

## Student Disciplinary Procedures 2016-17

### GENERAL

Students should understand that while studying at the College or University, or residing in Hall, they are part of a community of other students, staff and members of the University and their College. Students are expected to act as responsible and considerate members of that community. Within Halls, students are required to observe the reasonable rules and procedures of the Hall and to comply with the terms of their Licence Agreement and Hall Handbook.

The Warden within a student's Hall has power to take disciplinary action for misconduct committed in Halls. If misconduct is found proven it may result in one of a number of consequences for the student including a warning, a penalty, or in serious cases, termination of the student's Licence Agreement (and barring from all Intercollegiate Halls of Residence). In addition, the Warden may refer serious allegations of misconduct to be dealt with under the disciplinary procedures of the University or the Student's College, where questions arise as to whether the student should continue to be registered as a student of the University or the College. The emphasis of this procedure is on informality, with the object of solving problems quickly, simply and fairly. It is hoped that the great majority of issues can be settled amicably at an early stage.

Please note that in the self-catered accommodation (including Clandon House) the Self-Catered Manager will have the power to take disciplinary action in place of the Warden.

### MISCONDUCT

Misconduct is improper interference, in its broadest sense, with the proper functioning or work of the University, or activity which damages the University. "The University" in this sense includes all the members of the University community as noted above. Examples of misconduct are given in the University's Code of Student Discipline (Ordinance 26).

[University of London Code of Student Discipline](#)

Within Halls, a breach of the student's Licence Agreement or non-compliance with other reasonable rules or procedures of Hall will be considered to be misconduct. Serious misconduct is that which could lead to termination of the Licence Agreement. While it is not possible to identify every action that might constitute misconduct within Halls, some common examples are given below:

- Damage to property belonging to the Hall or another resident.
- Injury or harassment of another resident or member of Hall staff.
- Behaviour which puts the health or safety of other persons at risk.
- Use of illegal substances.
- Anti-social, abusive or offensive behaviour or language including serious or persistent levels of noise and disruption to other persons including within the local neighbourhood.
- Smoking.
- Failure to comply with fire or other health and safety regulations.
- Breach of the e-mail and rules of internet use.

### INVESTIGATION

If an allegation of misconduct arises the Warden will appoint a member of his/her staff to undertake an investigation. The purpose of the investigation will be to ascertain all relevant facts relating to the allegation and to ascertain whether there is sufficient evidence to require a student within the Hall to answer to an allegation of misconduct. The investigating officer may interview the student concerned, other residents and staff within the Hall and may also wish to contact the student's College for more information. The investigating officer shall conclude their investigation and report their findings to the Warden as soon as possible.

### **MINOR MISCONDUCT**

If having reviewed the investigating officer's findings the Warden decides that there is an allegation of minor misconduct for the student to answer, he/she shall notify the student accordingly, issue a Warning Letter and impose a financial penalty. If the student disputes the case within five days of receiving the Warning, the Warden will reconsider the case based on any evidence provided. The Warden determines whether or not, on the balance of probabilities, the misconduct is found proven, and if so, what penalty should apply. Repetition of minor misconduct, when the student has received Warning Letter(s) may lead to a Final Warning Letter. A recipient of a Final Warning Letter is at risk of expulsion from the hall (i.e. termination of the student's Licence Agreement), if they continue engaging in misconduct.

### **SERIOUS MISCONDUCT**

If a student is already on a Final Warning and engages in any misconduct or if having reviewed the investigating officer's findings the Warden decides there is an allegation of serious misconduct to answer, he/she will give the student reasonable notice to appear before a disciplinary panel. The disciplinary panel will usually comprise the Warden (who shall act as Chair) and a Warden from another Hall. The student shall be entitled to bring a friend or representative and shall have the opportunity to state their case to the panel. The student shall have the right to see any written evidence in advance of the hearing and to put questions judged relevant by the Chair to any witness called to give evidence. The panel shall consider on the balance of probabilities whether the allegation is found proven. If the panel finds the allegation proven it shall determine what the appropriate penalty shall be. The panel shall reach its conclusions in private and shall confirm its decision to the student in writing within 7 days.

### **SANCTIONS**

The range of potential sanctions where misconduct is found proven include:

- A Warning Letter, to stay on the student's accommodation file for a period of no more than three years, depending on the nature of the misconduct.
- A Final Warning Letter.
- A financial penalty proportionate to the misconduct, to a maximum of £250. All penalties are donated to a charity.
- A deduction from a student's deposit, or otherwise to make a charge for, the cost of making good any damage for which the student has been held responsible.
- Termination of the student's Licence Agreement.
- Any other disciplinary action as the Warden sees appropriate in order to maintain harmonious relations within the Hall.

At the Warden's discretion the student's College and/or the University may be informed of any disciplinary action taken.

### **APPEALS PROCESS: MINOR MISCONDUCT**

A student has the right to appeal any finding of minor misconduct, or penalty imposed for minor misconduct, by setting out in writing their grounds for appeal to the Warden within 5 days of the disciplinary action being taken. The Warden shall refer the student's appeal to the Warden of another Hall not previously involved in the student's case.

If the appellate Warden comes to the conclusion that the appeal is trivial, or wholly lacking in merit or substance, the appellate Warden may dismiss the appeal. If the appellate Warden concludes that there is substance in the appeal, the appellate Warden shall hold a meeting and hear from the

student and any other person at his/her discretion before determining whether or not the appeal should be upheld or dismissed. If the appellate Warden upholds the appeal he/she shall have power to overturn the penalty altogether or substitute a lesser penalty which is proportionate to the circumstances. The appellate Warden's decision shall be final within the University.

#### **APPEALS PROCESS: SERIOUS MISCONDUCT**

A student has no formal right of appeal against a decision to terminate the Licence to Occupy the Accommodation. The student can make representations, but the University has the right to bring court proceedings without delaying the process in order to consider an appeal.

A student has the right to appeal any finding of serious misconduct or sanction imposed for serious misconduct (other than termination of the Licence) by setting out in writing their grounds for appeal to the Head of Residential Accommodation within 5 days of the disciplinary action being taken. If the Head of Residential Accommodation (or his/her nominee) comes to the conclusion that the appeal is trivial, or wholly lacking in merit or substance, the Head of Residential Accommodation (or his/her nominee) may dismiss the appeal. If the Head of Residential Accommodation (or his/her nominee) concludes that there is substance in the appeal, the Head of Residential Accommodation (or his/her nominee) may either:

1. Seek to resolve the matter, in discussion with the student, the Warden and/or any other relevant parties; or
2. Convene an appeal committee to hear the appeal, composed of:  
The Head of Residential Accommodation (or his/her nominee), who shall act as Chair; a Hall President from another Hall or his/her nominee from a Hall Club Committee; and the Warden of another Hall of Residence who has not had any prior involvement in the student's case.

The student shall be entitled to bring a friend or representative and shall have the opportunity to state their case to the Appeal Committee. The student shall have the right to see any written evidence in advance of the hearing and to put questions judged relevant by the Chair to any witness called to give evidence. The Appeal Committee shall, however, reach its conclusions in private.

The Appeal Committee may uphold or dismiss the appeal. If the appeal is upheld the Appeal Committee shall have the power to overturn the penalty altogether, or substitute a lesser penalty which is proportionate to the circumstances. The Appeal Committee's decision shall be final within the University.

#### **THE OFFICE OF THE INDEPENDENT ADJUDICATOR FOR HIGHER EDUCATION**

The procedure detailed above completes the University's consideration of a student's complaint within Halls. Attention is however drawn to the Office of the Independent Adjudicator for Higher Education (OIAHE). The OIAHE provides an independent scheme for the review of student complaints about a final decision of a University's disciplinary or complaints appeal body. Full details of the OIAHE and how to make a complaint are available from the University or on the website of the OIAHE <http://oiahe.org.uk>. The postal address is:

Office of the Independent Adjudicator for Higher Education  
Fifth Floor  
Thames Tower  
Station Road  
Reading  
RG1 1LX  
Telephone 0118 959 9813