



LONDON SOUTH BANK STUDENTS' UNION

ADVICE SERVICE

GUIDE TO DISCIPLINARIES

Student Disciplinary Procedure

The University uses this procedure to address unacceptable conduct of any enrolled student. The University believes all students and staff have the right to work, study and learn in a safe environment, so any unacceptable conduct which jeopardises this will be investigated and dealt with.

If you want to find out more about this procedure and how it could affect you, please seek advice as early as possible. The Students' Union Advice Service is here to help!

What is a Disciplinary Offence?

The University gives the following examples of disciplinary offences. Any student suspected of committing one of these offences will be taken through the disciplinary process. This list does not cover everything; there could be circumstances or other serious misconduct that are not listed but that are still investigated if the responsible local manager believes it should be dealt with as a disciplinary matter.

- You prevent, disrupt or obstruct the teaching, learning or research at LSBU
- You prevent, disrupt or obstruct any University administration, meetings or activities
- You disrupt or obstruct another student, member of staff or visitor to the University
- You are found to possess, be using or supplying any illegal substances or drugs
- You spike someone's drink
- You smoke or vape in a 'No Smoking' area
- You breach the University's policy on equality and diversity
- You are found to possess, use or threaten to use a weapon
- You refuse to produce your University ID when asked by a member of staff
- You intentionally engage in, or deliberately encourage others to engage in, dangerous, violent, aggressive, disruptive, abusive, intimidating, indecent, dishonest or corrupt conduct
- You deliberately or recklessly damage University property, Students' Union property, or the property of another student, staff member or visitor
- You misuse or do not have permission to use University premises, facilities (including computers and networks) or confidential information (including assessment materials)
- You misuse University or Students' Union funds, or you try to bribe a member of staff or University contractor
- You are convicted of a criminal offence, including incidents that happen outside University premises
- You receive a formal caution or other penalty from the Police (regardless of whether it results in a charge or conviction)
- You do something which could cause an injury or affect the safety of University premises
- You publish or distribute something which is offensive, intimidating, threatening, indecent or illegal
- You breach University, Students' Union or Halls of Residence regulations
- You do something which is regarded as unacceptable by the professional body overseeing your course (except where this is dealt with by the Fitness to Practice process)

- You do something which could damage the University's relationship with the community, any professional bodies or brings the University into disrepute
- You are reported for something under this procedure and you fail to acknowledge, cooperate or take part in any aspect of the process
- You are deceptive or fraudulent
- You commit an immigration offence
- You breach the Halls of Residence Accommodation Agreement or fail to comply with any penalty under the Halls of Residence Disciplinary Procedure
- You make a malicious or vexatious disclosure (unless you are making a disclosure in good faith under the University's Speak Up policy)

Students with Disabilities

The University considers that unacceptable behaviour must be addressed with all students. They do not consider it a defence or excuse to claim that you are mentally ill, under stress or that a disability has caused you to behave in a particular way. They also do not accept the explanation that behaviour was caused by or influenced by drugs, even if they were prescribed for a medical condition.

The University will take your particular circumstances into account when investigating an incident or deciding a course of action. All efforts will be made to support a disabled student under investigation. If you are registered with the DDS service, or if you have or start to have some mental health difficulties, then your personal circumstances will be considered during this process and support will be offered by the University where possible. You may find that the University also apply the Fitness to Study procedure at the same time that you are going through the Disciplinary process.

The University must make reasonable adjustments to this process for students with disabilities (or any other protected characteristic) under the Equality Act 2010.

Who is Responsible for the Disciplinary Process?

The Pro-Vice Chancellor (Education and Student Experience) has overall responsibility for this policy. The Disciplinary Officer is responsible for co-ordinating the process and keeping a record of all incidents and outcomes.

Every Dean of School is responsible for all the students enrolled within that School. The Dean may deal with disciplinary matters themselves, or they may nominate a senior member of academic staff or management staff to act as the 'local manager'. The Director of Estates and Academic Environment is responsible for any cases relating to incidents in Halls of Residence, and will nominate a member of Halls of Residence staff to act as the 'local manager'. The local manager is the person who is responsible for the operation of the disciplinary process and making decisions about how cases are handled.

What Happens in the Disciplinary Process?

Reports of unacceptable conduct should be made to the Disciplinary Officer by email to studisc@lsbu.ac.uk using the incident form in the Disciplinary Policy. If any staff member becomes aware of such an incident in another way (such as a student speaking with them or emailing them), they should direct the student to report it or potentially report it

themselves. Once a report has been made, the Disciplinary Officer will make a record of the report and forward it to the appropriate local manager for review.

Minor conduct issues can often be resolved informally between you, the Disciplinary Officer and the local manager. Any discussion will be held privately and as soon as possible. In some cases an informal verbal warning may be given – this will not form part of your formal student record, but the Disciplinary Officer will keep a note of this on their file for the length of your studies.

If the matter cannot be resolved or it is not appropriate to have an informal discussion, then formal steps will be taken.

Stage 1 – Investigation by the Local Manager

First, the local manager will review the report and determine whether, if it is proven, the incident could be considered a disciplinary offence. They will also consider whether your continued access to the University could pose a significant risk and, if they feel it does, they will immediately submit a record to the Disciplinary Officer and the Head of Registry explaining their decision and recommending that you are temporarily suspended until the process has finished. If this happens you will receive a letter from the Head of Registry setting out the allegations, explaining that you have been suspended and the reasons for this decision.

After reviewing the report, the local manager will conduct an investigation (normally within 10 working days of the report being made, although this may be extended). As part of this investigation you will be interviewed, any witnesses to the incident will be interviewed or asked for statements and any relevant documents will be gathered. They will also consider any previous disciplinary penalties you may have received.

When you are invited to an interview, the local manager should contact you at least 7 working days in advance of the meeting and explain the allegations made against you. If you do not attend the interview on more than 2 occasions without good reason then the University will continue with the investigation without speaking to you.

At the end of an investigation, the local manager will prepare a report and submit it to the Disciplinary Officer and Disciplinary Panel (if necessary). If the local manager considers, based on the evidence, that there are no reasonable grounds to believe the incident took place or a disciplinary offence was committed, then they will take no further action and the case will be closed. You should be notified by the local manager of their decision within 5 working days of concluding the initial investigation

Dealing with a Matter Summarily

If you admit your guilt before a disciplinary meeting, the local manager may deal with the incident summarily. To do so, they must explain to you the potential consequences of this, outline a range of penalties that could be imposed and ask for your consent to do so. If you agree to this you will sign a statement where you admit your misconduct, acknowledge that you are aware of the potential consequences and agree that a disciplinary meeting is not needed. After this, if the local manager is satisfied that you are guilty, they will decide the penalty you will receive.

It is not appropriate to deal with an incident this way if criminal activity is suspected, someone has been hurt or if there is a risk that you will be excluded from University.

Stage 2 – Disciplinary Meeting

If at the end of the investigation the local manager considers, based on the evidence, that there are reasonable grounds to believe the incident took place or a disciplinary offence was committed, then they will invite you to a disciplinary meeting. The purpose of this meeting is to give you the chance to understand and answer all evidence against you. It also gives you the opportunity to explain any extenuating circumstances or mitigate any possibly penalty given.

You will be notified of this by the local manager within 10 working days of the investigation concluding and you should be given at least 7 working days to prepare your case before the disciplinary meeting takes place. The local manager should also provide you with a summary of the information gathered during their investigation, copies of any documentation and copies of any witness statements (which may be redacted to maintain confidentiality). You should make every effort to attend this meeting; if you cannot make it you should tell the local manager right away and an alternative time can be arranged.

Normally a disciplinary meeting will be conducted by the local manager with a note taker. If the case is quite complex, the Disciplinary Officer will arrange a Disciplinary Panel. The panel will consist of 1 senior member of staff from the School or Division, 1 other member of staff from the School or Division (both with no previous involvement in the case) and the local manager. The local manager is there to present the case but has no decision-making power. If you have an identified disability, a member of the DDS service or Mental Health and Wellbeing team will also be included in the panel.

You will be invited to attend the disciplinary meeting where you will be given the opportunity to present your case in person or in writing if you prefer (any written statement or other documents will need to be sent to the Disciplinary Officer at least 3 working days before the meeting). During this meeting the local manager or Disciplinary Panel will go through the allegations and the evidence. You will be able to respond to these allegations and present evidence of your own. Witnesses can be asked to attend the meeting, but you will not normally be allowed to cross-examine them (unless the University decides that the meeting would be fair to allow you to do so).

After the disciplinary meeting, the local manager or Disciplinary Panel will consider whether they believe the allegation has been proven. If they decide the allegation has not been proven or you are considered innocent, then they will take no further action and the case will be closed. If they decide the allegation has been proven, then they will use their discretion to decide on an appropriate penalty, taking into consideration the nature of the disciplinary offence. The local manager or a member of the Disciplinary Panel will write to you within 10 working days to confirm the outcome of the meeting and, if relevant, any penalty imposed. If possible, the local manager should also explain this to you in person.

Stage 3 – Review

If you are not happy with the outcome of Stage 2, you have 10 days from receiving the outcome letter to request a review by the Pro-Vice Chancellor (Education and Student Experience). A review will only be granted if you are requesting a review of the procedures at Stage 2 (for example, you don't think the process was followed correctly), asking for it to be considered if the outcome or any penalty was reasonable in the circumstances or because there is new evidence that you were previously unable to provide.

You will need to submit your request to the Director of Student Support and Employment by email to disciplinary.review@lsbu.ac.uk or by letter. You should set out your concerns clearly and provide evidence (where possible) to support your claims. If someone is submitting it for you, they will need to include your written consent to act on your behalf. You should receive an acknowledgement of receipt within 5 working days.

The Director of Student Support and Employment will decide whether the grounds are satisfied. If the request is granted, the Pro-Vice Chancellor (Education and Student Experience) or their nominee will review the matter. They will consider if the relevant procedures were followed in Stage 2, if the outcome or penalty was reasonable, if you received clear reasons for the outcome and, if you are offering new evidence, if that evidence is indeed new and if you have valid reasons for not including it earlier in the process.

The outcome of the Review will be that either the Stage 2 outcome is upheld or a new finding is made. Any decisions made at Review are final.

If the outcome is in your favour, you will be sent a letter within 28 days of your Review request being accepted by the University. If you want, you can request a formal Completion of Procedures letter, but this must be done within 30 days of the date of the outcome letter. If the outcome is not in your favour, you will automatically be sent a Completion of Procedures letter within 28 days. If for any reason the University cannot meet this deadline, they will contact you to explain the delay and set a new deadline date.

Penalties

Possible penalties under this procedure are:

- An action plan and condition for improvement of your conduct (to be reviewed within 2 months; and/or
- A formal warning (which forms a permanent part of your student record); and/or
- Community service; and/or
- A fine (up to £200); and/or
- Payment of compensation; and/or
- Payment of clearing up/repair costs; and/or
- Relevant training; and/or
- Partial or full suspension; and/or
- Exclusion

When deciding the penalty you will receive, the local manager or Disciplinary Panel should consider whether any action has been already taken by another body, whether

you have shown remorse for the incident, any professional body standards or regulations that apply and any other mitigating factors.

The University has a zero tolerance approach to illegal substances. If you are found to possess, be using or supplying illegal substances, the following penalties will apply:

	1 st Offence	2 nd Offence	3 rd Offence
Possession or Use	Student can choose either: <ul style="list-style-type: none"> • £100 fine • Attendance at a drug awareness course 	1 week's suspension and £100 fine	Exclusion
Trade, Supply or Distribution	Suspension or exclusion depending on the severity of the offence	Exclusion	

If you live in Halls of Residence and you are excluded, the University reserves the right to terminate your Accommodation Agreement.

If the local manager or Disciplinary Panel decides to suspend or exclude you, they will notify the Head of Registry who will write to you to tell you the outcome. The University do not consider it to be confidential if you are suspended or excluded, so this may be disclosed if necessary to a third party (for example, on a reference). They could also decide to restrict your access to University premises, activities, services, placements, internships or work experience during a suspension. However, you would still be entitled to access the DDS team if needed.

FAQs

Can I make a report about unacceptable conduct anonymously?

No you cannot. You can request the University keep your details confidential from those involved, but the University need to know who you are so that they can investigate the matter properly.

I have reported a disciplinary offence, will I find out the outcome of the process?

Once the process has been completed, the local manager involved will write to the person who reported the conduct to confirm the outcome and that the case has been closed.

What happens if I am under criminal investigation for the incident?

If the University become aware that you are under criminal investigation, the local manager will ask you to give permission for the Police to provide the University with information about the progress of their investigation. Usually, the Head of Security will monitor the Police investigation and share information with the local manager and University Solicitor. The University will consider on a case-by-case basis whether to suspend or continue the disciplinary process while a Police investigation is taking place.

Whilst a Police investigation is taking place, the University will support all students involved to continue their studies safely and abide by any bail conditions in place. This may mean that the University has to adjust your programme of study to protect your own safety and the safety of others.

Can I take someone with me to an investigation or disciplinary meeting?

Yes, you have the right to take someone to the meetings with you; they can be a friend or a representative from the Students' Union. If you do want someone to accompany you, you must tell the local manager who they are and how to contact them before the meeting. Your companion is able to take notes, make representations, ask questions and confer privately with you, but they cannot answer questions on your behalf.

What if I have already received a written warning for another incident?

If it is decided that you should receive a formal warning but you have already got a formal warning on your record, the Disciplinary Panel has the discretion to recommend that you be excluded from the University instead.

I live in University Halls of Residence; will this be affected if I go through the disciplinary process?

If you are found to have put yourself or others at risk by breaching your Accommodation Agreement, the local manager or Disciplinary Panel will terminate your agreement and you will no longer be able to live in University accommodation.

If you live in Halls of Residence and you are excluded for another offence, the University reserves the right to terminate your Accommodation Agreement but this will not happen automatically.

I have been through all 3 stages of the process but I am still unhappy with the outcome, what can I do?

Once the Review stage has been completed, you are entitled to ask the OIA to review the way the matter has been handled by the University if you feel something hasn't been

handled properly or the procedure hasn't been followed. You have 12 months from the date of your Completion of Procedures letter to make your application to the OIA.