









28. If the alleged perpetrator fails to co-operate in an attempt at informal resolution, this may be considered as grounds for a formal investigation. Please note that any such failure to co-operate may also be taken into account as part of the formal investigation.

### **Formal Resolution**

29. The School Secretary is responsible for deciding whether to resolve a case formally, regardless of how the matter is brought to his/her attention, and, if so, how. The Secretary will also consider whether to alert the Police. The Alleged Misconduct Form at Appendix A should be used by anyone wishing to raise an alleged misconduct issue to the Secretary under this Procedure.
30. On deciding to resolve a case formally, the Secretary will decide whether to put in place any kind of suspension or other measure/s while the formal stage is ongoing. A student who is affected by a suspension or other measure/s may appeal in writing to a Pro-Director. The Pro-Director will respond to the appeal within five (5) working days.
31. The Secretary may ask a relevant member of staff (his/her "Nominee") who has had no prior involvement in the case, to conduct an investigation, although the Secretary will make the final decision on the case based on the findings of the Nominee's investigation.
32. The form of any investigation will depend on a number of factors, such as the severity and complexity of the issue in question as well as the availability of evidence. However, the Secretary or his/her Nominee must ensure that any investigation is conducted fairly and is of a reasonable level in depth and scope.
33. The student subject to an allegation ('the Student') will be given an opportunity to present their case to the person conducting the investigation ("the Secretary/Nominee"). In exceptional circumstances, for example, when a Student's whereabouts are not known at the time of investigation, the Secretary or their Nominee may decide to conduct the investigation in the Student's absence.
34. The Secretary or Nominee must inform the Student of their right to be accompanied to any meeting relating to the investigation by a friend or a representative of the LSE Student' Union. The friend or representative will accompany the Student as a silent observer; save in exceptional circumstances, such as it constituting a reasonable adjustment, and with the permission of the Secretary or his/her Nominee.
35. The School will endeavour to complete the initial investigation and formal stage of the process within sixty (60) days of the allegation being made. In some cases, we may need to extend this deadline and in these circumstances the Secretary or Nominee will inform the student(s) involved of any delay, and the reason/s for the delay, as soon as possible.

### **Outcome of a Formal Resolution**

36. At the end of a formal investigation, the Secretary will decide whether to:
  - 36.1 Dismiss the allegation;
  - 36.2 Refer the case to other, more appropriate procedures in the School;
  - 36.3 Uphold the allegation and determine an outcome that is relevant and proportionate to the offence/s; or
  - 36.4 Convene a Board of Discipline (see below) to consider the allegation, and if necessary, determine an appropriate outcome.

37. The Secretary will find an allegation of misconduct proven if it is considered that the evidence identifies, on a balance of probabilities that misconduct has occurred.
38. When deciding on the appropriate penalty to be applied in cases of proven misconduct, the Secretary will give due consideration to the following:
  - 38.1 The student's previous disciplinary record;
  - 38.2 If the student had admitted the misconduct;
  - 38.3 The conduct of the student following the misconduct;
  - 38.4 Any mitigating factors, as applicable.
39. Multiple or repeated incidents of misconduct may be treated as being more serious than a single act of misconduct and previous findings may be taken into account when considering which penalty should apply.
40. The Secretary will take into consideration the table set out at Appendix C which outlines the types of misconduct and possible penalties the Secretary may put in place and includes, but is not limited to:
  - 40.1. Take no action;
  - 40.2 Issue a formal warning which shall not be recorded on the student's record;
  - 40.3 Issue a formal warning to be noted on the student's file for the duration of their registration at the School and any future proven misconduct will take such warning into account;
  - 40.4 Require the Student to make a formal written apology;
  - 40.5 Require the Student to take appropriate training;
  - 40.6. A fine;
  - 40.7 A requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the University;
  - 40.8 An order of Service to the School for a specified period;
  - 40.9 Issue a final warning;
  - 40.10 Suspension from the whole School or defined areas and/or facilities of the School including Halls of Residence for a specified period of time;
  - 40.11 Imposing conditions on a student's access to facilities if the student has been convicted of a criminal conviction where such conditions are deemed necessary for the safety and security of members of the School.
41. Any serious misconduct, which may warrant an expulsion of the student from the School will be referred to the Board of Discipline for assessment and decision.
42. The Secretary has the discretion to decide on a combination of penalties and will convey his/her decision and the reason/s for it, in writing to the Student and any member/s of staff or student/s of the School who have been directly involved in the case as a Complainant. The Secretary will also inform any other member of staff or student whom s/he considers has a relevant interest in the case. The Secretary will not normally disclose his/her decision to people who are not members of staff or students of the School and where disclosure is made, it is only on a 'needs to know' basis.
43. The Secretary's written response must inform the Student, and if applicable, the Complainant, of their right to an Appeal to a specified Pro-Director of the School (see the "Appeal" section below).

### **Board of Discipline**

44. The School Secretary or their nominee, will decide whether to convene a Board of Discipline to consider an allegation of misconduct. This route will normally be taken when an allegation of misconduct brings into question a Student's status in the School.

### **Membership**

45. A Board of Discipline consists of the following people:
- A Lay member of Council as Chair, appointed by the Secretary;
  - The General Secretary of the Students' Union or their nominee (who must be a Sabbatical Officer of the Students' Union or registered student of the School); and
  - An academic member of staff appointed by the Vice-Chair of the Academic Board.
46. All members of a Board of Discipline must participate in the whole process for the final decision to be valid.

### Procedure

47. The Secretary will appoint a Clerk to the Board of Discipline ("the Clerk"), who will have had no prior involvement in, and will have no decision-making powers on, the case.
48. The Board of Discipline will, at all times, respect the rights of the individuals involved, particularly in terms of confidentiality and personal welfare.
49. The Board of Discipline must give due regard to the needs of the individuals involved in a disciplinary case with a view to making any reasonable adjustments to enable the individuals to properly participate in the process.
50. As soon as is reasonably possible, and normally with a minimum notice period of 10 working days, the Clerk will inform the Student of:
- The membership of the Board of Discipline, and the Student's right to object to the Secretary about the participation of one or more of those members, provided the objection and the reason/s for it is presented to the Secretary in writing by no later than 5 working days of the date of the Clerk's communication;
  - The procedural and logistical arrangements of the Board of Discipline ("the Hearing");
  - The identity of witnesses or other attendees at the Hearing;
  - The Student's right to be accompanied to the Hearing, normally by a friend or member of the Students' Union who will be expected to silently observe the process; and
  - The Student's right to request to submit and/or present any evidence before or at the Hearing in accordance with the procedure set out by the Board of Discipline.
51. The Board of Discipline will make its decision by majority vote. It must decide:
- Whether a disciplinary offence has been committed; and;
  - An appropriate outcome.
52. The range of penalties that a Board of Discipline may put in place include, but are not limited to:
- 52.1 Issue a formal warning to be noted on the student's file for the duration of their registration at the School and any future proven misconduct will take such warning into account;
  - 52.2 Require the Student to make a formal apology;
  - 52.3 Require the Student to take appropriate training;
  - 52.4 A fine;
  - 52.5 A requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the School;
  - 52.6 An order of Service to the School for a specified period to be determined by the Board of Discipline;
  - 52.7 Issue a final warning;

- 52.8 Suspension from the whole School or defined areas and/or facilities of the School including Halls of Residence for a specific period of time;
  - 52.9 Imposing conditions on a student's access to facilities if the student has been convicted of a criminal conviction where such conditions are deemed necessary for the safety and security of members of the School;
  - 52.10 Expulsion from the School.
53. The Board of Discipline will take into consideration the Table set out in Appendix C when making its decision and will convey its decision and the reason/s for it, in writing to the Student and any member/s of staff or student/s of the School who have been directly involved in the case as a Complainant. It will also inform any other member of staff or student who it considers has a relevant interest in the case. It will not normally disclose its decision to people who are not members of staff or students of the School.
54. The Secretary's written response must inform the Student, and if applicable, the Complainant of the misconduct, of their right to Appeal to a Pro-Director of the School (see the "Appeal" section of the Disciplinary Procedure).

### **Appeal**

55. An Appeal against the Secretary's or a Board of Discipline's decision must be made using the Appeal Form at Appendix B, no later than 10 working days from the date of the Secretary's or a Board of Discipline's written decision.
56. An Appeal must normally be made on one or more of the following grounds:
- 56.1. A significant procedural flaw or irregularity that compromised the fairness of the process;
  - 56.2. New material evidence, which must be supported by an explanation of why it is being submitted at this late stage; and
  - 56.3. An outcome being unreasonable or disproportionate.
57. The Pro-Director will review the decision. A student will be permitted to bring a silent observer to any meeting. In exceptional circumstances, such as it constituting a reasonable adjustment, the Pro-Director may permit the observer to actively contribute to the meeting.
58. The Pro-Director will normally complete his/her review within twenty-eight (28) working days of receiving the Appeal. In determining a review of a decision by the Secretary, the Pro-Director may confirm, amend or dismiss the penalty imposed by the Secretary. The Pro-Director may refer the case back to the formal stage for reconsideration or request a re-hearing of the case (if the case had been considered by a Board of Discipline). S/he will convey his/her decision in writing to relevant parties in a Completion of Procedures Letter.
59. The Completion of Procedures Letter will contain the Pro-Director's decision and the reasons for it. The letter will also confirm any course of action or penalty, which may differ to the outcome of the original investigation.

### **Office of the Independent Adjudicator for Higher Education**

60. The Pro-Director's Completion of Procedures Letter will inform the recipients of their right to submit a complaint to the Office of the Independent Adjudicator for Higher Education ("the OIA"). The Pro-Director will also provide any relevant documents that may be required by the OIA. The OIA will not consider complaints from a member of staff.

**End.**

**Revised by Refel Ismail, Legal Officer, 1st August 2018**



**APPENDIX A: ALLEGED MISCONDUCT FORM**

<b>Student ID</b>	
<b>Family Name</b>	
<b>Given Name</b>	
<b>Address/Email</b>	
<b>Telephone</b>	
<b>Date of incident</b>	
<p><b>Summary of alleged misconduct</b></p> <p><i>[This should include what the incident is that is referred to, where the incident happened, the parties involved, the basis of the alleged misconduct and, where appropriate, the outcome sought.]</i></p>	

Signed:

Dated:

**APPENDIX B: APPEAL FORM**

**APPEAL AGAINST THE DECISION OR OUTCOME OF A DISCIPLINARY INVESTIGATION**

<b>Student ID</b>	
<b>Family name</b>	
<b>Given Name</b>	
<b>Address/Email</b>	
<b>Telephone</b>	
<b>Date of incident</b>	
<b>Date decision was received</b>	
<p><b>Summary of grounds for Review</b></p> <p><i>[This should include what is being challenged (e.g. the decision or measures put in place as a result of the decision). This should also set out the grounds for the appeal (e.g. procedural defect in the formal investigation or new evidence). You should also include a copy of the Secretary's decision and any relevant evidence (e.g. emails or medical report/s), as well as explain why any new evidence is being presented at this late stage of the procedure.]</i></p>	

Signed:

Date:

**APPENDIX C: TABLE OF TYPES OF MISCONDUCT AND POSSIBLE PENALTIES**

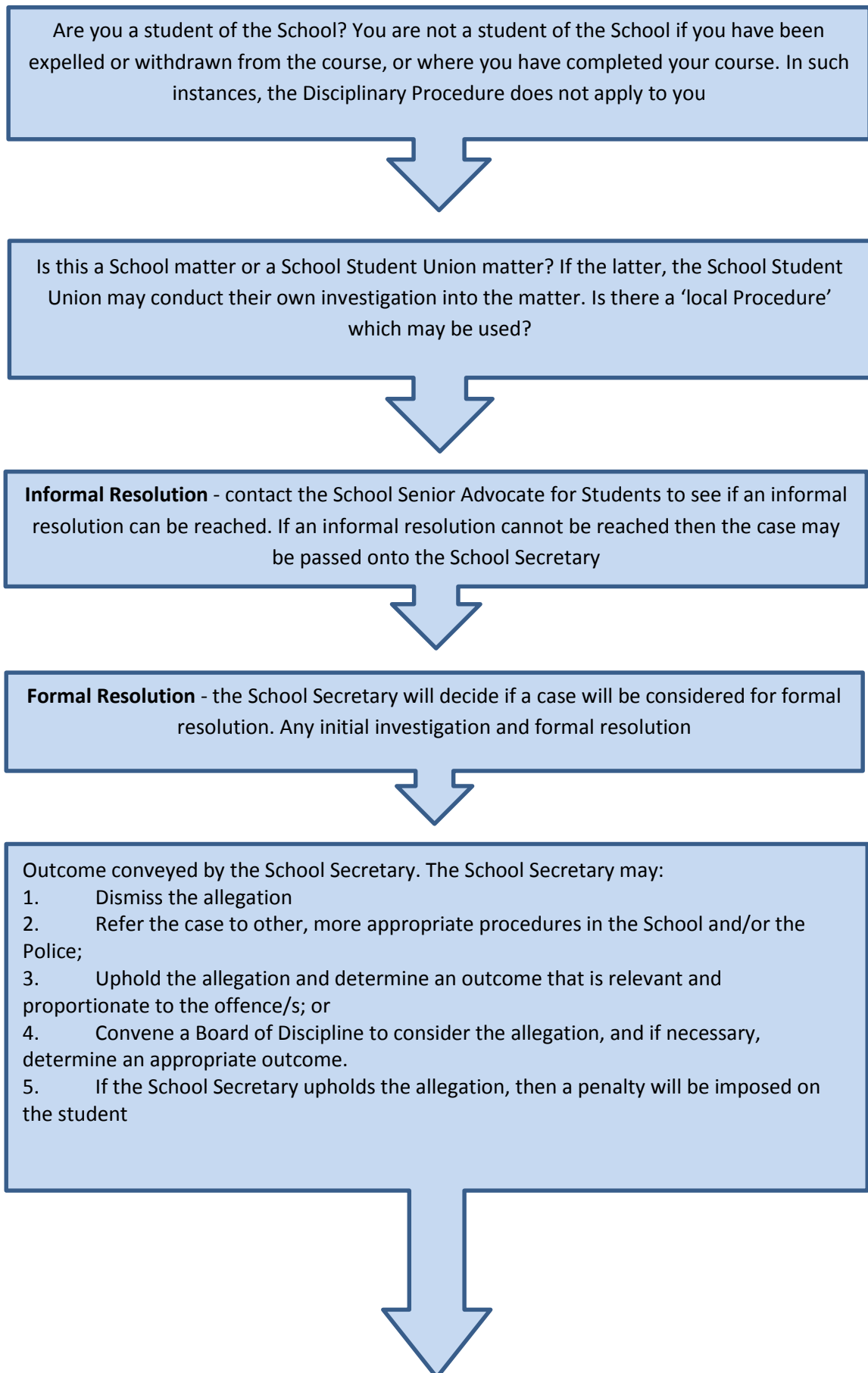
The following table sets out examples of the types of misconduct and the corresponding penalties which are non-exhaustive. The possible penalties that may be applied if a specific misconduct occurs is illustrative only i.e. there will be cases where certain behaviours which would usually be considered major breaches of discipline are minor and will require a less serious penalty and vice versa.

<b><u>TYPES OF MISCONDUCT</u></b>	<b><u>POSSIBLE PENALTIES</u></b>
<p><b>Physical Misconduct:</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Punching</li> <li>• Slapping</li> <li>• Biting</li> <li>• Kicking</li> <li>• Pulling hair</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Pushing</li> <li>• Shoving</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the Student</li> </ul> <ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Formal written apology</li> </ul>
<p><b>Sexual Misconduct:</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Sexual intercourse or engaging in a sexual act without consent</li> <li>• Attempting to engage in sexual intercourse or engaging in a sexual act without consent</li> <li>• Sharing (including on social media) private sexual materials of another person without consent</li> <li>• Kissing without consent</li> <li>• Touching inappropriately through clothes without consent</li> <li>• Showing sexual organs to another person</li> <li>• Stalking another person</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Making unwanted remarks of a sexual nature</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the Student</li> <li>• Formal warning</li> <li>• Training</li> <li>• Formal written apology</li> </ul>
<p><b>Abusive Behaviour:</b></p>	


<p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability or age.</li> <li>• Threats to hurt another person</li> <li>• Acting in an intimidating and hostile manner</li> <li>• Stalking another person</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Use of inappropriate language</li> <li>• Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the Student</li> </ul> <ul style="list-style-type: none"> <li>• Formal written warning</li> <li>• Training</li> <li>• Formal written apology</li> </ul>
<p><b>Damage to Property:</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Causing significant damage to the School property or the property of other students, employees and/or visitor of the School.</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Causing minor damage to the School property, the property of other students, employees and/or visitor of the School</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the Student</li> <li>• A fine</li> <li>• A requirement to make good the cost in whole or in part of any damage caused and/or repay/make good any financial loss to the School</li> <li>• An order of Service to the School for a specified period</li> </ul> <ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Fine</li> <li>• Formal written apology</li> </ul>
<p><b>Unauthorised Taking or use of Property</b></p> <p><b>Major:</b></p>	

<ul style="list-style-type: none"> <li>• Unauthorised entry onto or unauthorised use of School Premises. This includes Halls of Residences.</li> <li>• Taking property belonging to the School, another student, employee of the School and/or visitor of the School without permission.</li> <li>• Misuse of School property including computer equipment</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Misuse of School property including computer equipment,</li> <li>• Using the School's name, address or trademarks without the Permission of the School.</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the student</li> <li>• Fine</li> <li>• Requirement to return property in the same condition it was taken repay/make good any financial loss to the School</li> <li>• An order of Service to the School for a specified period</li> </ul> <ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Formal written apology</li> </ul>
<p><b>Causing a Health or Safety Concern</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Act/omission that did cause or could have caused serious harm on the School Premises or during School activities (outside of School Premises)</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Act/omission that did cause or could have caused a health and safety concern on University premises or during School activities (outside of the School Premises)</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension/Exclusion</li> <li>• Restrictions/Conditions placed on the student</li> <li>• An order of service for a specified period</li> </ul> <ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Fine</li> <li>• Formal written apology</li> </ul>
<p><b>Operational Obstruction</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Acts/omissions/statements intended to deceive the School. Committing fraud.</li> <li>• Disruption of the activities of the School (including academic,</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Restrictions/Conditions placed on the Student</li> <li>• An Order of Service to the School for a specified period</li> </ul>


<p>administrative, sporting and social) on School Premises or elsewhere</p> <ul style="list-style-type: none"> <li>• Disruption of the functions, duties or activities of any other student, employee or visitor of the School</li> <li>• Breach of the relevant data protection legislation</li> <li>• Breach one or more of the School's terms or conditions, policies or procedures, or rules and regulations</li> </ul> <p><b>Minor</b></p> <ul style="list-style-type: none"> <li>• Improper interference with the activities of the School on the School premises or elsewhere.</li> <li>• Improper interference with the functions, duties or activities of any other student, employee or authorised visitor of the School</li> <li>• Record a lecture, meeting or other School event, or use such a recording, without the permission of the lecturer or person or group who organised the event</li> </ul>	<ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Fine</li> <li>• Formal written apology</li> </ul>
<p><b>Reputational Damage</b></p> <p><b>Major:</b></p> <ul style="list-style-type: none"> <li>• Behaviour which has caused serious damage or could have caused serious damage to the reputation of the School</li> </ul> <p><b>Minor:</b></p> <ul style="list-style-type: none"> <li>• Behaviour which has damaged or could have damaged the reputation of the School</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Fine</li> <li>• Restrictions/Conditions placed on the Student</li> <li>• An order of Service to the School for a specified period</li> </ul> <ul style="list-style-type: none"> <li>• Formal warning</li> <li>• Training</li> <li>• Formal written apology</li> </ul>

**APPENDIX D: DISCIPLINARY PROCEDURE FLOW CHART**

If dissatisfied with the School Secretary or Board of Discipline's decision, you can lodge an **Appeal to a specified Pro-Director** within **10 days** of receipt of the decision



**An appeal may only be requested if one or more of the following Grounds of Appeal**

1. A significant procedural flaw or irregularity that compromised the fairness of the process;
  2. New material evidence, which must be supported by an explanation of why it is being submitted at this late stage; and
  3. An outcome being unreasonable or disproportionate.
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The Pro-Director will make a decision within 28 days of receipt of an appeal. The Pro-Director may confirm, amend or dismiss the penalty imposed by the Secretary/Board of Discipline. The Pro-Director may refer the case back to the formal stage for reconsideration or request a re-hearing of the case (if the case had been considered by a Board of Discipline) A **Completion of Procedures Letter will be** issued