



UNIVERSITY  
OF LONDON

# Student Disciplinary Procedure

## Intercollegiate Halls

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# 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.

# 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 17).

[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:

- Discrimination or harassment on the grounds of age, race, sex, creed, disability, political belief, social class, or sexual orientation;
- Injury 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;
- Damage to property belonging to the Hall or another resident;
- Failure to comply with fire or other health and safety regulations;
- Breach of the e-mail and rules of internet use;
- Behaviour which may constitute a criminal offence" and "Behaviour which causes, or may cause, the University to be liable for prosecution or a fixed penalty notice.

# INVESTIGATION

If an allegation of misconduct arises the Warden will appoint a member of their 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.

More substantial minor misconduct - albeit which does not meet the threshold for serious misconduct - may result in a Final Warning Letter being issued for a first offence.

## 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, they 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.

## CONFIDENTIALITY AND ANONYMITY

It is not normally appropriate to keep the identity of reporting parties and witnesses secret during disciplinary proceedings. To do so may undermine the responding party's ability to defend themselves. If a reporting party or witness does not agree to the responding party knowing their identity it is not usually appropriate to rely on their evidence.

## SUPPORT FOR ALL PARTIES

Being involved in a disciplinary procedure, as either the reporting or responding party, can feel stressful. The University is committed to supporting all parties involved in any formal procedures. Where necessary and appropriate, and with your consent, we will arrange for support to be provided by a person who is not otherwise involved in managing the complaint or disciplinary process (e.g. the Warden of another Intercollegiate Hall).

## STUDENT CONDUCT UNDER POLICE INVESTIGATION

If an allegation of misconduct reported under this procedure is also subject to police investigation, the Warden will ask you to give consent for the police to provide information to the University on the progress of the police investigation or to require you to keep the University informed accordingly.

An internal disciplinary process is a civil matter, based upon an allegation that a student has breached the University's rules and regulations, and the allegation must be proven on the balance of probabilities. In contrast, the criminal process is an external procedure, deals with allegations that a student has committed a

criminal act, and the allegation must be proven beyond reasonable doubt.

The University reserves the right to either suspend the disciplinary process laid out in this procedure or to continue with it in cases where a police investigation is ongoing, or has been suspended or discontinued. This will be decided on a case-by-case basis by the University in consultation with the Residential Life Manager, Student Health & Wellbeing Manager, Director of Residential Services and the University's legal department and, where appropriate, in dialogue with the police. The University also reserves the right to proceed with the disciplinary process where you have been acquitted in criminal proceedings. If you have been convicted, the University has the right to exercise the sanctions laid out in this procedure based solely on the conviction.

The University may impose a penalty upon a student in respect of an offence even if that offence has already been the subject of criminal prosecution and penalty.

Where you are unable to attend a disciplinary hearing, have been advised not to attend a disciplinary hearing, or are unable to say anything about a pending criminal matter, the University reserves the right to take a decision based on the available evidence, which includes sanctions laid out in this procedure.

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 (including moving you to other accommodation) to help you to ensure your own safety, to enable us to ensure the safety of others or to comply with any bail conditions which have been placed on you. Further or additional precautionary measures may be necessary pending the outcome of any criminal or disciplinary proceedings, for example:

- to ensure that a full and proper investigation can be carried out (either by the police or by the University); and/or
- to protect the reporting party, the responding party, or others whilst the allegation is being dealt.

## 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, to stay on the student's accommodation file for a period of no more than three years, depending on the nature of the misconduct;
- Where a warning letter is issued a financial penalty proportionate to the misconduct, to a maximum of £250, may apply. All penalties are donated to the Student Minds 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;
- Failure to follow a reasonable request by a member of staff, or their representative (e.g. Senior Resident Advisor/ Resident Advisor);
- A financial penalty or a deduction from the student's deposit to contribute toward the cost of any fine or fixed penalty notice issued to the University as a consequence of the student's actions. Financial penalties in this case will be used directly in payment of the fine or fixed penalty notice and will not be donated to charity.

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 a manager from a different department in the University, or otherwise the Warden of another hall not previously involved in the student's case.

If the appellate manager/warden comes to the conclusion that the appeal is trivial, or wholly lacking in merit or substance, the appellate manager/warden may dismiss the appeal. If the appellate manager/warden concludes that there is substance in the appeal, the appellate manager/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 manager/warden upholds the appeal they shall have power to overturn the penalty altogether or substitute a lesser penalty which is proportionate to the circumstances. The appellate manager's/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 Director of Residential Services within 5 days of the disciplinary action being taken. If the Director of Residential Services (or their nominee) comes to the conclusion that the appeal is trivial, or wholly lacking in merit or substance, they (or their nominee) may dismiss the appeal. If the Director of Residential Services (or their nominee) concludes that there is substance in the appeal, they (or their 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 Director of Residential Services (or their nominee), who shall act as Chair; a Resident Assistant (RA) from another Hall and the manager from a different department in the University, or otherwise the Warden of another hall not previously involved 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 disciplinary 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  
Second Floor, Abbey Gate, 57-75 Kings Road, Reading  
RG1 3AB Telephone 0118 959 9813

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