

PART C – STUDENT CONDUCT AND DISCIPLINARY REGULATIONS⁵

C1 Preface

- 1.1 The University of Lincoln is a community and, as members of this community, students are expected to adhere to the University's regulations and policies, respect people and property and behave in a way that does not interfere with the normal operations of the University. Students have the right and ability to make decisions and the responsibility to accept the consequences of those decisions.
- 1.2 The University greatly values its relationship with the local community and students are actively encouraged to engage and participate in community life and become good citizens. This involves behaving respectfully towards neighbours and other members of the community and not engaging in anti-social behaviour that can cause harm or distress to others. This principle applies equally to students resident in University accommodation.
- 1.3 In cases where an allegation of misconduct may pose a risk to students, staff or members of the public, these regulations will be used to assess and manage such risk. This may include excluding a student from all or parts of the University's campuses and withdrawal of access to all or parts of the University's facilities.

C2 Relationship and Interface with Other Regulations and Procedures

- 2.1 Allegations of misconduct brought against a student household in relation to noise complaints and anti-social behaviour will be managed via the Noise Complaints and Anti-Social Behaviour in the Local Community process in appendix A.
- 2.2 Where the allegation of misconduct relates to an academic matter it will be managed under Part A of the University General Regulations.
- 2.3 Allegations of misconduct made by a student against a member of staff will be managed via the Student Complaints Procedure (Part E of the University General Regulations).
- 2.4 Where allegations of misconduct are made against students enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling within the School of Health & Social Care, or School of Pharmacy, the Governance Manager and the relevant Head of School shall agree as to whether the matter will be considered under either these Regulations or the relevant Fitness to Practise Regulations in the first instance.

If the matter is initially considered under these Regulations, the outcome of the case will be communicated to the School Fitness to Practise Panel which will decide whether additional consideration under the Fitness to Practise Regulations is required.

⁵ University of Nottingham registered medical students will be subject to these procedures up to the end of Stage 1.

If the matter is considered under the Fitness to Practise Regulations, the outcome of the case will be communicated to the Student Misconduct Panel which will be convened to decide whether additional consideration under these Regulations is required.

C3 Definition of Misconduct

- 3.1 The University's definition of misconduct involves actions which fall into one (or more) of the categories below:
- (a) actions that cause actual or potential distress or harm to others (regardless of intention)
 - (b) actions that disrupt the normal operations of the University and/or safe use of the University (including, where applicable, bringing the University into disrepute)
 - (c) actions that cause actual or potential damage to property
 - (d) actions that interfere with the work/study of others or impact on the University's normal operations.

Examples of alleged offences are cited below; this is not an exhaustive list. Some alleged offences may overlap categories.

- 3.2 Actions that cause actual or potential distress or harm to others (regardless of intention)⁶:
- Verbal abuse or intimidation
 - Excessive and unacceptable levels of noise in residences on campus or in the local community
 - Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
 - Assault or causing physical harm
 - Sexual misconduct
 - Violent, disorderly, threatening, offensive or indecent behaviour or language
 - Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
 - Theft, fraud, deception or dishonesty or deliberate falsification of records including fraud or deceit in relation to attendance registers where students are found to sign on behalf of other students or defacing registers (including inappropriate or offensive material)
 - Action likely to cause injury or impair safety on University premises

⁶ Students may choose to use the online tools available to report incidents of sexual violence or hate crime (<https://studentservices.lincoln.ac.uk/student-support-home/hate-crime/> or <https://studentservices.lincoln.ac.uk/sexual-misconduct/>)

- Possession and/or intent to supply controlled drugs
 - Possession of an offensive weapon including imitation or replicas (except in cases where, for example, the use of weapons is part of a Students' Union society and appropriate and documented safeguards have been put in place)
- 3.3 Actions that cause actual or potential damage to property:
- Causing minor damage to property, including defacement (intentionally or recklessly)
 - Causing serious and/or deliberate damage to property, including defacement (intentionally or recklessly)
- 3.4 Actions that disrupt the normal operations of the University and/or safe use of the University (including, where applicable, bringing the University into disrepute):
- Excessive and unacceptable levels of noise in residences on campus or in the local community
 - Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
 - Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere
 - Obstruction of, or improper interference with, the functions, duties or activities of any student, staff member or other employee of the University or any authorised visitor to the University
 - Misuse or unauthorised use of University premises or items of property; or any data held in University records to which a student has obtained access
 - Failure to co-operate with the University, its officers or employees in the investigation of an allegation of misconduct, and/or in any subsequent disciplinary proceedings (applicable to students against whom an allegation is made)
 - Failure to keep information that is confidentially disclosed under the Student Conduct and Disciplinary Regulations, confidential
 - The clandestine recording of any proceedings made without the informed consent of all participants and which may have breached the personal privacy rights of those participants (see Part M of these regulations)
 - Action likely to cause injury or impair safety on University premises
 - Assault or causing physical harm
 - Violent, disorderly, threatening, offensive or indecent behaviour or language
 - Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
 - Theft, fraud, deception or dishonesty or deliberate falsification of records
 - Possession and/or intent to supply controlled drugs
 - Possession of an offensive weapon including imitation or replicas
- 3.5 Actions that interfere with the work/study of others or impact on the University's normal operations:

- Failure to comply with the University's policies and regulations, including Health and Safety
- Action likely to cause injury or impair safety on University premises
- Refusal to respond to reasonable requests by relevant University staff (e.g. refusing to confirm identity to a member of staff discharging their normal duties)
- Excessive and unacceptable levels of noise in residences on campus or in the local community
- Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere
- Misuse or unauthorised use of University premises or items of property; or any data held in University records to which a student has obtained access
- Failure to co-operate with the University, its officers or employees in the investigation of an allegation of misconduct, and/or in any subsequent disciplinary proceedings
- The clandestine recording of any proceedings made without the informed consent of all participants and which may have breached the personal privacy rights of those participants
- Obstruction of, or improper interference with, the functions, duties or activities of any student, staff member or other employee of the University or any authorised visitor to the University
- Violent, disorderly, threatening, offensive or indecent behaviour or language
- Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon including imitation or replicas
- Trespassing

3.6 Other examples of misconduct:

- Failure to disclose to the relevant School office a conviction of a serious criminal offence sustained while enrolled as a student;
- Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
 - (a) took place on University premises, or
 - (b) affected or concerned other members of the University community, or
 - (c) damages the good name of the University, or
 - (d) itself constitutes misconduct within the terms of these regulations, or

(e) is an offence of dishonesty, where the student holds an office of responsibility in the University (e.g. a student representative)

- Prevention of another's freedom of speech
- Failure to comply with a previously imposed penalty made under these regulations

C4 General Principles

- 4.1 The Vice Chancellor is responsible to the Board of Governors for the maintenance of student discipline within the University. The Vice Chancellor delegates this responsibility as set out in these regulations.
- 4.2 An allegation of misconduct against a student can be reported by another student, a member of University staff or a person external to the University. The Students' Union (SU) has its own disciplinary policy for its members and, when exhausted, the SU may refer students directly into Stage 2 of the University's process; evidence which formed part of the SU investigation will be collated as part of the process.
- 4.3 The University will not normally investigate anonymous allegations. If a complainant has legitimate concerns about their identity being disclosed as part of a disciplinary investigation they should advise Secretariat on submission of the allegation so that the University can consider what, if any, steps can be taken to safeguard the right of the complainant as well as the student(s) against whom the allegations are being made.
- 4.4 These regulations seek to operate in a fair and reasonable manner in relation to all parties who are subject to them. The disciplinary regulations are not a formal legal process and the criminal law does not apply. The standard of proof required under these regulations is the balance of probabilities (i.e. it is more likely than not that the alleged misconduct occurred).
- 4.5 The regulations adhere to the principles of natural justice: the right for students to know the case against them, to be given an opportunity to defend themselves, to confidentiality and to have their case considered by an impartial arbiter.
- 4.6 Allegations of misconduct relating to behaviour by a group of students may be reported as a single allegation through C6.1. However, consistent with a student's rights to confidentiality and a fair process, the University will ensure that the situation of each student is investigated and determined on its own merits and that each student is entitled to attend individual meetings with the Investigating Officer. In such cases, the Student Misconduct Panel will consider the outcomes from all of the investigations to ensure fairness and equality of treatment.
- 4.7 The student may be accompanied to any investigative meeting, but not represented, by a companion who may be a fellow student, a member of staff or a representative of the Students' Union. The companion is there to provide moral support; students are expected to speak on their own behalf. A companion will only be permitted to speak on the student's behalf at a meeting at the authorised officer's discretion; if the companion acts outside of these parameters the meeting will be suspended and they will be asked to leave. If the student is unable to continue the meeting without the

companion, it will continue in the student's absence based on the documentation provided and any verbal representations made up to that point.

- 4.8 The University will always seek to adhere to the time limits set out in these regulations; in cases where this is not possible students will be advised by the authorised officer of the reasons why the case will take longer than normally prescribed.
- 4.9 Where there are insufficient grounds or evidence, the University reserves the right to discontinue an investigation into an allegation against the behaviour of a student. There is no right of appeal against this action.
- 4.10 During the application of these regulations the University may adjourn any meeting and reconvene at a later date (e.g. if evidence comes to light during a meeting which has not previously been considered).
- 4.11 For students enrolled on online programmes, the University will not require the attendance by the student of any meeting convened under these regulations but will use its best endeavours to enable the student to participate via telephone or video conference. If the student is not able to attend the meeting after five days' notice has been given, the University may hold the meeting in their absence having invited the student to submit written comments for consideration. Proceedings will not be invalidated because the student is unable to attend.
- 4.12 The University will normally only investigate misconduct allegations which occur on University owned or operated premises and facilities but may also investigate allegations which occur off its campuses if it is deemed that a student's action (or inaction) may impact on the complainant or the wider University community (e.g. an allegation of bullying and harassment between students in private property). However, the University cannot act in the place of a private landlord or the police.
- 4.13 Resolution through mediation may be attempted at any point during the Stage 1 and Stage 2 stages. At Stage 2, successful mediation, which effectively disposes of the allegation(s), may result in the cessation of formal action. Mediation can also run alongside the Stage 2 processes and may still result in a report by the Investigating Officer being submitted to the Student Misconduct Panel.

C5 Stage 1: Reasonable Instructions and/or Informal Resolution

- 5.1 All members of University staff, and others authorised for the purpose, may issue reasonable instructions to students in the interests of good order, health and safety and the prevention of misconduct. These may include requiring any student to withdraw from any room or area or to cease to take part in any activity. A student who refuses to comply with such instructions will be liable to disciplinary action in accordance with these regulations. It is open to a student who believes that such instructions have been issued unfairly to initiate action under the Student Complaints Procedure (Part E of these Regulations).
- 5.2 A report of alleged misconduct made under C6.1 might be referred to the Student Support Centre (as under C6.2) to attempt informal resolution. The

Student Support Centre will write to the reported student within three working days of referral to inform them of the report against them, to set out how the student's behavior is considered to have contravened these regulations as under C3 and to invite them to meet to discuss and respond to the allegations made. The Student Support Centre may also discuss the matter with the complainant, if appropriate.

- 5.3 If the reported student admits to the alleged misconduct at this informal resolution stage then Student Support may ask the student to agree that one or more of the following informal actions is applied:
- (a) That the student receives and accepts a written caution, which means that if further allegations of misconduct are reported within the next twelve months then both offences will be investigated and considered as under the formal process, with further informal resolution not applicable
 - (b) A requirement to apologise to the complainant, in writing (or in person if the complaint agrees)
 - (c) A requirement to enter into an acceptable behavioural contract with the University which may require the student to ensure they behave in a respectful and inclusive manner and/or to cease all contact (physical, online etc) with a named individual(s) for a defined period (which may be until the student leaves the University).

Student Support will provide a copy of the informal action that has been agreed, in writing to the student. A copy of the outcome of this stage will be provided to the SMO in order to inform the complainant that the informal resolution stage has closed. A record of the outcome will be held by Secretariat should further matters be brought to the University's attention. This will not form part of a student's formal record.

- 5.4 Informal resolution does not prevent a complainant from submitting a further report into the Central Procedure via Secretariat as under C6, should further alleged misconduct occur.
- 5.5 Where informal resolution has not been possible or found to be inappropriate (e.g. the student does not engage with Student Support, denies the allegation, or is not agreeable to a proposed outcome under 5.3), Student Support will refer the matter back to the SMO and IO for formal investigation. Student Support will prepare a brief report to the SMO setting out why informal resolution was not possible and provide copies of notes of any meetings held. On receipt, the SMO will liaise with the IO and commence formal investigation as under C6.3 onwards.
- 5.6 Informal resolution may also take the form of mediation (with the consent of all parties) where it is felt that mediation may repair relationships between students or between students and staff. This action can be facilitated through the Student Support Centre.

C6 Stage 2: Central Procedure (Formal)

Receipt of Allegation(s)

- 6.1 An allegation of misconduct against a student must be made on the prescribed form (available from Secretariat) and submitted to Secretariat together with all evidence that the complainant wishes to provide in support of the allegation. A Student Misconduct Officer (SMO) will be allocated from within Secretariat who will be responsible for co-ordinating the case and facilitating the process.
- 6.2 Within three working days, the Student Misconduct Officer will appoint an Investigating Officer (IO) from a pool of trained senior University staff. The IO will have had no previous involvement with the case and will be unknown to the complainant and the student against whom an allegation of misconduct is alleged. Within ten working days of appointment, the IO will determine whether the allegation(s) falls within the remit of the regulations; additional information from the complainant and within the University may be requested.

The IO may determine, on the basis of all the information obtained, that:

- a) the matter falls within the remit of the regulations and warrants formal investigation.
- b) the matter falls within the remit of the regulations, but could be appropriately resolved via informal resolution. The IO will liaise with the SMO to refer the case to the Student Support Centre to attempt Informal Resolution as under C5. The SMO will inform the complainant of this decision and the option available under C5.4.
- c) the matter does not fall within the regulations, the SMO will inform the complainant in writing and provide reasons why the matter will not be dealt with. This decision is final. The complainant will be referred to the Student Support Centre or Human Resources for guidance and support.

Investigation

- 6.3 If the allegation(s) fall within the remit of the regulations and requires formal investigation, the IO will, as might be appropriate, discuss the level of risk with the Academic Registrar and determine whether any action must be taken immediately under C8. The IO will then write to the student(s) involved to notify them of the investigation and will normally:
- (a) Inform the student of the nature of the allegation(s) (with reference to C3), the purpose of the investigation and provide them with a copy of these regulations.
 - (b) Inform the student that if they fail to engage with the investigation, including attending any meetings when requested, the investigation may continue in their absence.
 - (c) Copy the communication to the student's Head of School so that they are made aware that an investigation is in process.

- 6.4 The investigation may include the gathering of written, oral and other information from relevant sources. The IO will normally conclude an investigation within twenty working days from the point of writing to the student under 6.3.
- 6.5 The IO may request to meet with a student on more than one occasion during the investigation and will:
- (a) Inform the student of the purpose of any such meeting in advance and advise that the meeting is the student's opportunity to be heard as there is no hearing included in the process.
 - (b) Give the student at least five working days' notice of any such meetings.
 - (c) Inform the student of their right to be accompanied by a companion as detailed in C4.7 and that they may seek advice from the Student Support Centre, the SU Independent Advice Centre and/or Student Wellbeing.
 - (d) The student will be provided with details of the allegation and, as far as possible and within the context of data protection, the documentation submitted regarding the allegation.
- 6.6 Meetings will include the IO, a member of staff whose sole responsibility will be to take notes, the student and, if relevant, their companion. A copy of the notes will be provided to the student.
- 6.7 Where appropriate, the IO may invite the student to provide a written response to the allegation and to present any supporting information. In these circumstances, the student will normally be given ten working days' notice of the relevant meeting.
- 6.8 The IO may invite witnesses, as identified by the complainant, the student against whom the allegation has been made or through the investigation, to attend meetings or to submit written statements. The purpose of requesting witness statements is to show whether there is (or is not) an evidential basis for the allegations that have been made. Proportionality with the nature of the alleged misconduct should be exercised. Neither the University nor any student can compel any other person to participate in the student disciplinary process. If there are genuine concerns about the identity of a witness being revealed through the process, the University will carefully consider the credibility of the evidence and whether there are sufficient safeguards in place to make the process fair to all parties before deciding whether to allow anonymous witness evidence to be used.
- 6.9 At the conclusion of the investigation, the IO will write a report and submit it, together with copies of information collated as part of the process (e.g. meeting notes), to the SMO. The report will not include any opinion around guilt or otherwise nor recommendations around penalties. A copy of the report and accompanying information will be provided to the student subject to the law around data protection (e.g. parts of the report and/or information may be redacted).

Student Misconduct Panel

- 6.10 On receipt of the IO's report, the SMO will convene a meeting of the Student Misconduct Panel within fifteen working days. Both the complainant and the student against whom misconduct is alleged will be informed in writing that the Student Misconduct Panel will meet to consider the case and invited to submit any further written representations (including extenuating circumstances).
- 6.11 The Student Misconduct Panel will comprise:
- (a) The University Registrar/Secretary, or nominee [Chair]
 - (b) College Directors of Education and Students, or nominee
 - (c) A Student Leader nominated by the Students' Union, or nominee
- 6.12 The SMO will act as Secretary to the Panel.
- 6.13 Quoracy for the Student Misconduct Panel will be four including the Chair.
- 6.14 Where possible, the Panel's composition will remain static to ensure consistency in approach and application of the regulations and associated penalties. However, this may not always be achievable and suitable nominees may be substituted where appropriate (e.g. if a Panel member has had previous involvement with the case).
- 6.15 The Panel will consider the report submitted by the IO (and any accompanying information) and any further representations from the students concerned. The Panel may determine:
- (a) Dismissal of one or more of the allegations, either because the student has no case to answer or the allegation has not been proven, and no further action will be taken;
 - (b) One or more of the allegations have been proven on the balance of probabilities.
- 6.16 If the Panel finds that one or more of the allegations have been proven, it may apply one or more of the following penalties. In doing so, the Panel will take into consideration precedent, intention (or lack of), any extenuating circumstances submitted by the student and any previous action taken or penalties applied against the student under these regulations.
- (a) A written caution which means that no penalty is imposed but if the student is found guilty of a further offence within the next twelve months they will be dealt with for both offences.
 - (b) A formal written warning.
 - (c) A requirement to apologise to the complainant, in writing (or in person if the complaint agrees).
 - (d) A requirement to attend or complete relevant training or community-based activities, as determined by the Panel and within a specified timeframe

(e.g. anti-bullying and harassment training). Where there is a cost associated with the penalty, the Panel will decide how it will be paid.

- (e) A requirement to enter into a behavioural contract with the University in which the student undertakes to behave in a respectful and inclusive manner for the duration of their studies. This will complement the University's other policies and regulations and engagement will be monitored by the student's Personal Tutor or Supervisor.
- (f) A requirement to pay for any damage to property.
- (g) Exclusion of the student from specified areas of the University (including digital platforms) or from specified University activities, services or facilities for a defined period. Where this includes SU venues, the SU will be informed.
- (h) A requirement for the student to cease all contact (physical, online etc) with a named individual(s) for a defined period (which may be until the student leaves the University)
- (i) Where the misconduct has taken place as part of an assessed element of academic work, the Panel have the option to decide that the mark for that element should be reduced to zero and the student to either have no opportunity to resit, to resit that element (capped), or retake that element (in accordance with the applicable programme regulations).
- (j) Exclusion of the student from the whole University (including digital platforms) for a defined period
- (k) Suspension of the student's programme of studies, in whole or in part, for a defined period
- (l) Permanent expulsion from the University (with or without credit already achieved)

6.17 A disciplinary outcome will remain on the student's file for the duration of their studies and one year after they cease to be a student.

6.18 The decision of the Panel will be communicated to the student in writing within three working days by the SMO. The student will also be informed of their right to appeal.

C7 Stage 3: Appeal Stage⁷

7.1 A student may appeal against a finding of a proven allegation and/or the penalty imposed by the Student Misconduct Panel. Appeals must be submitted, on the pro-forma available from Secretariat, within ten working days of written confirmation of the Student Misconduct Panel's decision.

7.2 An appeal may be lodged on the following grounds only:

⁷ International students will be subject to Home Office rules regarding Tier 4 visa status.

- (i) there is new evidence available which could not reasonably have been brought to the attention of the IO during the investigation or prior to the meeting of the Student Misconduct Panel; the student must clearly explain why the evidence has not been previously submitted;
- (ii) there has been a procedural irregularity in the disciplinary process;
- (iii) there is evidence of prejudice or bias by the IO or the Student Misconduct Panel; the evidence must be submitted with the appeal.

7.3 The appeal must include:

- (a) identification of whether the appeal is made against the proven allegation finding, the penalty imposed by the Student Misconduct Panel or both;
- (b) identification of the formal ground(s) of appeal C7.2 (i), (ii) or (iii);
- (c) a statement of the appellant's case detailing why the appeal is being lodged;
- (d) evidence to support the appeal.

7.4 The penalty applied by the Student Misconduct Panel shall be deferred pending the outcome of the appeal except in cases where there may be a risk to staff, students or members of the public.

7.5 On receipt of an appeal, and within ten working days, a Deputy Vice Chancellor will consider all of the documentation submitted to the Student Misconduct Panel and whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed and the SMO will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.

7.6 If the Deputy Vice Chancellor consider the reasons to be sufficient, the appeal will be referred back to the Student Misconduct Panel for further consideration; the Deputy Vice Chancellor will provide written guidance around what the Panel should focus on as part of its deliberations. The Panel will conclude consideration of the matter within ten working days. If the appeal's reasons relate to C7.2 (iii) and the Student Misconduct Panel, a new Panel will be convened within ten working days to consider the evidence and make a final decision.

7.7 The Student Misconduct Panel may allow the appeal in whole or in part and may overturn or amend its original decision; or may dismiss the appeal and uphold its original decision.

7.8 If the Student Misconduct Panel finds against the student, the SMO will issue a 'Completion of Procedures' letter (see C12).

C8 Exclusion Pending Completion of the Disciplinary Process or a Trial

8.1 A student who is the subject of an allegation of misconduct, against whom a criminal charge is pending or who is the subject of police investigation may be

excluded by the Academic Registrar pending the outcome of the disciplinary process or the trial. Where the Academic Registrar is unable to exercise this power, the Vice Chancellor will nominate another appropriate individual.

- 8.2 Exclusion imposes temporary restrictions on attendance at, or access to, the University and its facilities and/or participation in University activities. The extent of the exclusion will be specified in writing to the student. In exceptional cases, exclusion may be comprehensive. An order of exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 8.3 Where an allegation of misconduct is made against a student which involves conduct or behaviour in University-owned accommodation, the alleged perpetrator may be relocated between residences or excluded completely from the residences (see further C8.9).
- 8.4 The power to exclude is used to:
 - (a) protect a member or members of the University community or the public;
or
 - (b) protect the property of the University or of a member or members of the University community; or
 - (c) ensure that the process of the investigation is not adversely affected by the presence of the student.
- 8.5 The power will be used only where the Academic Registrar is of the opinion that it is necessary to take such action. Written reasons for the decision shall be given to the student within five working days.
- 8.6 A student who has been excluded shall have the right to make representations to the Academic Registrar within two working days. The representations may be made in person or in writing.
- 8.7 The Academic Registrar will review the exclusion within five working days and every ten working days thereafter and may confirm, revoke or vary the exclusion in the light of any developments and of any representations made by the student.
- 8.8 A student who has been comprehensively excluded for more than three weeks has the right to ask for a review of the decision to exclude to be undertaken by a Deputy Vice Chancellor. The student may submit written representations to the Deputy Vice Chancellor in support of the review.
- 8.9 A requirement that a student relocates within or between University residences, or into other appropriate accommodation, means that the student shall vacate any accommodation they are currently occupying in a property owned and managed by the University by a specified date. If a student is required to relocate they will cease to be liable for any further rental charges relating to the vacated accommodation and become liable for all the rental charges relating to the new accommodation, as from the date they relocate. The University will endeavour to ensure that the new charges in the University owned and managed accommodation are not significantly higher than the

original rent; where this is unavoidable, the student will be given the option of securing their own new accommodation (with the University's assistance).

- 8.10 If the student is exonerated following completion of the disciplinary process, they may be eligible to return to the previously vacated accommodation if appropriate. Students may reclaim any reasonable charges associated with the move (evidenced with receipts) from the University.

C9 Misconduct that is also a Criminal Offence

- 9.1 The following procedures apply where, if proved, the allegation of misconduct would also constitute an offence under the criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved.

- (a) Where a concern is raised formally about the actions of a student and where those actions would also constitute a criminal offence, the complainant should always be asked, in the first instance, if they have considered and would wish to make an initial referral to the Police so that the criminal process can be completed prior to the formal University investigation progressing. This would not preclude immediate action under section C8 of these regulations if the Academic Registrar considers that partial or complete exclusion is also necessary.
- (b) Where the concern is very sensitive or personal and the complainant is a student or a member of staff, advice and support should be sought by the SMO and IO from either Student Wellbeing or Human Resources in the first instance.
- (c) Where the concern relates to a serious offence, Hate Crime or Hate Incident⁸, which can also be reported to the Police by the University, if the complainant does not wish to make a report to the Police, the Academic Registrar should be consulted to decide if a report should be made by the University.
- (d) The University will normally refer all offences relating controlled drugs to the police.
- (e) In the case of serious offences which have been made known to the University by the alleged victim, alleged perpetrator or other third parties (e.g. the police), no investigatory action other than temporary exclusion may be taken until the matter is either prosecuted or a decision not to prosecute been taken. The IO, taking advice from Secretariat, will decide, on a case by case basis, whether disciplinary action under these procedures should continue or be taken. If the matter is not reported to the police, the University may still decide to impose temporary exclusion and such cases will be dealt with in the context of their individual circumstances.

⁸ Further information about Hate Crimes and Hate Incidents can be found here: <https://www.citizensadvice.org.uk/law-and-courts/discrimination/hate-crime/what-are-hate-incidents-and-hate-crime/>

- (f) Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these procedures.

9.2 A student who is convicted of a serious criminal offence must immediately notify their Head of School who will liaise with Secretariat. Disciplinary action may be taken. Failure to disclose such a conviction may be treated as misconduct under these regulations.

C10 Confidentiality, Communication and Record Keeping

C10.1 Staff and students involved in any disciplinary process against a student have a duty to the student to limit disclosure of information to those who need to know. Both the student against whom an allegation has been made and the complainant also have an obligation to maintain confidentiality of information which is the subject of investigation.

C10.2 Records of student disciplinary processes and outcomes will be kept by Secretariat in alignment with the University's records management policies. The University may decide to refer to a student's disciplinary record in response to a request for a reference but will take into consideration the seriousness of the disciplinary record, the nature of the position which is the subject of the reference request and the passage of time.

C10.3 The University will share information about a student disciplinary matter with third parties (e.g. the Student Loans Company, the Students' Union or the police) where they have a legitimate interest.

C10.4 Complainants will not be automatically entitled to know the outcome of any disciplinary proceedings brought against a student. The University will determine the extent of the information that can be shared with the complainant (if any) taking into consideration the relevant data protection legislation and the desire for complainants to understand how their allegations have been investigated and adjudicated upon.

C11 Annual Reporting to Academic Board

C11.1 Secretariat will prepare a report for Academic Board annually on the number and nature of cases investigated and referred to the Student Misconduct Panel in the previous academic year. The report will also identify any general issues.

C12 Office of the Independent Adjudicator for Higher Education

- C12.1 A student dissatisfied with the outcome has the right to submit an application to the Office of the Independent Adjudicator (OIA), an independent review body, for the outcome to be reviewed independently of the University.
- C12.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- C12.3 The student must first obtain a Completion of Procedures letter from Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA and this must be made within twelve months of the date of the Completion of Procedures letter.
- C12.4 Guidance on making an application to the OIA can be found on its website: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.
- C12.5 Students may obtain assistance with OIA claims from the Student Support Centre and the SU Independent Advice Centre.

APPENDIX A – NOISE COMPLAINTS AND ANTI-SOCIAL BEHAVIOUR IN THE LOCAL COMMUNITY

The University of Lincoln works in partnership with the City of Lincoln Council Public Protection and Anti-Social Behaviour Team (PPASB Team), Lincolnshire Police and the Students' Union to tackle noise complaints and anti-social behaviour in the community. A joint approach is taken when dealing with complaints which are channelled via the PPASB Team to relevant partners for action. Reported incidents will be dealt in line with a joint protocol involving all agencies. Reports of two or more complaints against a student household, and/or where the occupants/tenants have failed to interact with the University or respond to requests to cease disturbances, will result in direct referral to the Academic Registrar for investigation under the Student Conduct and Disciplinary Regulations.

The Academic Registrar (or nominee) shall be responsible for the investigation of allegations of misconduct brought against a student household (in relation to noise complaints and anti-social behaviour) and shall have the power, subject to these Regulations, to impose penalties as detailed in section C6.16.

Joint Process for Dealing with Noise Complaints and Anti-Social Behaviour in the Community

First Complaint

If the complaint has been reported to the PPASB Team and a report confirming this has been received by the University, the whole student household will be issued with the following communication/interaction from the relevant agencies:

- A letter to all occupants from the PPASB Team outlining the complaint and a request to cease the disturbance.
- A personal email to all occupants of the student household from the University of Lincoln Student Support Centre outlining the complaint and reminding the student/s of the University's disciplinary procedure and providing advice on living in the community.
- A visit from the Neighbourhood Policing Team to the household to discuss the complaint and to offer words of advice on living in the community.

Second Complaint

On receipt of a second complaint, the student household will be called to a meeting with the Student Support Centre to discuss the matter further. This action will include reports of visits or communications to the student household by the PPASB Team / Lincolnshire Police and/or details of the complaint received. The purpose of this meeting is to offer advice and support to the student household involved, as well as to outline future actions should further complaints be received.

Further Complaints

On receipt of any further complaints, the student household will be referred to Academic Registrar to investigate the matter.

Academic Registrar Procedure

- 1.1 The Academic Registrar (or nominee) shall be responsible for the investigation of allegations of misconduct brought against a student household in relation to noise complaints and anti-social behaviour in the community and shall have the power, subject to these Regulations, to impose penalties.
- 1.2 Where an act of misconduct is alleged against a student household in relation to noise nuisance and anti-social behaviour, the Academic Registrar (or nominee) shall be informed of the nature of the complaint and provided with any evidence in support of the allegation including details of actions taken to date, statements or details of the incident from the complainant, the PPASB Team or Lincolnshire Police.
- 1.3 Where the Academic Registrar (or nominee) considers that the complaint provides grounds for formal consideration, they shall investigate the complaint which will include interviewing and taking statements from the occupants of a student household who are the subject of the complaint and any witnesses. The Academic Registrar will inform the relevant Head(s) of School of the investigation.
- 1.4 Occupants of the student household may be accompanied to any interview by a companion who may be a member of staff or student of the University or an officer of the Students' Union.
- 1.5 Where the Academic Registrar (or nominee) decides that there are grounds for action they shall write to the occupants of the student household giving details of the alleged offence and invite the student household to say whether they admit to the offence and whether they wish to offer any comments, including any mitigation. The student household must be notified that if they do admit the offence the Academic Registrar (or nominee) will have authority to determine the proceedings and to impose a penalty in accordance with section C6.16 of the Student Conduct and Disciplinary Regulations. The student(s) shall have the option of admitting the offence and offering comments in writing.
- 1.6 Where the student household admits the offence, the Academic Registrar (or nominee) shall consider any comments offered by the student household and then determine the appropriate penalty in accordance with section C6.16. The student household shall also be required to provide a written apology, wording to be approved by the Academic Registrar (or nominee), which may be communicated by the Academic Registrar (or nominee) to relevant parties involved in the complaint.