i. That the evidence presented is sufficiently compelling to warrant consideration of the appeal, and which

University regulations or procedure should be followed; or

- ii. That the decision of the Screening Panel is appropriate and will confirm that the evidence presented is not sufficiently compelling to warrant consideration of the appeal.

7.11.3.5 The decision of the Review Panel will be communicated to the Responding Student within eight working days of the decision being made. The outcome letter will explain the reasons for the decision made and will advise that there is no further internal right of appeal; signposting the Responding Student to their right to submit a complaint of maladministration to the [Northern Ireland Public Services Ombudsman](#) (NIPSO) within six months of notification of the final decision.

7.11.4 Conduct Committee Meeting to Consider Appeal

7.11.4.1 Where it is considered that the evidence presented is sufficiently compelling, the Responding Student will be invited to attend the next available Conduct Committee meeting.

7.11.4.2 The Conduct Committee will only consider the grounds for appeal submitted by the Responding Student and will not carry out a re-hearing of the case.

7.11.4.3 The Responding Student may request that the Conduct Committee deals with their case summarily (on the paperwork alone). However, the Chair of the Conduct Committee reserves the right to request additional information from the Responding Student and/or the Conduct Officer (or nominee) or to require the Responding Student to attend in person, should this be

deemed necessary in order to make an informed decision on the case.

7.11.5 Decision of the Conduct Committee

The Conduct Committee will make a decision in line with regulation 10.2.2.5 of the Conduct Regulations. The Responding Student will be advised of this outcome and a rationale for the decision by email to their University account within eight working days of the decision being made. The Responding Student will be advised that there is no further right of appeal, and signposted to their right to submit a complaint of maladministration to the [Northern Ireland Public Services Ombudsman](#) (NIPSO) within six months of notification of the final decision.

8 **Student Conduct Appeals Committee**

8.1 Appeals to Student Conduct Appeals Committee

- 8.1.1 Where a penalty is imposed by a Conduct Committee (following a referral), the Responding Student shall have the right to appeal the decision to the Student Conduct Appeals Committee. Students wishing to appeal must submit an *Appeal to a Student Conduct Appeals Committee form* (see section 9) and all supporting evidence to the Appeals and Complaints team (appeals@qub.ac.uk) within ten working days of the notification of the decision of the Conduct Committee. Evidence submitted after the deadline may not be considered.
- 8.1.2 As per section 12 of the [General Provisions Relating to Academic Appeals, Conduct, Academic Offences and Student Complaints](#), appeals received after the deadline will not normally be accepted. Appeals to the Student Conduct Appeals Committee submitted after the specified deadline will be considered in line with the late appeals procedure detailed in section 7.11.2 above.

8.2 Screening Process for Appeals to a Student Conduct Appeals Committee

8.2.1 As per regulation 11.5 of the Conduct Regulations, where on receipt of an appeal to the Student Conduct Appeals Committee, it is not clear that sufficient evidence has been presented to warrant investigation under the Conduct Regulations, the case will be sent to a Screening Panel for consideration. The case will be considered in line with the Screening Process for Appeals detailed in section 7.11.3 above.

8.3 Notice of Meeting of Student Conduct Appeals Committee

8.3.1 Where it is considered that the evidence presented is sufficiently compelling, and subject to section 8.4 below, the Responding Student will be required to attend the next available Student Conduct Appeals Committee meeting. The Responding Student will be provided with five working days' notice of the date and time of this meeting. Prior to the meeting, the Responding Student will be provided with a copy of the paperwork to be considered.

8.4 Request to Deal with Case Summarily

8.4.1 The Responding Student may request that the Student Conduct Appeals Committee deals with their case summarily (on the paperwork alone). However, the Chair of the Student Conduct Appeals Committee reserves the right to request additional information from the Responding Student and/or the Chair of the Conduct Committee (or nominee) or to require the Responding Student to attend in person, should this be deemed necessary in order to make an informed decision on the case.

8.5 Student Conduct Appeals Committee Meeting

8.5.1 When convened, the Student Conduct Appeals Committee will normally consist of senior members of University staff (which may include a Pro-Vice Chancellor, Dean, senior member of

Professional Services staff, Head of School, Director of Education), and a Students' Union Sabbatical Officer.

- 8.5.2 Where the Responding Student is studying at the Institute of Professional Legal Studies, membership of the Student Conduct Appeals Committee will include one member of the Inn of Court of Northern Ireland and one member of the Law Society of Northern Ireland nominated by the Council of Legal Education.
- 8.5.3 At all meetings of the Student Conduct Appeals Committee, three members shall constitute a quorum.
- 8.5.4 Member(s) of the Academic and Student Affairs Directorate shall normally act as Secretary to the Student Conduct Appeals Committee. The provisions of section 7.3 shall apply in this regard.
- 8.5.5 The Chair of the Conduct Committee (or nominee) will normally attend this meeting to explain the reason for the penalty imposed and to respond to the grounds of appeal. The Responding Student and the Chair of the Conduct Committee (or nominee) shall each be present while the other is speaking. The Committee meeting may continue in the absence of the Chair of the Conduct Committee (or nominee), and the Chair of the Student Conduct Appeals Committee may seek a statement from the Chair of the Conduct Committee (or nominee) in advance of the meeting, if they are unable to attend.
- 8.5.6 The Student Conduct Appeals Committee will only consider the grounds of appeal submitted by the Responding Student and will not carry out a re-hearing of the case.
- 8.5.7 Subject to section 8.4, should the Responding Student fail to attend the meeting of the Student Conduct Appeals Committee

without providing valid reason for their absence in advance of the meeting, the Committee reserves the right to consider the case on the paperwork alone or not to consider the case and to dismiss the appeal in its entirety.

8.6 Decision of the Student Conduct Appeals Committee

8.6.1 The Student Conduct Appeals Committee will make a decision in line with regulation 11.7 of the Conduct Regulations. The Responding Student will be advised of this outcome and a rationale for the decision by email to their University account within eight working days of the decision being made. The Responding Student will be advised that there is no further right of appeal and signposted to their right to submit a complaint of maladministration to the [Northern Ireland Public Services Ombudsman](#) (NIPSO) within six months of notification of the final decision.

9 Templates, Forms and Guidance

9.1 Student Documents

Standard Misconduct FAQs

Formal Statement of Allegations Form

Appeal to Conduct Committee Form

Appeal to Student Conduct Appeals Committee Form

9.2 Staff only Documents

Staff FAQs

Screening Panel Outcome Letter

Review Panel Outcome Letter

Screening and Review Panel Decision Logs

Informal Resolution Letter

Investigating Officer Meeting Invitation

Witness Advice Correspondence

Conduct Officer Decision Log

Conduct Officer Outcome Letter

Conduct Committee Invitation

Conduct Committee Outcome Letter

Late Appeal Decision Letter

Student Conduct Appeals Committee Invitation

Student Conduct Appeals Committee Outcome Letter