

## London School of Economics and Political Science

### Disciplinary Procedure for Students

#### Purpose of this Procedure

1. The School's Memorandum and Articles of Association set out its main objectives of education and research. These can be met only if students, staff and visitors can conduct their business in conditions that permit freedom of thought and expression and in which they show respect to one another. The School's governing body has put this disciplinary procedure ("the Procedure") in place to maintain such conditions and to protect the School from actions that may harm it or its members.
2. It will be an offence under this Procedure if a registered or un-registered student is found to have breached one or more of the School's terms or conditions, policies or procedures, or rules or regulations. This list includes, but is not limited to, the School's Conditions of Registration, Anti-Bullying and Anti-Harassment Policy, Ethics Code and Conditions of Use of IT Facilities at LSE.

#### Status

3. The School's Council is responsible for the content of this Procedure, save for factual information; which will be the responsibility of the School Secretary ("the Secretary") to correct.

#### Application

4. This Procedure will apply to allegations of misconduct against registered and un-registered students of the School. For the avoidance of doubt:
  - 4.1. A registered student is a student that is pursuing an undergraduate or postgraduate programme of study for which they are receiving teaching and/or supervision, or from which they have an authorised temporary absence that does not require interruption or an extension to the length of their programme of study.
  - 4.2. An un-registered student is a student that is on a period of interruption or has been suspended from their programme of study, or is awaiting only to sit an exam to either progress, or complete their programme of study.
  - 4.3. This Procedure will not apply to students of the School who have been expelled or withdrawn from the School or to students who have completed their programme of study (whether successfully or unsuccessfully).
5. A local procedure that is specific to an area of the School may be used to resolve some allegations of misconduct. Examples of areas that sometimes use a local procedure are the LSE Summer School, LSE Executive Summer School or a hall of residence that is fully or partially populated by students the School. The application of a local procedure will not necessarily preclude the use of this Procedure.
6. The School and the School's Students' Union have separate disciplinary procedures: the School will use this Procedure to determine whether a student has breached any of its terms or conditions, policies or procedures, or rules or regulations; the Students' Union will use its own procedure to determine whether a student has breached the terms of their membership of the Union. This being the case, it is possible for one allegation of a breach of discipline to be considered separately under one or both of the procedures.
7. This Procedure may be applied to incidents that occur outside the School's premises and/or which involve a member of the public.

8. Deviations from this Procedure will not invalidate any action taken against a student unless the integrity of the process is compromised. The person who is overseeing an investigation, usually the Secretary, a Pro-Director or a Board of Discipline, will decide when and how to deviate from this Procedure, and explain to the affected parties the reason for doing so.

### **Equality and Diversity**

9. Members of staff involved in a potential or actual disciplinary case must give thought to any equality and diversity matters which may be relevant, particularly in relation to the following diversity strands which are referred to in the Equality Act 2010: age, disability (including mental health and wellbeing), race, gender, gender reassignment, pregnancy and maternity, religion or belief and sexual orientation. Requests for reasonable adjustments should be made to the Secretary, Pro-Director or Board of Discipline (whichever is overseeing an investigation at the time).
10. In some instances, the Secretary, Pro-Director or Board of Discipline (whichever is overseeing an investigation at the time) may decide to postpone, interrupt or not pursue a disciplinary case because a key person is, for medical or other reasons, unfit to participate in it. This type of decision must be based on evidence that the Secretary, Pro-Director or Board of Discipline considers relevant and adequate. The Secretary, Pro-Director or Board of Discipline reserves the right to reject or ask for an independent assessment of evidence if its relevance or adequacy is doubted.

### **Criminal Offences**

11. Where appropriate, the School will consider referring incidents to the Police, or if necessary, UK Visas and Immigration or the Home Office. Although the School would not ordinarily pursue disciplinary action against a student while they are the subject of a Police investigation, it reserves the right to do so; particularly if a student's registration is due to expire before the conclusion of any criminal proceedings, or the safety of one or members of the School is at risk. The School also reserves the right to apply this Procedure after any Police investigation has concluded.

### **Victimisation**

12. If necessary, the School will take steps to prevent any member of staff or a student from being victimised as a result of their involvement in a disciplinary matter. This may involve taking disciplinary action against the perpetrator and/or giving support to a complainant.

### **Confidentiality**

13. The School will handle disciplinary cases in accordance with any of its own relevant confidentiality policies and the Data Protection Act 1998.

### **Informal Resolution**

14. Informal resolutions are intended to be flexible and its aim is to resolve matters as quickly and amicably as possible, normally within 10 working days. As such, if any person believes that a student or group of students of the School has acted in a way that warrants investigation under this Procedure ("a Complainant"), they should first consider contacting the School's Senior Adviser to Students ("the Senior Adviser"), or in their absence, the Head of the Student Services. If they prefer to do so, a student may speak to a relevant member of their academic department (e.g. their tutor, or a senior academic or administrator), the School's administration (e.g. adviser to female students) or the School's Students' Union before an approach is made to the Senior Adviser to consider an informal resolution.

15. The Senior Adviser will decide whether to resolve a case informally, and, if so, how. If they consider it appropriate, they may refer the case to the School Secretary to resolve under the formal stage of this Procedure and/or to ask whether the Police should be alerted to the case.
16. A student will be permitted to bring a silent observer, such as a friend or member of the Students' Union, to any meeting with the Senior Adviser. Legal representation is considered inappropriate. In exceptional circumstances, such as it constituting a reasonable adjustment, the Senior Adviser may permit the observer to actively contribute to the meeting.
17. The Senior Adviser will consider whether it is necessary to ask a student not to attend part or all of the premises, or use particular facilities, of the School if the Senior Adviser considers it to be in the interests of one or more of the parties involved in a case, or the wider School community, while the informal resolution stage is ongoing. If a student objects to, or fails to cooperate with such a request, the Senior Adviser will consider referring the case to the School Secretary under the formal stage of this Procedure.
18. The Senior Adviser will produce a report confirming the action/s taken to resolve a case informally and the outcome, and will disclose a copy of this report to the student/s and/or member/s of staff directly involved the case as a Complainant. The Senior Adviser will not normally disclose their report to people who are not members of staff or students of the School.
19. The Senior Adviser's report, either in full or any aspect of it, will not be recorded on a student's file, though it may be considered in any subsequent investigation under the formal stage of this Procedure.
20. 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**

21. The School Secretary is responsible for deciding whether to resolve a case formally, regardless of how the matter is brought to their attention, and, if so, how. The Secretary will also consider whether to alert the Police. The Complaint Form at Appendix A should be used by anyone wishing to submit a formal complaint to the Secretary under this Procedure.
22. 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 three (3) working days.
23. The Secretary may ask a relevant member of staff (their "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. The Secretary may only delegate decision-making powers under this Procedure to another member of the Director's Management Team.
24. 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 their Nominee must ensure that any investigation is conducted fairly and is of a reasonable level in depth and scope.
25. The student subject to an allegation ('the Student') will be given an opportunity to present their case to the person conducting the investigation ("the Investigating Officer"). 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.

26. The Investigating Officer 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 Investigating Officer.
27. An investigation would normally be completed within 10 working days from when the Secretary decided to resolve a case formally. The Secretary or their Nominee will inform the students involved of any delay, and the reason/s for the delay, as soon possible.

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

28. At the end of a formal investigation, the Secretary will decide whether to:
  - 28.1. Dismiss the allegation;
  - 28.2. Refer the case to other, more appropriate procedures in the School and/or the Police;
  - 28.3. Uphold the allegation and determine an outcome that is relevant and proportionate to the offence/s; or
  - 28.4. Convene a Board of Discipline (see Appendix C) to consider the allegation, and if necessary, determine an appropriate outcome.
29. The kind of measures that the Secretary may put in place under section 27.3 include, but are not limited to:
  - 29.1. A formal warning that may be put on the student's record;
  - 29.2. A fine or other form of recompense;
  - 29.3. Training; and/or
  - 29.4. Suspension from defined areas and/or facilities of the School for a defined period.
30. The Secretary will convey their 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 who he considers has a relevant interest in the case. The Secretary will not normally disclose their decision to people who are not members of staff or students of the School.
31. The Secretary's written response must inform the Student, and if applicable, the Complainant, of their right to appeal to a Pro-Director of the School (see the "Appeal" section below).

### **Appeal**

32. 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.
33. An appeal must normally be made on one or more of the following grounds:
  - 33.1. A significant procedural flaw or irregularity that compromised the fairness of the process;
  - 33.2. New evidence, which must be supported by an explanation of why it is being submitted at this late stage; and
  - 33.3. An outcome being unreasonable or disproportionate.
34. The Pro-Director will decide how to review the case. 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.

35. The Pro-Director will normally complete their review within 10 working days of receiving the appeal. They will convey their decision in writing to relevant parties in a Completion of Procedures Letter.
36. The Completion of Procedures Letter will contain the Pro-Director's decision and the reasons for it. Their letter will also confirm any course of action or sanction, which may differ to the outcome of the original investigation.

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

37. 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.

Approved by Council on 6 June 2015 (and factually updated by the School Secretary in June 2017).

**APPENDIX A: COMPLAINT FORM**

**FORMAL COMPLAINT**

<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>Summary of complaint</b>	<i>[This should include what the incident is that is referred to, where the incident happened, the parties involved, the basis of the complaint and, where appropriate, the outcome sought.]</i>

Signed:

Dated:

**APPENDIX B: APPEAL FORM**

**APPEAL AGAINST THE DECISION OR OUTCOME OF A FORMAL COMPLAINT**

<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>	
<b>Summary of grounds for appeal</b>	<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>

Signed:

Date:

## APPENDIX C: BOARD OF DISCIPLINE

### Introduction

1. The School Secretary (“the Secretary”), or the relevant person in the case of the Secretary referring decision-making powers to another member of the Director’s Management Team, 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

2. A Board of Discipline must consist of the following people:
  - A Lay Governor 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.
3. All members of a Board of Discipline must participate in the whole process for the final decision to be valid.

### Procedure

4. 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.
5. The Board of Discipline will determine an appropriate procedure to conduct the hearing and will, at all times, respect the rights of the individuals involved, particularly in terms of confidentiality and their personal welfare.
6. 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.
7. As soon as is reasonably possible, and normally with minimum notice 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.
8. The Board of Discipline will make its decision by majority vote. It must decide:
  - 8.1 Whether a disciplinary offence has been committed; and
  - 8.2 An appropriate outcome.
9. The kind of measures that a Board of Discipline may put in place include, but are not limited to:

- 9.1 A formal warning that may be put on the student's record;
  - 9.2 A fine or other form of recompense;
  - 9.3 Training;
  - 9.4 Suspension from defined areas and/or facilities of the School for a defined period; and/or
  - 9.5 Expulsion from the School.
10. The Board of Discipline 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 their decision to people who are not members of staff or students of the School.
11. 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).

End.

**APPENDIX D: DISCIPLINARY PROCESS**

**Consider:** Are you considered a student of the School? You are not a student of the School if you have been expelled or withdrawn from the course, or where you have completed your course. In such instances, the Student Complaint Procedure does not apply to you.

**Consider:** Is this a School matter or a School Student Union matter? If the latter, the School Student Union may conduct their own investigation into the matter.

**Informal Resolution** - contact the Senior Adviser or Head of Student Services to see if an informal resolution can be reached. It is recommended that this be your first course of action.

**Formal Resolution** - the School Secretary will decide if a case will be considered for formal resolution.

Outcome conveyed by School Secretary. The School Secretary may:

1. Dismiss the allegation;
2. Refer the case to other, more appropriate procedures in the School and/or the Police;
3. Uphold the allegation and determine an outcome that is relevant and proportionate to the offence/s; or
4. Convene a Board of Discipline to consider the allegation, and if necessary, determine an appropriate outcome.

