



**London
South Bank
University**

EST 1892

Student Disciplinary Procedure

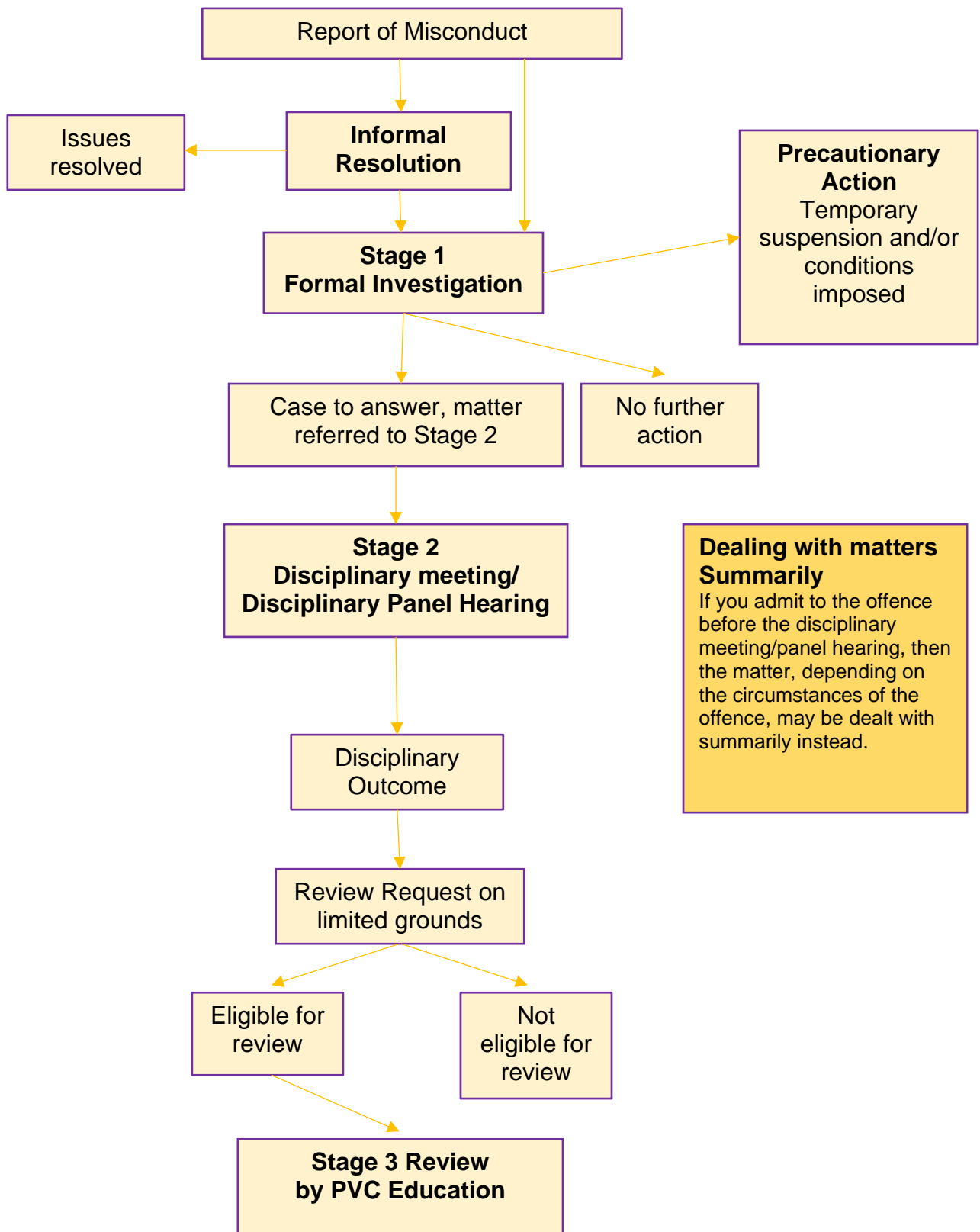
Policy last reviewed	June 2021
Approved by	[the Quality and Standards Committee]
Published on	LSBU website at http://www.lsbu.ac.uk/_data/assets/pdf_file/0020/84350/disciplinary-procedure.pdf and MyLSBU

This procedure is available in accessible format on request from the Disciplinary Officer at: studisc@lsbu.ac.uk

Contents

Student Disciplinary Flowchart	2
Student Disciplinary Procedure	3
1 Introduction - the principles behind the procedure	3
2 Scope – who/what is covered by this procedure?	4
3 Who is responsible for this procedure?	5
4 Disciplinary offences.....	6
5 Support for students.....	6
6 Reporting misconduct.....	6
7 Reporting matters to the police	7
8 Student conduct under police investigation	8
9 Informal resolution.....	8
10 Precautionary action.....	9
11 Formal process, Stage 1: Investigation by the local manager	10
12 Formal process, Stage 2: local manager disciplinary meeting.....	11
13 Formal process, Stage2: Disciplinary Panel hearing	12
14 Dealing with matters summarily.....	14
15 Penalties.....	15
16 Formal process, Stage 3: Review	17
17 Independent external review	18
18 Record keeping and notification.....	18
19 Use of data	19
Appendix A: Disciplinary offences	20
Appendix B: Support for students	24

Student Disciplinary Flowchart



Student Disciplinary Procedure

In an emergency

In an emergency situation where it is believed that a person's health or wellbeing presents an immediate risk to themselves or others call the appropriate Emergency Services: 999 (and inform the University on ext. 6666) or call the University's emergency number: 0207 815 6666 (who will call 999).

LSBU emergency – t: 0207 815 6666 (ext. 6666) or 999

If you need to report sexual misconduct or a hate incident that you have either witnessed or experienced, please do so via the following link:

<https://my.lsbu.ac.uk/my/portal/Student-Life-Centre/Mental-Health-Well-Being/Be-safe-at-LSBU>

1 Introduction - the principles behind the procedure

- 1.1 All University staff, students, contractors and visitors have a right to work, study and learn in a safe environment and any conduct which unreasonably interferes with the safe and orderly operation of the University community will be investigated and addressed in accordance with this procedure.
- 1.2 The security and integrity of University property must be safeguarded and any unacceptable conduct which jeopardises this will be investigated and addressed to ensure that security and integrity are maintained.
- 1.3 An attempt will be made where possible to resolve unacceptable conduct issues informally and any investigation and necessary action will be undertaken as speedily as possible, normally within 90 days from the start of the formal process. This timeframe requires you to engage with the disciplinary process by meeting all of the University's stipulated deadlines for submission of materials and attending the meetings you are invited to at each stage of this procedure.
- 1.4 There may be cases where, for good reason(s), the University will need to extend the timeframe for dealing with your case. When this is the case, we will contact you to explain the delay and set a new deadline for the next stage.

- 1.5 Allegations of misconduct made in good faith will be taken seriously and dealt with in accordance with this procedure. Such allegations of misconduct will be dealt with as allegations of breaches of the University's own internal regulations and policies by the civil standard of proof, which is the balance of probabilities (i.e. more likely than not/51% or more) and are not treated as offences under the criminal law. Students against whom allegations have been made will be presumed to be innocent until proven to have committed a disciplinary offence. The possible sanctions and outcomes are those described in this procedure.

2 Scope – who/what is covered by this procedure?

- 2.1 This procedure applies if you are a University student who:
- a) is enrolled and registered at the University; or
 - b) was enrolled at the University at any time during the previous 12 months; or
 - c) has interrupted your studies.
- 2.2 The University reserves the right to carry out and/or complete the disciplinary process if you leave the University whilst the process is ongoing. As set out in paragraph 18.3, any penalty imposed may be referred to in a reference given by the University on your behalf.
- 2.3 Where more than one student is involved in a case of suspected misconduct, the University may choose whether to take joint or separate action against them under this procedure.
- 2.4 Unacceptable conduct may be dealt with under this procedure even if it occurs outside the physical boundaries of University premises (including electronically and/or via social media) where the conduct is connected to the University community and its safe and/or orderly operation and/or the University's reputation. Where unacceptable conduct has taken place outside University premises (for instance on a placement/internship and/or professional or work experience setting) and been considered under the process of another institution (such as the placement/internship and/or professional or work experience provider), the University retains the right to consider the conduct under this procedure.
- 2.5 Unacceptable conduct in halls of residence may be dealt with additionally and/or independently of this procedure under the Halls of Residence Disciplinary Procedure for Student Residents and as breaches of contractual obligations in the Halls of Residence Accommodation Agreement.
- 2.6 This procedure does not apply to academic misconduct (which will be dealt with in accordance with the Student Academic Misconduct Procedure) or to conduct which may appropriately be dealt with under

the Institute of Health and Social Care's Fitness to Practise Procedure. The University also operates a Fitness to Study Procedure. Depending on the individual circumstances of each incident, referrals to other procedures may be made by University and you may find yourself subject to the application of a number of procedures at the same time. The University reserves the right to either suspend one procedure until the outcome of the other is complete, or decide not to pursue one procedure in favour of the other.

3 Who is responsible for this procedure?

- 3.1 The Pro Vice Chancellor Education (the "PVC Education") has overall responsibility for this procedure, but has delegated day-to-day responsibility for overseeing its implementation to the staff identified in this procedure. All relevant members of staff have been made aware of the procedure and have received appropriate training.
- 3.2 Deans of School and Heads of Central Support Departments are responsible under the University's Health and Safety Policy for the safety of staff, students, contractors and visitors in their Schools and Divisions and shall take immediate action to ensure the safety of staff, students and visitors where this is put at risk by unacceptable conduct.
- 3.3 Every Dean of School has jurisdiction under this procedure over all students enrolled in that School. The Dean of School shall nominate one or more members of the academic or management staff of the School to act as local manager/s.
- 3.4 The Director of Estates and Academic Environment has jurisdiction under this procedure in every case where a reported incident relates to a hall of residence, and shall nominate one or more members of halls of residence staff to act as local manager/s for every such case.
- 3.5 Local managers are responsible for operating the disciplinary process and making decisions about individual cases.
- 3.6 The Disciplinary Officer is responsible for co-ordinating and centralising the disciplinary process and keeping a record of all disciplinary incidents and outcomes.
- 3.7 Where a disciplinary allegation against a student also involves, or may involve, action against a member of University staff under the Staff Disciplinary Procedure, the University shall appoint a case manager (usually the University Secretary or nominee) to co-ordinate the two processes. The case manager shall liaise with all internal stakeholders, including the University's Human Resources team, as necessary.
- 3.8 This procedure will be reviewed from time to time (and at least every two years) by the Student Disciplinary team and the University Solicitor to

ensure that its provisions continue to meet our legal obligations and reflect best practice.

4 Disciplinary offences

- 4.1 You may be subject to a formal disciplinary process under this procedure if you are suspected of having committed misconduct which amounts to a disciplinary offence.
- 4.2 A list of examples of disciplinary offences is set out in Appendix A.
- 4.3 Making a disclosure in good faith under the University's Speak Up policy shall not be regarded as misconduct.

5 Support for students

- 5.1 You are encouraged to seek advice and support regarding this procedure from the LSBU Students' Union Advisory Service.
- 5.2 If you are invited to attend an investigatory interview, or a formal meeting or hearing under this procedure, you may be accompanied by a fellow student or a Students' Union representative. You are not normally permitted to be represented by a legally qualified solicitor or barrister, but the University may allow legal representation at Disciplinary Panel hearings in exceptional circumstances e.g. where your conduct may amount to a serious criminal offence. You must provide the name and contact details of your chosen companion to the University in good time before the meeting/hearing.
- 5.3 If you have a disability, you may additionally be accompanied by a support worker as may reasonably be required. The University will make reasonable adjustments to this procedure where it is reasonable to do so to prevent you from suffering substantial disadvantage as a result of your disability. The University's Student Wellbeing teams will be consulted.
- 5.4 The companion's role at the meeting will be to support you; you may consult the companion for advice and support during the meeting/hearing, but the companion may not answer questions on your behalf (unless this is agreed in advance by the chair as a reasonable adjustment for your disability).
- 5.5 Further details of support services offered both by the University and externally are set out at Appendix B.

6 Reporting misconduct

- 6.1 All University staff and students are responsible for reporting misconduct by a student which they witness or of which they have evidence.

- 6.2 Any person who becomes aware of misconduct by a student should notify the matter to the Disciplinary Officer. This can be done by using MyAccount, choosing the general enquiry option then report an incident (Student Disciplinary) as the topic. Relevant documentary evidence must be provided to support the allegation of misconduct where appropriate.
- 6.3 University staff who become aware of misconduct by a student through some other means (for instance through a health and safety report, or if the conduct is reported to them in person or by email) will ensure that the matter is reported through the correct channel either by advising the individual who witnessed the conduct, or if necessary by reporting the matter themselves and attaching any email or other evidence to their report.
- 6.4 Anonymous allegations of misconduct will not usually be accepted by the University.

7 Reporting matters to the police

- 7.1 Students who witness or who have evidence of misconduct by a student which may also amount to a criminal offence have a number of options available to them once they have brought the alleged incident to the attention of the University. The main options are:
 - a) reporting the matter to the police;
 - b) seeking support from internal and external services;
 - c) not reporting the matter to the police but requesting that the University deals with the matter under this procedure.
- 7.2 The University will put no pressure on the reporting student in relation to any of the options.
- 7.3 Where a suspected criminal offence is committed against the University, the University may report the incident to the police. Where the alleged victim is not the University (e.g. not a member of University staff or not relating to University property), the University will normally allow the victim to decide whether or not to report the matter to the police. However, the University may start disciplinary action against the accused student and investigate the incident on its own volition.
- 7.4 The University will only in exceptional circumstances report the alleged incident to the police against the wishes of the alleged victim/reporting student if the reporting is necessary to protect the alleged victim/reporting student or others from harm or to prevent a further harm taking place. The University will explain its decision and the reasons to the victim/reporting student either in advance or as soon as possible after the report was made.

8 Student conduct under police investigation

- 8.1 If an allegation of misconduct made under this procedure is also subject to police investigation, the local manager will ask you to give consent for the police to provide information to the University on the progress of the police investigation or require you to keep the University informed accordingly.
- 8.2 The University reserves the right to either suspend or continue with the disciplinary process in cases where a police investigation is ongoing, or has been suspended or discontinued. This will be decided on a case-by-case basis in consultation with the University Solicitor and, where appropriate, in dialogue with the police. In some cases, witnesses will be interviewed prior to the suspension of the process. The University also reserves the right to proceed with the disciplinary process where you have been acquitted in criminal proceedings.
- 8.3 Where you are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, the University reserves the right to take a decision based on the available evidence.
- 8.4 Whilst a police investigation is under way the University's normal policy is to provide any reasonable support to you in order for you to continue your studies safely whilst abiding by any bail conditions that may have been placed on you, if practicable to do so. Where possible, the University will make reasonable adjustments to your academic programme to help you ensure your own safety, the safety of others and/or to comply with any bail conditions which have been placed on you.

9 Informal resolution

Minor conduct issues, e.g. minor damage to property, conduct causing minor disruption or anti-social behaviour that is not directed at other individuals can sometimes be dealt with informally without the need to initiate the disciplinary process. Staff who observe conduct that may give cause for concern if repeated may inform the Disciplinary Officer, who may discuss the concerns with you. In some cases, an informal verbal warning may be given, which will not form part of your formal disciplinary record. A note of any such informal discussions and oral warnings may be held on the Disciplinary Officer's file for the duration of one full academic year following the date of the incident. Formal steps may be taken under this procedure if the Disciplinary Officer reasonably believes that the conduct is likely to be repeated or if the conduct is repeated.

10 Precautionary action

10.1 If, after reviewing the allegation of misconduct and having carried out the relevant risk assessment, the local manager decides that your continued access to the University creates a significant risk in one or more of the following situations, namely that:

- a) there may be a recurrence of unacceptable conduct by any one or more students;
- b) staff, visitors, service users or any student may be harmed; and/or
- c) due process under this procedure may be inhibited or impeded,

The local manager may decide that you be suspended temporarily from access to all or any part of University premises, University activity, and/or placement/internship and/or professional or work experience until the disciplinary procedure is concluded; and/or that conditions be placed on you (e.g. not to contact a named student). The local manager's decision will be sent to you via email.

10.2 The local manager will immediately submit a record of the decision to suspend and/or to place conditions on you to the Disciplinary Officer and the Head of Registry, with clear reasons for the decision.

10.3 The decision to suspend and/or to place conditions on you will be only made where the risk level is high and where there are no alternative measures that could be put in place instead to mitigate the risk. It is, therefore, a precautionary, rather than a punitive, measure.

10.4 Any suspension/conditions will be limited to a specified period of time and reviewed regularly by the local manager, but may be extended where necessary to do so.

10.5 If you are suspended and/or conditions are placed on you, the Head of Registry will write to you setting out the decision and clear reasons for the decision, which will relate to the allegations made, supported by a statement of the basic alleged facts.

10.6 You can appeal against a precautionary decision to suspend and/or place conditions on you to the PVC Education within 5 working days of the date of the decision letter (making clear representations). The PVC Education (or nominee) will notify you of the decision within 5 working days of receipt of your appeal.

10.7 You can also request that the local manager reviews the precautionary action decision if you can demonstrate that there has been a material change in the circumstances of the case.

11 Formal process, Stage 1: Investigation by the local manager

- 11.1 On receipt of an allegation of misconduct, the Disciplinary Officer will make a record of the matter and will forward the report to the relevant local manager as soon as possible.
- 11.2 Prior to starting the investigation, the local manager should consider whether they could be deemed to have a conflict of interest, and if there is a conflict of interest ask another suitably qualified person to take over the investigation. The local manager can also refer the matter to a specialist interviewer in complex or sensitive matters, where specialist skill and knowledge is required, e.g. in cases of alleged sexual misconduct. The local manager can find out more information about specialist interviewers from the Student Disciplinary team.
- 11.3 If there is no conflict of interest, the local manager will review the allegation and determine whether the misconduct, if proven, could be considered a disciplinary offence. If so, the local manager will conduct an investigation. If not, the local manager may refer the matter back to the Disciplinary Officer for the matter to be dealt with informally, or may decide to take no further action.
- 11.4 The investigation will be started as promptly as possible, and normally within 10 working days of the allegation being made. If you have reported an allegation of misconduct, you can track the progress of your claim and submit comments on your case to the Student Disciplinary team through MyAccount. The University reserves the right to extend this period during holidays and exam times.
- 11.5 As part of the investigation the local manager will:
 - a) interview you;
 - b) identify and interview any other relevant witnesses or obtain written witness statements from them; and
 - c) seek documentary evidence where appropriate (e.g. emails, logs from relevant University systems or other relevant evidence).
- 11.6 The local manager will write to you at least 3 working days in advance of the investigatory interview, inviting you to the interview and explaining the reason for the interview and the allegations made against you.
- 11.7 If you fail to attend the investigatory interview without good reason, or are unable to do so on more than two occasions, the local manager may continue with the investigation without interviewing you provided the local manager is satisfied that you were given due notice of the date

and time of the meeting. The local manager shall decide in their discretion what constitutes “good reason”.

- 11.8 The local manager will compile a decision which will include the allegations and a summary of the evidence gathered in the course of the investigation, including copies of relevant documents and witness statements including evidence and witness statements provided by the student in support of their case.
- 11.9 The local manager may:
- a) refer the matter back to the Disciplinary Officer for the matter to be dealt with informally; or
 - b) decide that no further action should be taken; or
 - c) decide that there is a case to answer and the matter should be referred to stage 2 of this procedure.
- 11.10 If the local manager decides that there is a case to answer, the local manager will invite you to a disciplinary meeting under paragraph 12 or will refer the matter to the Disciplinary Panel under paragraph 13. Cases which the local manager considers to be complex or which may warrant your expulsion from the University will usually be referred to the Disciplinary Panel.
- 11.11 You will be informed of the decision of the local manager within 5 working days of the conclusion of the investigation.

12 Formal process, Stage 2: local manager disciplinary meeting

- 12.1 The local manager will invite you to attend a disciplinary meeting, providing the date, time and place of the meeting. The meeting will be held as soon as reasonably possible but you will be given at least 7 working days’ notice to prepare your case based on the information provided by the University.
- 12.2 The notice will set out the allegations against you, the basis of those allegations and the likely range of penalties if it is decided after the disciplinary meeting that the allegations are true.
- 12.3 The local manager will also provide you with copies of all the relevant documents related to your case. In limited circumstances (e.g. a risk of harm to the witness) a witness's identity may be kept confidential unless to do so would prejudice the fairness of the proceedings.
- 12.4 The purpose of the disciplinary meeting is to discuss the evidence gathered and to provide you with an opportunity to make representations. The local manager will then decide on the basis of the evidence and your representations whether the allegation is proven. If the allegation is considered to be proven, depending on the nature of

the disciplinary offence, the local manager will ask you to submit any evidence in mitigation in order to decide on the appropriate penalty.

- 12.5 The local manager may impose any of the penalties set out in paragraph 15 except that the local manager does not have the power to exclude you from the University.
- 12.6 If you or your companion cannot attend the disciplinary meeting, you should inform the local manager immediately and the local manager will arrange an alternative time. You must make every effort to attend the meeting, and failure to attend without good reason may be treated as a disciplinary offence in itself. If you fail to attend without good reason, or are unable to do so on more than two occasions, the local manager may take a decision based on the available evidence provided the local manager is satisfied that you were given due notice of the date and time of the meeting. The local manager shall decide in their discretion what constitutes “good reason”.
- 12.7 The local manager will notify you in writing of the outcome of the disciplinary meeting, the reasons for the decision and (where relevant) any penalty imposed within 7 working days of the meeting. You will also be informed of your right to request a Review under paragraph 16.

13 Formal process, Stage2: Disciplinary Panel hearing

- 13.1 Disciplinary Panel hearings are undertaken when the local manager refers the case under paragraph 11.10.
- 13.2 The Secretary to the Disciplinary Panel will, within 10 working days of the referral by the local manager, invite you to attend a Disciplinary Panel hearing, providing the date, time and place of the hearing. The hearing will be held as soon as reasonably possible but you will be given at least 7 working days’ notice to prepare your case based on the information provided by the University.
- 13.3 The notice will set out the allegations against you, the basis of those allegations and the likely range of penalties if it is decided after the disciplinary hearing that the allegations are true.
- 13.4 The Secretary to the Disciplinary Panel will also include:
 - a) a summary of relevant evidence gathered during the investigation;
 - b) a copy of any relevant documents which will be relied on at the disciplinary hearing; and
 - c) a copy of any relevant witness statements. In limited circumstances (e.g. a risk of harm to the witness) a witness’s identity

may be kept confidential unless to do so would prejudice the fairness of the proceedings.

- 13.5 You will be invited to respond to the allegations in writing. All written documents you wish to rely on must be received by the Secretary to the Disciplinary Panel at least 3 working days prior to the disciplinary hearing.
- 13.6 The Disciplinary Panel shall consist of:
- a) a senior member of the academic or management staff of the School with no prior involvement in the matter (to Chair the hearing); and
 - b) two other members of the academic or management staff with no previous involvement in the matter.
- 13.7 Where you have a disability, a member of the University's Disability and Dyslexia or Mental Health and Wellbeing Team will be required to attend the hearing to advise the Disciplinary Panel on making reasonable adjustments for your particular disability and other relevant matters. The member of the University's Disability and Dyslexia or Mental Health and Wellbeing Team will not be a member of the Disciplinary Panel.
- 13.8 The members of the Disciplinary Panel will also invite a note-taker.
- 13.9 If you or your companion cannot attend the disciplinary hearing, you should inform the Chair of the Disciplinary Panel immediately and we will arrange an alternative time. You must make every effort to attend the hearing, and failure to attend without good reason may be treated as a disciplinary offence in itself. If you fail to attend without good reason, or are unable to do so on more than two occasions, the University reserves the right to take a decision based on the available evidence provided it is satisfied that you were given due notice of the date and time of the hearing. The Chair of the Disciplinary Panel shall decide in their discretion what constitutes "good reason".
- 13.10 At the disciplinary hearing the local manager will present the case against you, including any evidence which has previously been disclosed to you. You will be able to respond and to present any evidence of your own.
- 13.11 Both you and the local manager may ask relevant witnesses to appear at the disciplinary hearing. You need to give the Disciplinary Panel at least 3 working days advance notice to arrange their attendance. You will be given the opportunity to respond to any information given by a witness and to ask a witness a question.

- 13.12 The disciplinary hearing may be adjourned at the discretion of the Chair in the interests of fairness e.g. new evidence which has come to light which could not have reasonably been disclosed in accordance with the prescribed time scales under this procedure.
- 13.13 Following the disciplinary hearing the members of the Disciplinary Panel will consider whether the allegation made against you has been proven on the balance of probabilities.
- 13.14 If the allegation has not been proven, the Disciplinary Panel will write to you to confirm the outcome and the reasons.
- 13.15 If the allegation is considered to be proven, depending on the nature of the disciplinary offence, the Disciplinary Panel will ask you to submit any evidence in mitigation in order to decide on the appropriate penalty as set out in paragraph 15 below.
- 13.16 A member of the Disciplinary Panel will notify you in writing of the outcome of the disciplinary hearing, the reasons for the decision and (where relevant) any penalty imposed within 10 working days of the hearing. You will also be informed of your right to request a Review under paragraph 16.

14 Dealing with matters summarily

- 14.1 If you admit the disciplinary offence before a disciplinary meeting or Disciplinary Panel hearing under this procedure has taken place, the local manager or Chair of the Disciplinary Panel may (where the local manager or Chair thinks it appropriate to do so) dispense with the need to hold the meeting/hearing and instead deal with the matter summarily.
- 14.2 Prior to dealing with the matter summarily, the local manager or Chair must:
- a) explain to you the potential consequences of dealing with matters summarily;
 - b) outline a range of penalties that may be imposed for the offence in question; and
 - c) seek your consent to do so.
- 14.3 If you agree for the matter to be dealt with summarily, you will be required to sign a statement (also acceptable via email) in which you:
- a) admit the misconduct;
 - b) acknowledge awareness of the potential consequences of that admission under this procedure; and

- c) agree to the disposal of the disciplinary process without a disciplinary meeting/hearing.
- 14.4 The local manager or Chair may then dispense with a disciplinary meeting/hearing and if, having considered the evidence, the local manager or Chair is satisfied that you committed the offence, proceed to impose a penalty under this procedure taking any mitigating circumstances into account where relevant.
- 14.5 It will not be appropriate to deal with a matter summarily if:
- a) the conduct could also amount to a criminal offence;
 - b) someone was hurt; or
 - c) exclusion is within the range of reasonable penalties which could be imposed.

15 Penalties

- 15.1 The local manager or Disciplinary Panel (as appropriate) shall have discretion in choosing the appropriate penalty for any disciplinary offence under this procedure. The reasons for the choice of penalty shall be recorded in writing and shared with the Disciplinary Officer.
- 15.2 Penalties under this procedure are as follows:
- a) an action plan and conditions for improvement of your conduct (to be reviewed within 2 months of being issued); and/or
 - b) a formal written warning; and/or
 - c) community service; and/or
 - d) a fine (up to £200) payable on <http://trade.lsbu.ac.uk>; and/or
 - e) payment of compensation; and/or
 - f) payment of clearing up/repair costs; and/or
 - g) relevant training; and/or
 - h) partial or full suspension; and/or
 - i) exclusion from the University.

Illegal substances

- 15.3 The University has a zero tolerance approach to illegal substances.
- 15.4 Subject to paragraph 15.5, the following disciplinary offences are punishable as follows:

	First offence	Second offence	Third offence
a) Possession or use of illegal	Student can choose either: • £100 fine; or	1 week's suspension; and £100 fine	Exclusion

substances	<ul style="list-style-type: none"> attendance at a drugs awareness course 		
b) Trade, supply or distribution of illegal substances	Suspension or Exclusion depending on the severity of the offence	Exclusion	

15.5 The penalties described in paragraph 15.4 are indicative only, and other penalties may be imposed to take account of the particular circumstances of the offence and/or your previous disciplinary record.

15.6 If you are found to have committed a second offence described in 15.4 a) you may, in appropriate circumstances, be referred to the University's Mental Health and Wellbeing services.

15.7 In exercising discretion in deciding on a penalty, the local manager or the Disciplinary Panel shall have regard to:

- a) whether action has already been taken by another body (such as a placement/internship and/or professional or work experience provider);
- b) whether there is evidence of remorse on your part (for instance evidence that you have apologised, made restitution or improved your behaviour since the incident);
- c) any professional body standards or regulations that apply; and
- d) any mitigating and/or aggravating factors. Multiple or repeated incidents of misconduct may be more serious than a single act of misconduct. Previous findings may be taken into account when determining what penalty should be imposed.

15.8 If your conduct has been proven to have been motivated by hostility or prejudice, as set out in paragraph gg) of Appendix A, the local manager or Disciplinary Panel is likely to impose a more serious penalty.

15.9 If there is clear evidence that material loss or damage was caused by your conduct, the local manager or Disciplinary Panel may require you to pay financial compensation to the person or persons who suffered the loss or damage.

15.10 If you have a Halls of Residence Accommodation Agreement and your conduct has been proven to constitute a disciplinary offence as set out in paragraph cc) of Appendix A, the local manager or Disciplinary Panel will terminate your Accommodation Agreement.

15.11 If you have a Halls of Residence Accommodation Agreement and your conduct has been proven to constitute a disciplinary offence punishable

by exclusion from the University, the University reserves the right to also terminate your Accommodation Agreement.

15.12 A decision to impose a partial or a full suspension under paragraph 15.2 h) will partially or fully restrict your access to University premises, activities, services and/or placements/internships and/or professional or work experience during the suspension. You shall be entitled to use Student Wellbeing Services during the suspension unless expressly prohibited to do so by the local manager or Disciplinary Panel, e.g. on the grounds of health and safety.

15.13 A decision to impose a penalty of suspension or exclusion will be reported to the Head of Registry. The Head of Registry will action the suspension or exclusion and write to you informing you of the suspension or exclusion.

16 Formal process, Stage 3: Review

16.1 If you are dissatisfied with Stage 2 of the disciplinary procedure outcome (i.e. the decision of the local manager or the Disciplinary Panel), you have 10 working days to request a Review of that decision by submitting a request to the Director of Student Services in writing, by email at disciplinary.review@lsbu.ac.uk. The University will normally acknowledge your request within 5 working days of receiving it.

16.2 A request for a Review will be granted on limited grounds, namely:

- a) there was a procedural irregularity at the formal stage (e.g. there was a material failure by the University to follow the Student Disciplinary Procedure, clear reasons were not provided for the decision, or there is evidence of bias);
- b) the outcome was not reasonable in all the circumstances (i.e. no reasonable decision-maker, properly directing themselves and taking into account the relevant facts, could have reached that decision);
- c) new material evidence is available which you were unable, for valid reasons, to provide earlier in the process.

16.3 You should set out your concerns clearly and succinctly and provide evidence in support (where possible). You must explain how your request for a Review falls within one or more of the grounds set out above in paragraph 16.2.

16.4 The Director of Student Support & Employment will make a decision as to whether your request for a Review is based on the permitted grounds and hence eligible to be considered, and will notify you within 5 working days of receiving the request.

- 16.5 If the Director of Student Support & Employment believes that the grounds are not satisfied, you will be informed of the decision to reject your request for a Review and a Completion of Procedures letter ("COP") will be issued to you (see paragraph 16.9 below for further information).
- 16.6 If the Director of Student Support & Employment believes that one or more of the grounds for Review apply to your case, it will be referred to the PVC Education. The PVC Education will review all information collated for the original decision, together with any new evidence presented, on the papers (but may contact you and/or anyone else involved in the matter if the PVC Education considers it necessary).
- 16.7 The outcome of the Review will be that the PVC Education either upholds the outcome of stage 2, or makes a different finding which overturns the outcome. The PVC Education may remit the matter to the same or a different local manager/Disciplinary Panel to consider again, or may reduce the penalty.
- 16.8 The decision taken at the Review stage is final. The final decision of the Review will be communicated to you in writing, with reasons, usually within 28 working days from your Review request being accepted.
- 16.9 If the outcome of the Review is favourable to you, you can request the University to provide you with a COP within 30 days of the date of the outcome letter. Where such request is made, a COP will be provided within 14 days of the request. If the outcome of the Review is unfavourable to you, a COP will be sent to you automatically within 28 days of the decision letter being issued.

17 Independent external review

If you are not satisfied with the outcome of this process, you may make a complaint to the Office of the Independent Adjudicator for Higher Education provided you have been issued with a COP. That letter will explain how you can submit a complaint and the deadline for doing so is 12 months from the date of the letter.

18 Record keeping and notification

- 18.1 A formal disciplinary penalty imposed in accordance with paragraph 15.2 or 15.4 shall be a permanent part of your student record.
- 18.2 It shall not be considered confidential that you have been subject to this procedure. The relevant members of the University staff such as in Registry, School, Student Administration, Employability Services and HR (e.g. in cases where you are employed by the University as a Student Ambassador and/or Hourly Paid Lecturer, or in any other

capacity) may be also notified. If you are an apprentice, the University will notify your employer.

- 18.3 The University reserves the right to disclose any penalty imposed on you (including your suspension or expulsion from the University) in any references provided to third parties, or in order to comply with any regulatory reporting requirements.
- 18.4 Once the process under this procedure has been completed (including any Review), the local manager will write to the person who reported the conduct to confirm the case outcome and that the case is closed.
- 18.5 Where the University considers it reasonable and appropriate to do so, it will inform the victim(s) of the misconduct of the outcome of the disciplinary process.

19 Use of data

- 19.1 The University will collect data on disciplinary outcomes at each stage of this procedure and any complaints submitted by you to any regulators (including the OIA), and use the data:
 - a) internally for reporting, evaluation, learning and training; and
 - b) externally for discussion with regulators in the higher education sector.
- 19.2 The data used by the University for the purposes set out in paragraphs 19.1 a) and b) will be anonymised. Your personal data and sensitive personal data ('Personal Data') as defined by the Data Protection Act 2018 (the "DPA") may be disclosed to the University's members of staff and regulators for the purpose of dealing with your admission and/or enrolment, a complaint arising out of it and/or implementing any recommendations. Personal Data will not be shared with any other third parties unless the University has your express consent, has a statutory obligation to do so, or is otherwise permitted to do so under the DPA.

Appendix A: Disciplinary Offences

The following are examples of misconduct which, if proven, may amount to a disciplinary offence leading to formal disciplinary action under this procedure:

- a) conduct which prevents, obstructs or disrupts or otherwise interferes with:
 - i. teaching, learning or research carried on within the University or as part of the wider programme of teaching, learning or research on field-work and placements/internships and/or professional or work experience; or
 - ii. the administration of the University; or
 - iii. the discharge of the duties of any student, member of staff, contractor or any visitor to the University; or
 - iv. the holding of, or the orderly conduct of, any meeting or activity of, or connected with, the University;
- b) breach of any of the conditions set out in the enrolment declaration;
- c) sexual misconduct, which is a broad term encompassing any unwanted behaviour of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Sexual misconduct may vary in its severity and consists of a range of behaviour or attempted behaviour. It can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct includes, but is not limited to, the following conduct:
 - i. sexual intercourse or engaging in another sexual act without consent;
 - ii. attempting to engage in sexual intercourse or other sexual act without consent;
 - iii. sharing private sexual materials of another person without consent;
 - iv. kissing without consent;
 - v. touching inappropriately through clothes without consent;
 - vi. inappropriately showing sexual organs to another person;
 - vii. repeatedly following another person without good reason; and in a manner which causes the person followed to feel alarmed or threatened; and/ or

- viii. making unwanted remarks of a sexual nature;
- d) possession, use, distribution, production, being under the influence of during University-related activities, supply of and/or trade in illegal substances and drugs, the misuse of and/or trade in prescription drugs, or any conduct relating to psychoactive substances which is unlawful under the Psychoactive Substances Act 2016;
 - e) spiking the drinks of others;
 - f) smoking in "No Smoking" areas (including e-cigarettes);
 - g) any activity constituting a breach of any University policy on equality and diversity;
 - h) any conduct which amounts to harassment i.e. behaviour which causes alarm or distress, or which is unwelcome, uninvited and causes a detrimental effect;
 - i) physical attack, aggressive, threatening, intimidating, indecent, disorderly, offensive or any other unreasonable behaviour or language whether expressed orally or in writing (including electronically and/or via social media);
 - j) possession, use or threat of use of a weapon or an imitation weapon;
 - k) refusal to produce a University Identity Card when requested to do so by a member of staff without a reasonable excuse;
 - l) engaging in or assisting, enticing or encouraging others to engage in deliberate or intentional conduct which is dangerous, violent, aggressive, disruptive, abusive, intimidating, indecent, dishonest or corrupt (including via social media);
 - m) deliberate or reckless damage to property of the University or the University's Students' Union or the property of any student, member of staff or visitor to the University;
 - n) misuse or unauthorised use of University premises, facilities, or items of property, including misuse of computers and networks;
 - o) misuse or unauthorised use of University intellectual property or confidential information (including assessment materials);
 - p) misappropriation of funds or assets of the University or the University's Students' Union;
 - q) offering, promising or giving a financial or other bribe to a member of University staff or a contractor;
 - r) conviction of a criminal offence by any court of a competent jurisdiction, including an offence committed outside University premises;

- s) conduct resulting in the student receiving a formal police caution or other penalty imposed by the police regardless of whether the student is actually charged or convicted of an offence;
- t) any action likely to cause injury to any person or impair the safety of University premises;
- u) distributing or publishing a poster, notice, sign or any publication which is intimidating, threatening, indecent or illegal, is likely to create alarm or distress or causes offence where it is reasonable in all the circumstances for a person to feel offended;
- v) a breach of any Regulation of the University or any University hall of residence;
- w) any action which breaches the code of ethics or code of conduct of regulatory or professional bodies applicable to the relevant programmes of study, including professional misconduct, except where that conduct is covered by the School of Health and Social Care's Fitness to Practise process;
- x) any act that is likely to be detrimental to the University's relationship with the community and/or any professional bodies;
- y) failure on the part of a student reported under this procedure to acknowledge, observe and/or co-operate with any investigation, formal interview, appeal, or other process arising from that report (including failure to attend a disciplinary meeting or hearing without good reason);
- z) acts, omissions, statements intended to deceive the University including deliberate falsification of records;
- aa) any action likely to bring the University into disrepute;
- bb) making malicious or vexatious disclosures regarding malpractice in connection with the University or the University's Students' Union;
- cc) putting the health and safety of yourself or others at significant risk;
- dd) committing a breach of the Halls of Residence Accommodation Agreement;
- ee) failure to comply with any sanction imposed under this procedure or under the Halls of Residence Disciplinary Procedure for Student Residents;
- ff) other serious misconduct that, in the reasonable belief of the local manager, should be dealt with under this procedure;
- gg) misconduct which is motivated by hostility or prejudice based on a person's protected characteristic (sex, race, religion or belief, age, gender reassignment, sexual orientation, pregnancy, disability or marital status) ("hate incident");

hh) recording meetings without consent (i.e. making covert recordings).

Appendix B: Support For Students

The University provides a number of student support services. These are open to any student against whom an allegation of misconduct is made under this procedure, and also any student who is a victim of or witness to misconduct. Students are encouraged to engage with the services and take up any appropriate support available to them.

The following are University-run services:

- a) **Mental Health and Wellbeing team**
Support and advice to any student experiencing personal difficulties, who may be struggling to cope at University or who just needs someone to talk to. Appointments are available on the day by visiting the Student Life Centre helpdesk – you can also call 0207 815 6454 / email studentwellbeing@lsbu.ac.uk or raise a query through your MyAccount.
- b) **Report and Support**
Report and Support offers a point of contact for students to report incidents and access dedicated support in relation to sexual violence and hate crime. In addition, the Support articles provide information and signposting to organisations who can provide specialist assistance, and give some simple steps students can take if they, or someone they know has experienced sexual violence or hate crime.

<https://my.lsbu.ac.uk/my/portal/Student-Life-Centre/Mental-Health-Well-Being/Be-safe-at-LSBU>
- c) **SilverCloud – online support anywhere, any time**
SilverCloud is an online self-help resource and can support you with anxiety, depression, body image or stress. It's free to use, just sign up with your lsbu.ac.uk email address: <https://lsbu.silvercloudhealth.com/signup/>
- d) **Disability and Dyslexia Support (DDS)**
Disability & Dyslexia Support (DDS) is a dedicated service for students who have a disability, mental health condition, long term medical condition or specific learning difficulty (including dyslexia). We also offer screenings for dyslexia throughout the year. Visit the Student Life Centre helpdesk, call 0207 815 6545, email disability@lsbu.ac.uk or raise a query through your MyAccount.
- e) **Student Advice**
Advice and guidance on financial and money management, and help with any personal, emotional or academic issue you may face. Appointments are available on the day by visiting the Student Life Centre helpdesk, you can call 0207 815 6454 or raise a query through your MyAccount.
- f) **Skills for Learning Team**
The Skills for Learning team offer academic support in a range of areas (such as essay writing, presentation skills etc...). Appointments are

available through the Student Life Centre by calling 0207 815 6454 or by raising a query through your MyAccount.

Support is also available through the Students' Union. The Union provides free, confidential and impartial advice and a place to talk during difficult times you may face as a student. You can book an appointment by calling 0207 815 6060 or by visiting the SU reception in the Student Centre (by the Venue bar).

External support

As well as accessing internal support through the University's Mental Health and Wellbeing team, the following external providers offer support services for the victims of sexual violence.

a) **NHS Choices**

The team has information on local and national organisations who can support people who have been victims of sexual violence.

b) **The Havens**

Have a branch in Camberwell and work with people of any gender who have experienced sexual violence within the past 12 months. Its sexual assault referral centres offer medical, practical and emotional support to anyone who has been sexually assaulted or raped. They have specially trained doctors and counsellors to care for victims. If you're considering reporting the assault to the police, they can arrange for you to have an informal talk with a specially trained police officer who can explain what's involved.

c) **Rape Crisis**

Rape Crisis England & Wales is a feminist organisation that exists to promote the needs and rights of women and girls who have experienced sexual violence, to improve services to them and to work towards the elimination of sexual violence. They have a telephone helpline and have centres throughout the country including London which can be searched by postcode. Provides support in the immediate aftermath and in the longer term.

d) **SurvivorsUK**

Offer a range of support services including counselling and therapy appointments as well as web and SMS chat for men who have experienced sexual violence. All services are provided by trained professionals who as specialists in the field of male sexual violence have helped many men to work through their experiences. Provides support in the immediate aftermath and in the longer term.