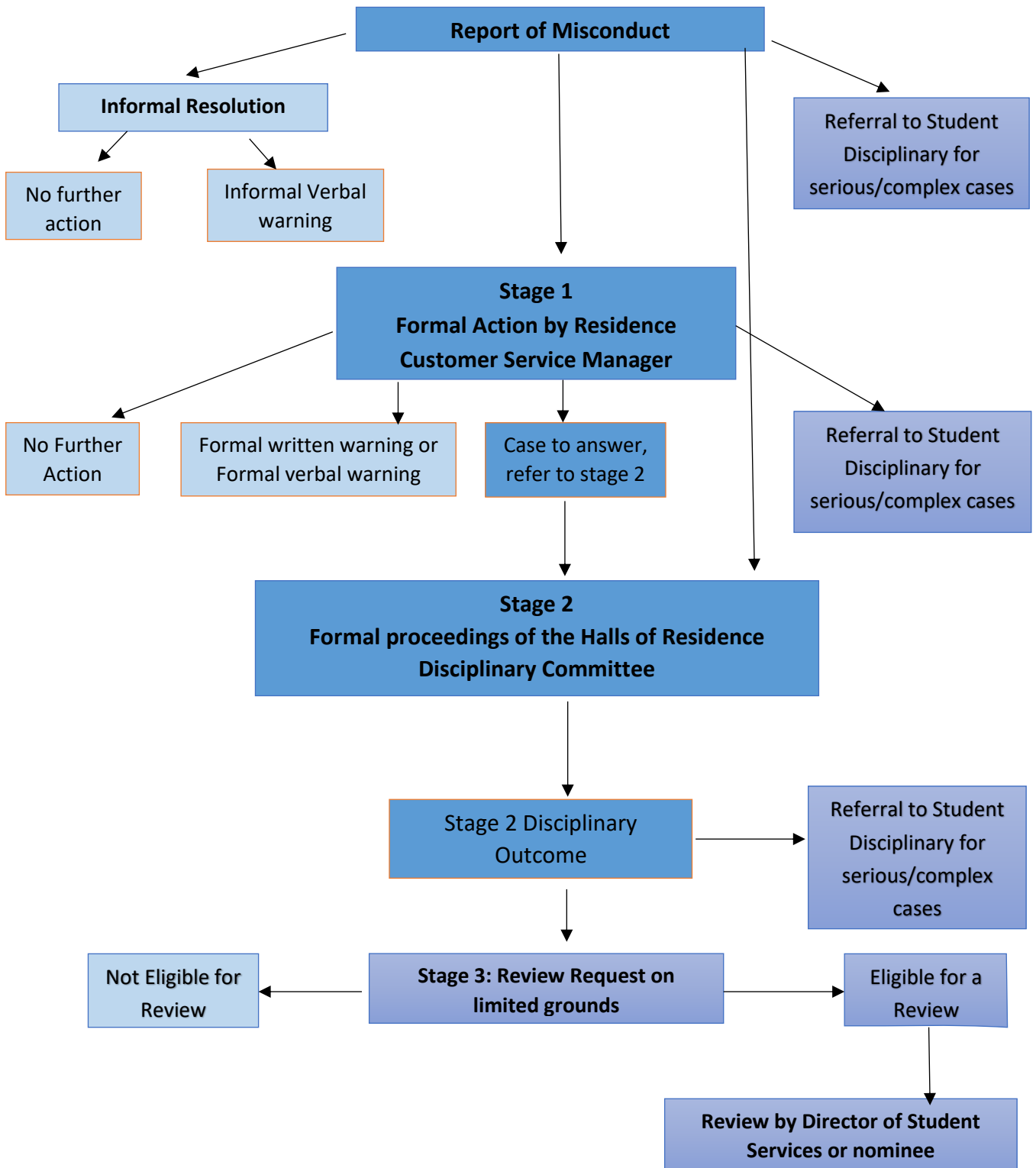


# Halls of Residence Disciplinary Procedure

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This procedure is available in accessible format on request from the Head of Student Accommodation at [accommodation@lsbu.ac.uk](mailto:accommodation@lsbu.ac.uk)

# Halls of Residence Disciplinary Flow Chart



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## Halls of Residence Disciplinary Procedure

### In an emergency

In an emergency 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).

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 (unless prevented by vacation periods, police investigations or other circumstances outside the University's control). This timeframe requires you to engage with the disciplinary process by meeting all 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.
- 1.6. Such allegations will be dealt with as allegations of breaches of the University's own internal regulations and policies and will be judged 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 criminal law. Students against whom allegations have been made will be presumed to be innocent until proven to have committed misconduct. The possible sanctions and outcomes are those described in this procedure.

- 1.7. Unless otherwise notified, the address for delivery to the Resident shall be the room they currently occupy in Halls of Residence, and the Resident will be deemed to have received a letter on the date it has been delivered to the room. Only in extenuating circumstances, copies of correspondence will be sent by first class recorded mail marked "Confidential – Addressee only" to the Resident's home address.

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

- 2.1. Conduct in Halls of Residence is governed by the Accommodation Licence Agreement, which you sign and accept when taking up a room in Halls of Residence. Once you have done this, you become a Resident.
- 2.2. This procedure applies if you are a Resident 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.
- 2.3. The University reserves the right to carry out and/or complete the disciplinary process if you cease to be a Resident 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.
- 2.4. If your registration as a student at the University has been terminated (for example following action under the Student Disciplinary Procedure and the conclusion of any review process), this procedure will not apply, and the Head of Student Accommodation will take action to remove you from your accommodation.
- 2.5. Where more than one Resident is involved in a case of suspected misconduct, the University may choose whether to take joint or separate action against them under this procedure.
- 2.6. Unacceptable conduct in Halls of Residence may be dealt with additionally and/or independently under the Student Disciplinary Procedure.
- 2.7. The University also operates a Fitness to Practise Procedure and a [Support and Fitness to Study Procedure](#), and you may find yourself subject to the application of either procedure in parallel with this Halls of Residence Disciplinary Procedure at the same time. Depending on the individual circumstances of each incident, 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.

- 2.8. Notice periods are referred to in working days. Flexibility may be given in exceptional circumstances around university closure periods and holiday periods where the student is likely to be off campus.

### **3. Who is responsible for this procedure?**

- 3.1. The Chief Customer Officer has overall responsibility for this procedure but has delegated day-to-day responsibility for overseeing its implementation to the nominated Accommodation staff identified in this procedure. Those staff will act as local managers and make decisions about individual cases. All relevant members of staff have been made aware of the procedure and have received appropriate training.
- 3.2. The Head of Accommodation is responsible, under the University's Health and Safety Policy, for the safety of students, staff, contractors, and visitors to the Halls of Residence and shall take immediate action to ensure that safety where this is put at risk by unacceptable conduct.
- 3.3. A nominated Halls of Residence staff member is responsible for co-ordinating and centralising the Halls of Residence disciplinary process and keeping a record of all disciplinary incidents and outcomes.
- 3.4. This procedure will be reviewed annually by the Head of Accommodation in conjunction with the Halls of Residence Management Team and the University Solicitor, to ensure that its provisions continue to meet the 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 breach of the terms of your Accommodation Licence Agreement.
- 4.2. Once notified of potential misconduct the relevant customer services manager or nominated person will review the report and determine whether the misconduct could be considered a breach of the Accommodation Licence Agreement and consider the most appropriate action:
- a) Deal with the matter informally; or
  - b) Initiate Stage 1 local investigation proceedings; or
  - c) Refer directly to Stage 2 Disciplinary Committee. Cases may be referred to Stage 2 of the Halls of Residence Disciplinary Committee if you have previously been given a formal written warning, the breach/s is clear, the Residence Customer Services Manager considers the matter to be complex and requires further investigation or determines a matter to be serious enough to potentially warrant termination of the Accommodation Licence Agreement.

d) Refer case to Student Disciplinary.

4.3 A list of examples of disciplinary offences is set out in **Appendix A**

4.4 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 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 a substantial disadvantage because of your disability. The University's Student Wellbeing teams will be consulted as well, including the residential wellbeing team.

5.4. The companion's role at the meeting will be to support you. You may consult them for advice and support during the meeting/hearing, but they 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 Resident which they witness or of which they have evidence.

6.2. Any person who becomes aware of misconduct by a Resident should report the matter to the Halls of Residence Management Team. Reports should be made using this [form](#) available at <http://www.lsbu.ac.uk/about-us/policies-regulations-procedures> under the heading, "Halls of Residence Disciplinary Procedure".

Completed forms should be sent to:

➤ McLaren House Reception – 1 St George's Circus, London, SE1 0AP

- Telephone 0207 815 7360 or email [mclaren@lsbu.ac.uk](mailto:mclaren@lsbu.ac.uk)
- Dante Road Reception – 2 Dante Place, London, SE11 4RX  
Telephone 0207 820 8052 or email [dante@lsbu.ac.uk](mailto:dante@lsbu.ac.uk)
- David Bomberg House Reception – 282-302 Borough Road High Street,  
London, SE1 1JJ Telephone 0207 815 7380 or email [bomberg@lsbu.ac.uk](mailto:bomberg@lsbu.ac.uk)
- Accommodation Services – 103 Borough Road, London SE1 0AA  
Telephone 0207 815 6417/6412/6424 or email [accommodation@lsbu.ac.uk](mailto:accommodation@lsbu.ac.uk)

Relevant documentary evidence must be attached to the report where appropriate.

6.3. University staff who become aware of misconduct by a Resident through some other means (for instance through a Health & Safety or security report, or if the conduct is reported to them in person or electronically) 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 reports of misconduct will not usually be accepted by the University.

## **7. Reporting matters to the police**

7.1. Persons who witness or who have evidence of misconduct by a Resident 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 deal 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, student 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, 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 to the police was made.

## **8. Student conduct under police investigation**

- 8.1. If an allegation of misconduct reported 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 may 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 accommodation arrangements 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**

- 9.1. 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 formal disciplinary process. Staff who observe conduct that may give cause for concern if repeated may inform the Halls Management Team, who may discuss the concerns with you.
- 9.2. In some cases, an **informal verbal warning** may be given, which will not form part of your formal disciplinary record. A note of any informal discussions and verbal warnings may be held on the Resident's Accommodation Account whilst residing within any Halls of Residence.
- 9.3. However, formal steps may be taken under this procedure if the Residential Customer Service Manager believes that the conduct is likely to be repeated or is repeated, or if deemed to require further investigation.

## **10. Immediate Referral to Student Disciplinary**

- 10.1 Unacceptable conduct in Halls of Residence may be dealt with additionally and/or independently under the Student Disciplinary Procedure depending on the severity of the misconduct report.
- 10.2 Potential referrals to the Student Disciplinary Procedure might include (but not limited to):
- a) Threatening behaviour whether physical, verbal, or virtual;
  - b) Sexual misconduct;
  - c) Hate crime;
  - d) Serious criminal activity;
  - e) Drug distribution or production;
  - f) If case is deemed relevant to a broader behavioural investigation.

## **11. Precautionary Action**

- 11.1 If, after reviewing the report of the alleged misconduct and having carried out the relevant risk assessment, the local manager may decide that your continued access to the Halls of Residence 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; and/or
  - b) Staff including contractors, visitors, service users or any student may be harmed; and/or
  - c) Due process under this procedure may be inhibited or impeded.
- 11.2 The local manager may decide that you should be suspended temporarily from access to all of the Halls of Residence until the disciplinary procedure is concluded; and/or that conditions be placed on you (e.g., not to contact a named student).
- 11.3 The local manager will immediately submit a record of the decision to suspend and/or to place conditions on you to the Head of Accommodation with clear reasons for the decision.
- 11.4 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.
- 11.5 Any suspension/conditions will be limited to a specified period and reviewed regularly by the local manager but may be extended where necessary to do so.

- 11.6 If you are suspended and/or conditions are placed on you, the Head of Accommodation 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.
- 11.7 You can appeal against a precautionary decision to suspend and/or place conditions on you to the Director of Student Services within 5 working days of the date of the decision letter (making clear representations). The Director of Student Services (or nominee) will notify you of the decision within 5 working days of receipt of your appeal.
- 11.8 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.

## **12. Stage 1: Formal action by Residence Customer Service Manager**

- 12.1 Prior to arranging a stage 1 meeting, the Residence Customer Service Manager should consider whether they could be deemed to have a conflict of interest. If there is a conflict of interest the Residence Customer Service Manager will ask another suitably qualified person may take over the investigation.
- 12.2 If there is no conflict of interest, the Residence Customer Service Manager will review the report and determine whether the misconduct, if proven, could be considered a breach of the Accommodation Licence Agreement. If so, the Residence Customer Service Manager will conduct a Stage 1 investigation meeting. If not, the Residence Customer Service Manager may decide to take no further action.
- 12.3 The Residence Customer Service Manager may, in extenuating circumstances, see from the report of misconduct, that the allegations made against the Resident are serious with significant risks. If that is the case, the Residence Customer Service Manager will immediately escalate the matter to Stage 2 by referring the matter to the Halls of Residence Disciplinary Committee under paragraph 13.
- 12.4 The Stage 1 investigation will be started as promptly as possible, and normally within 5 working days of the report being made. The University reserves the right to extend this period during holidays and exam times.
- 12.5 If you are reported for further misconduct during the investigating period, the Residence Customer Service Manager will review whether this should be considered at the same time at the Stage 1 interview. You will be notified if this is the case, in advance of the interview.
- 12.6 As part of the investigation the Residence Customer Service 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, photographic evidence, logs from relevant University systems (including appropriate use of CCTV), or other relevant evidence).
- 12.7 The Residence Customer Service 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.
- 12.8 If you fail to attend the investigatory interview without good reason or are unable to do so on more than two occasions, the Residence Customer Service Manager may continue with the investigation without interviewing you provided they are satisfied that you were given due notice of the date and time of the meeting. The Residence Customer Service Manager shall decide in their discretion what constitutes “good reason”.
- 12.9 The Residence Customer Service Manager will compile an outcome report, which will include the allegations and a summary of the evidence gathered during the investigation, including copies of relevant documents and witness statements, including evidence and witness statements provided by the Resident in support of their case.
- 12.10 Once the outcome report has been concluded, the Residence Customer Service Manager may:
- a) Decide that no further action should be taken; or
  - b) Issue a **formal verbal or formal written warning** in cases where the evidence is a straightforward breach of the Licence Agreement, or it is a breach of the rules and/or regulations implemented by the Government in relation to a pandemic; or
  - c) Decide that the matter is serious and should be referred to Stage 2 of this Procedure; or
  - d) Decide that the matter is serious and may be dealt with additionally and/or independently under the Student Disciplinary Procedure
- 12.11 If the Residence Customer Services Manager issues a Stage 1 formal verbal or formal written warning, detailed notes will be kept on the Residence Customer Service Manager’s file and Student Accommodation Account, recording breaches, the name of the Resident, the date the breach occurred, and the action taken. The notes will be retained whilst the Resident resides at any Halls of Residence.

12.12 If the Residence Customer Service Manager decides that formal disciplinary action should be taken at Stage 2 of this procedure, they will refer the matter to the Halls of Residence Disciplinary Committee under paragraph 13. Cases will usually be referred to the Halls of Residence Disciplinary Committee if you have previously been given a formal warning, or the Residence Customer Services Manager considers the matter to be complex and requires further investigation or determines a matter to be serious enough to potentially warrant termination of the Accommodation Licence Agreement.

12.13 You will be informed of the decision of the Residence Customer Service Manager within 5 working days of the conclusion of the investigation.

### **13. Stage 2: Formal proceedings of the Halls of Residence Disciplinary Committee**

13.1. Hearings of the Halls of Residence Disciplinary Committee are undertaken when the Residence Customer Services Manager refers the case under paragraph 12.3 or 12.12.

13.2. The Nominated Disciplinary Co-ordinator will, within 10 working days of the referral by the Residence Customer Service Manager, invite you to attend a Disciplinary Committee 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 5 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 (see paragraph 15), that the resident could face if it is decided after the disciplinary hearing that the allegations are upheld.

13.4. The notice will also include:

- a) A summary of relevant evidence gathered during the investigation; and
- 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 Nominated Coordinator at least 3 working days prior to the disciplinary hearing.

13.6 If you are reported for further misconduct during the investigating period, the panel has the right to consider whether the new allegations are relevant to the Stage 2 proceedings. If the panel concludes that they are relevant, the new reports of

misconduct may be included as part of the Stage 2 proceedings. You will be notified of this prior to the disciplinary hearing where time allows.

- 13.7 The Disciplinary Committee shall consist of:
- A Residence Customer Service Manager from a different Halls of Residence or another senior member of staff with no prior involvement in the matter, who will act as Chair;
  - The Nominated Coordinator or nominee who shall also facilitate notetaking; and
  - A representative of the Students' Union (where available).
- 13.8 Where you have disclosed a disability, the University's Disability and Dyslexia or Mental Health and Wellbeing Team will be notified and asked to advise the Disciplinary Committee on making reasonable adjustments for your disability and other relevant matters. The member of the University's Disability, Dyslexia and Mental Health and Wellbeing Team will not be a member of the Committee.
- 13.9 If you or your companion cannot attend the disciplinary hearing, you should inform the Chair of the Disciplinary Committee immediately and they 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 matter leading to action under this procedure. 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 in its possession, provided it is satisfied that you were given due notice of the date and time of the hearing. The Chair of the Disciplinary Committee shall decide in their discretion what constitutes "good reason".
- 13.10 At the disciplinary hearing, the Residence Customer Service Manager who made the initial referral may present the case against you if required, including any evidence that 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 Residence Customer Service Manager may ask relevant witnesses to appear at the disciplinary hearing. You need to give the Disciplinary Committee 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 questions.
- 13.12 The disciplinary hearing may be adjourned at the discretion of the Chair in the interests of fairness e.g., new evidence that 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 Committee will consider whether the allegation made against you has been proven on the balance of probabilities.
- 13.14 If the allegation proves to be unfounded, the Disciplinary Committee will write to you to confirm the outcome and the reasons.
- 13.15 If the allegation is upheld, a member of the Disciplinary Committee 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 provided with a copy of the minutes of the hearing and 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.
  - 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  
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 considering any mitigating circumstances 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 Halls of Residence Disciplinary Committee shall have discretion in choosing the appropriate penalty for any misconduct under this procedure. The reasons for the choice of penalty shall be recorded in writing and shared with you and the Residence Customer Service Manager.
- 15.2 A range of possible penalties, which may be imposed as an outcome of a Stage 2 Disciplinary hearing include but not limited to:
- a) A bespoke action plan and conditions for improvement of your conduct managed by the Residential Wellbeing Manager, (to be reviewed within 2 months of being issued); and/or
  - b) A formal written warning; and/or
  - c) A final written warning; and/or
  - d) Payment of fine where applicable or to reimburse the University for the reasonable cost incurred in clearing/cleaning or the cost of repairing any damage incurred; and/or
  - e) Revocation of the permission for the Resident to have guests in their room; and/or
  - f) Referral to the Student Disciplinary Committee if, in the opinion of the Halls of Residence Disciplinary Committee, the misconduct additionally constitutes a serious breach of discipline under the Student Disciplinary Procedure; and/or
  - g) Referral to the Dean of the Institute of Health and Social Care if, in the opinion of the Disciplinary Committee, the misconduct may raise questions about your fitness to practise; and/or
  - h) Termination of the Accommodation Licence Agreement and withdrawal of all rights of access to the Halls of Residence. You will usually be given notice to leave your accommodation in accordance with the terms of the Accommodation Licence Agreement. The intention to terminate will be issued as a formal Notice to Quit and will commence from the receipt of the outcome letter.

## **Illegal substances**

- 15.3 The University has a zero-tolerance approach to illegal substances. In serious offences you may be referred to the Student Disciplinary committee.



- 15.4 Possession or use of illegal substances, or the trade, supply, or distribution of illegal substances, may lead to termination of the Accommodation Licence Agreement and withdrawal of all rights of access to the Halls of Residence.
- 15.5 In addition to any penalty imposed you may, in appropriate circumstances, be referred to the University's Mental Health and Wellbeing services.
- 15.6 In exercising discretion in deciding on a penalty, the Disciplinary Committee shall have regard to:
- a) 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); and
  - b) 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 considered when determining what penalty should be imposed.
- 15.7 If there is clear evidence that material loss or damage was caused by your conduct, the Disciplinary Committee may require you to pay financial compensation to the person or persons who suffered the loss or damage.

## **16. Formal process: Stage 3 Review**

- 16.1 If you are dissatisfied with a decision at Stage 2 of the Halls of Residence Disciplinary Procedure (i.e., the decision of the Halls of Residence Disciplinary Committee), you have 10 working days to request a Review of that decision by submitting a request to the Head of Student Accommodation in writing, by email at [hallsdisciplinaryappeal@lsbu.ac.uk](mailto:hallsdisciplinaryappeal@lsbu.ac.uk) or by letter. The University will normally acknowledge your request within 5 working days of receiving it.
- 16.2 Where a decision has been made to terminate the Accommodation Licence Agreement, any Notice to Quit already served will be temporarily suspended from the date on which the request to Review was received. If, as under paragraph 16.5, the grounds of the Review are not satisfied, then the remainder of the Notice to Quit will be reinstated from the date of the Completion of Procedures letter.
- 16.3 A request for a Review will be granted on limited grounds, namely:
- a) There was a procedural irregularity (e.g., there was a material failure by the University to follow the Halls of Residence Disciplinary Procedure for Student Residents, 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 itself and considering 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.

- 16.4 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.
- 16.5 The Head of Student Accommodation 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 the date of acknowledging the review request.
- 16.6 If they believe that the grounds are not satisfied, you will be informed of the decision to reject your request for a Review in a decision letter and a Completion of Procedures letter ("COP") will automatically be issued to you (see paragraph 16.9 below for further information).
- 16.7 If they believe that one or more of the grounds for Review apply to your case, it will be referred to the Director of Student Services or their nominee. They 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 they consider it necessary).
- 16.8 The outcome of the Review will be that the Director of Student Services or nominee either upholds the original outcome, or makes a different finding, which overturns the outcome. They may remit the matter to the same or a different Residence Customer Services Manager or Halls of Residence Disciplinary Committee to consider again or may reduce the penalty.
- 16.9 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.
- 16.10 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. Any Notice to Quit will become unsuspending from the date of the COP.

## **17. Independent external review**

- 17.1 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 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 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.
- 18.3 The University reserves the right to disclose any penalty imposed on you 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 in paragraphs 18 will be anonymised. Your personal data, special categories of personal data and data about any criminal conviction (“Personal Data”) as defined by the Data Protection Act 2018 (the “DPA”) may be disclosed to the University’s members of staff and regulators only for the purposes of dealing with an allegation of misconduct under this disciplinary procedure, 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/GDPR.

## Appendix A: Disciplinary offences

The following are examples of misconduct (and not limited to) which, if proven, may amount to a disciplinary offence leading to formal disciplinary action under this procedure:

1. Conduct which prevents, obstructs, or disrupts or otherwise interferes with:
  - 1.1 The right to health and safe living with the Halls of Residence for all the Residents; or
  - 1.2 The discharge of the duties of any student, member of staff, contractor, or any visitor to the Halls of Residence; or
  - 1.3. The holding of, or the orderly conduct of, any meeting or activity of, connected with the halls of Residence.
- 2 Breach of any of the conditions set out in the Accommodation Licence Agreement. Any breaches relative to health and safety or interference with any fire safety equipment, which could impact the wider community, are taken as a serious breach.
- 3 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:
  - 3.1 Sexual intercourse or engaging in another sexual act without consent.
  - 3.2. Attempting to engage in sexual intercourse or other sexual acts without consent.
  - 3.3. Sharing private sexual materials of another person without consent.
  - 3.4. Kissing without consent.
  - 3.5. Touching inappropriately through clothes without consent.
  - 3.6. Inappropriately showing sexual organs to another person.
  - 3.7. Repeatedly following another person without good reason; and in a manner which causes the person followed to feel alarmed or threatened; and/ or
  - 3.8 Making unwanted remarks of a sexual nature.
- 4 Possession, use, distribution, production, being under the influence in the Halls of Residence, 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.

- 5 Spiking the drinks of others.
- 6 Smoking in "No Smoking" areas (including e-cigarettes, vaping devices and illegal substances);
- 7 Any activity constituting a breach of any University policy on equality and diversity.
- 8 Any conduct which amounts to harassment i.e., behaviour which causes alarm or distress, or which is unwelcome, uninvited and causes a detrimental effect.
- 9 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);
- 10 Possession, use or threat of use of a weapon or an imitation weapon.
- 11 Refusal to produce a valid University Identity Card or proof of Halls residency when requested to do so by a member of staff without a reasonable excuse.
- 12 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);
- 13 Deliberate or reckless damage to University Halls of Residence or the property of any resident, member of staff or visitor to the Halls of Residence.
- 14 Misuse or unauthorised use of halls of Residence premises, facilities, or items of property, including misuse of computers and networks.
- 15 Offering, promising, or giving a financial or other bribe to a member of Halls staff or a contractor.
- 16 Conviction of a criminal offence by any court of a competent jurisdiction, including an offence committed outside university premises.
- 17 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.
- 18 any action likely to cause injury to any person or impair the safety of the Halls of Residence.
- 19 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.
- 20 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.

- 21 Any act that is likely to be detrimental to the University's relationship with the community and/or any professional bodies.
- 22 Failure on the part of a resident 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);
- 23 acts, omissions, statements intended to deceive the University including deliberate falsification of records.
- 24 Any action likely to bring the University into disrepute.
- 25 Putting the health and safety of yourself or others at significant risk.
- 26 Failure to comply with any sanction imposed under this procedure.
- 27 Other serious misconduct that, in the reasonable belief of the local manager, should be dealt with under this procedure.
- 28 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");
- 29 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:

### **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](mailto:studentwellbeing@lsbu.ac.uk)
- or make contact via your MyAccount.
- Additionally, the halls of residence have an evening Wellbeing Manager who you can be contacted on 07810 637 356 or 07967 765597

### **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/>

### **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 or email [disability@lsbu.ac.uk](mailto:disability@lsbu.ac.uk).

### **Student Advice**

Advice and guidance on financial and money management, for international students, 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 also call 0207 815 6454.

### **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 or by calling 0207 815 6454.



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.

#### **NHS Choices**

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

#### **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 are 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 is involved.

#### **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.

#### **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.