



Lincoln Bishop University

Document Administration

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VERSION CONTROL TABLE

<u>Version Number</u>	<u>Date Authorised</u>	<u>Summary of Key Changes</u>
1.0 – 4.0	October 2014 – October 2023	Procedure first introduced (October 2014) and reviewed to ensure accuracy and compliance
5.0	07 May 2026	Updates to ensure parity across institutional processes, changes to nomenclature, branding and formatting



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1. INTRODUCTION

- 1.1. Lincoln Bishop University ("the University") is both part of the wider community and a community in itself, comprised of students, staff, and visitors. The University has a duty of care to members of its community and expects all members to maintain appropriate standards of conduct. This Procedure safeguards the rights of staff, students and visitors to pursue teaching, learning, research, and associated activities peacefully and securely, without interference, intimidation, discrimination, or harassment, and protects University property and reputation.

2. PURPOSE AND SCOPE

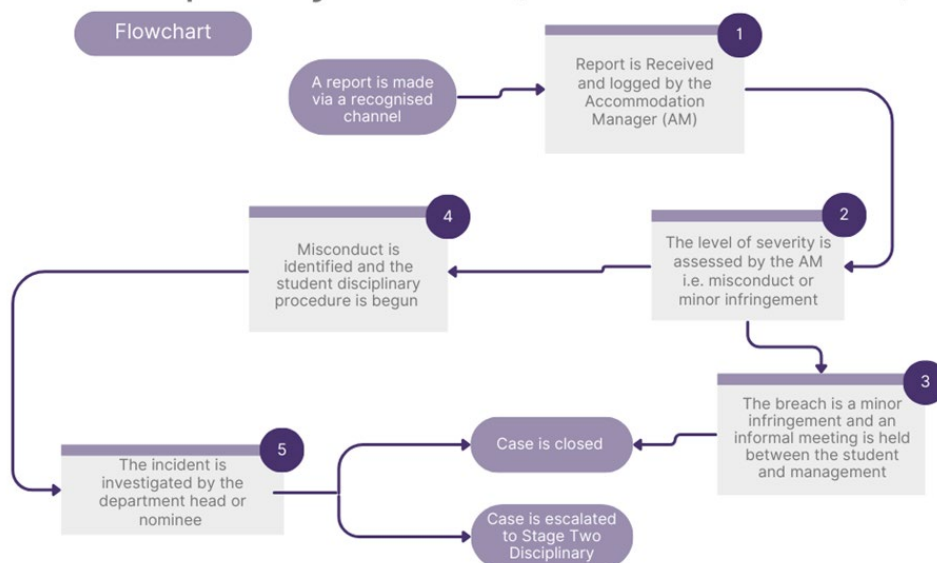
- 2.1. **Purpose:** To set out the formal process for handling allegations of non-academic misconduct by students, from receipt through investigation, decision, outcome, and review, with clear timescales and roles.
- 2.2. **Scope:** This Procedure applies to all registered students of the University, including those on placements, temporary suspension, or within the time limit where the alleged misconduct arose while enrolled. The scope of this policy does not extend to legal or judicial proceedings; as such, all internal procedures will hold in the event that legal or criminal proceedings take place.
- 2.3. **Accommodation:** Incidents relating to University Accommodation will be addressed under this policy following the completion of the 'minor infringement' stage, except in incidents where the severity of the action necessitates escalation. (Guidance for the above can be found on page 10 of the License Agreement Terms & Conditions).



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Disciplinary Action (Accommodation)



3. RELATIONSHIP TO OTHER PROCEDURES AND CODES

- 3.1. This Procedure does not concern academic performance or capability; academic matters are addressed through relevant academic policies and regulations, including the Code of Practice on Academic Misconduct. Misconduct arising in University residences is addressed under this policy and augmented by the Halls of Residence License Agreement. Where Fitness to Study and/or Professional Suitability concerns arise, disciplinary proceedings may be suspended while fitness/suitability is assessed.

4. DEFINITIONS

- 4.1. The definition of misconduct is improper conduct or obstruction of the proper functioning or activities of the University. Examples include conduct amounting to criminal offences; antisocial or abusive behaviour; bullying or violence; harassment (including harassment related to protected characteristics under the Equality Act 2010); sexual misconduct (OfS E6 Conditions); fraud and dishonesty; damage to property; and behaviour likely to bring the University into disrepute.
- 4.2. Frequently used terminology and definitions:
- 4.2.1. **Burden of Proof:** The task or responsibility of proving that something is true.
- 4.2.2. **Balance of Probability:** The evidence on both sides of an argument, to find the most likely reason for or result of something.



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- 4.2.3. **Investigating Officer:** The individual who is tasked with the role of reviewing all evidence and conducting interviews with those related to the incident under scrutiny.
- 4.2.4. **Office of the Independent Adjudicator (OIA):** The external regulatory body which cases may be escalated to following the completion of all internal processes and the receipt of a Completion of Procedures letter.
- 4.2.5. **Completion of Procedures Letter:** The letter issued to the complainant once all internal processes have been completed.
- 4.2.6. **Victim:** The individual or organisation who has suffered directly as a result of another's actions.

- 4.3. Bullying, Harassment and Sexual Misconduct are addressed under the relevant policy.

5. POSSIBLE EXAMPLES OF NON-ACADEMIC MISCONDUCT

- 5.1. Public Disturbance
- 5.2. Violent or Aggravated Assault
- 5.3. Possession and/or Distribution of Illegal Substances (e.g. Illegal Drugs)
- 5.4. Refusal to comply with Institutional Codes of Practice and Guiding Policies without accepted reason or justification.

6. PRINCIPLES AND STANDARDS

- 6.1. Disciplinary processes shall be conducted transparently, promptly and fairly; privacy and confidentiality will be maintained insofar as is compatible with effective investigation. The standard of proof is the balance of probabilities. The burden of proof is required to substantiate any accusation.
- 6.2. Any information gathered for the purposes of investigation is subject to the institution's data retention schedule of five years, plus one. This results in a total of six years of data retained.

7. REPORTING AND EARLY RESOLUTION

- 7.1. Routes to Report: Anyone aware of student misconduct may submit an allegation via the University's Report and Support mechanism or directly to the Contention Office. Informal resolution may be sought where appropriate.
- 7.2. Report & Support – [Report & Support System](#)



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- 7.3. If you would prefer to submit an allegation via email, you can do so by directly emailing regulatorycompliance@lincolnbishop.ac.uk. This will be received by the Contention Officer who will confirm receipt and review your allegation under this policy.
- 7.4. Students may find assistance to report misconduct through Student Advice & wellbeing, and the Students' Union.
- 7.5. If an allegation is submitted without a basis of evidence, it may be considered unsubstantiated and without merit for investigation. If this is the case, the Contention Officer will articulate this to the reporter via email.

8. PRECAUTIONARY MEASURES AND RISK ASSESSMENT

- 8.1. Following a report, the University may introduce interim measures to protect the community and ensure a fair process. An 'Interim Measures Panel' will conduct a risk assessment to determine academic, welfare, support needs, and any other necessary measures.
- 8.2. An interim measures panel may be made up of two or more members of staff within the institution and may have prior involvement with the case and those involved within it. However, to ensure parity, interim measures must be presented for scrutiny by the panel when the case is escalated to a Stage Two panel.
- 8.3. A risk assessment must be completed for any Stage Two Disciplinary action to take place, and it must identify present or transferable risk associated with any action.

9. SUMMARY EXCLUSION

- 9.1. Where necessary, a student subject to an allegation may be summarily excluded pending a disciplinary hearing, with reasons notified in writing and rights to make representations.

10. CASES INVOLVING CRIMINAL PROCESSES

- 10.1. The University may defer action until police and courts have concluded matters. The University will normally report suspected criminal offences to the police, unless otherwise requested by the victim. If the victim is found to be the institution, a panel may still receive the case and form a decision based on reasonable judgement and the burden of proof.



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- 10.2. The Head of Programme Area or Professional Service department (or their nominee) may defer action through the University's internal procedures until the Police and Courts have dealt with the matter. In such cases, the student will be notified of this deferral in writing.
- 10.3. The University will normally report any suspected criminal offence to the Police unless the victim of an offence committed by a student requests otherwise. In such cases, this would be for the discretion of the University. However, the University reserves the right to report any offences to the Police, even if the victim of the alleged crime requests the University not to do so.
- 10.4. Where a student is found to have been guilty of misconduct under these regulations and has also received a sentence from a criminal court on the same facts, the penalty imposed by the criminal court will be taken into account when deciding on the appropriate penalty under these regulations.

11. REPRESENTATION AND ATTENDANCE

- 11.1. A student may be accompanied at any meeting or hearing by one person of their choosing (e.g. friend, family member, Students' Union or Student Advice). As outlined in the OIA statutory guidance, a student may bring a legal representative should they wish.
- 11.2. If requested, the individual escorting the student may be included in any relevant communication.
- 11.3. In the event a student requires additional support to meet their individual access requirements throughout this process, they must articulate this to the Contention Officer as soon as reasonably possible. If the student or representative is unable or unwilling to disclose their access needs, the institution cannot guarantee compliance with their needs.
- 11.4. Email contacts for support and representation for meetings:
Student Advice and Wellbeing: studentadvice@lincolnbishop.ac.uk
Students' Union: SU@lincolnbishop.ac.uk

12. PROCEDURE OVERVIEW AND TIMELINES

- 12.1. Each respective stage of this procedure may take up to one working calendar month to complete. In the event that this timeline exceeds one calendar month (per stage), the student must be informed in writing, clearly stating the reason for the extension. Accepted reasons for the extension



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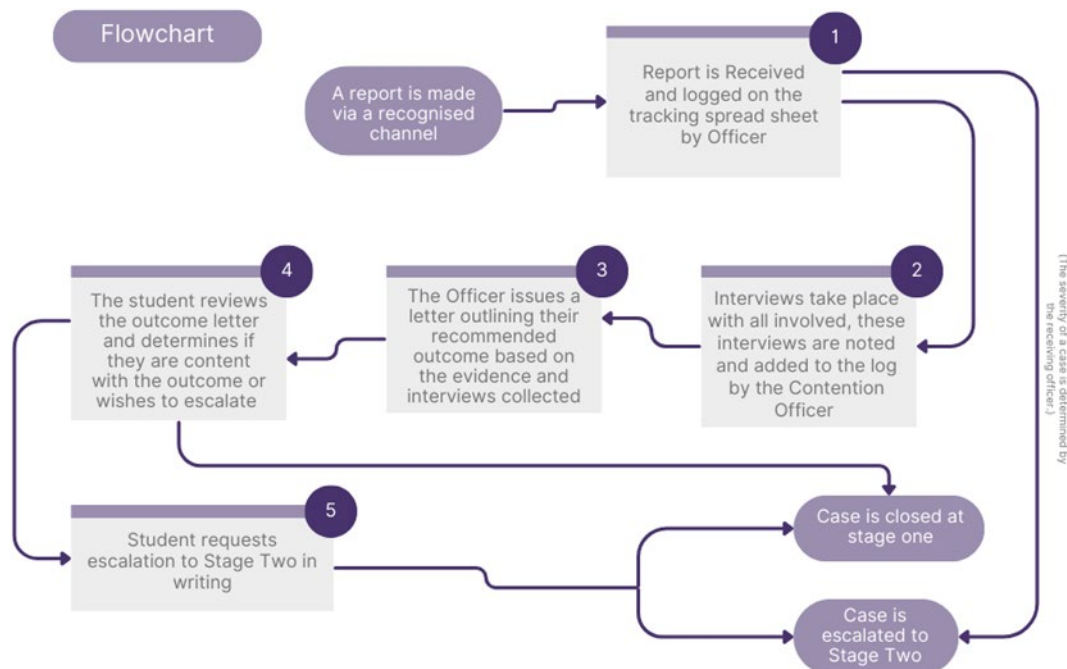
may include: staff illness, national holidays, or external unavoidable factors such as bereavement.

12.2. Stage 1 – Initial Investigation

- 12.2.1. Often completed at the local programme or departmental level, this initial stage acts as an early intervention to serious incidents where the actions or conduct of a student are found to be in breach of this policy.
- 12.2.2. Process: Programme lead, department leads, or nominated persons may complete investigations at this stage. Stage One investigations must contain evidence of a student interview (for which the student may bring one support person). Following this and any subsequent interviews required to form an unbiased understanding of the incident in question, the investigator may then issue a 'Stage One Investigation Outcome Letter' to the student. All investigations must be upheld with the *burden of proof* and must be free from bias or assumption. This letter must clearly state the process followed and outline the investigator's outcome. I.e., no evidence of misconduct found, or evidence of misconduct has been identified by the following evidence.
- 12.2.3. The investigator for Stage One can be a member of staff who has previously engaged with the student in question, but to example non-biased judgment, must seek support through the contention office prior to Stage One completion.



Disciplinary Stage One Processing



- 12.2.4. **Appeal:** In the event that the receiving student feels this outcome to be unjustified or disproportionate to the incident in question, the student may request escalation. In this event, the student must write to the investigating officer within 5 working days of receipt of their Stage One Outcome letter. The student must clearly articulate their reasons for escalation, provide any evidence that supports their appeal, and outline what they feel to be an appropriate response to the incident. Once received, the investigator must work with the Contention Officer to establish a Stage Two panel and invite the student to present their case and reasons for appeal.

12.3. Stage 2 – Formal Action (Disciplinary Panel)

- 12.3.1. Stage Two acts as a formal escalation to the Disciplinary procedure, requiring a panel of three or more members of staff who hold a sufficient level of seniority. This panel must not contain members of staff with prior involvement in the case; this is in the interest of fairness and objectivity.
- 12.3.2. Evidence will be submitted to the panel members along with notes of previous meetings and examples of the alleged breaches of expected standards. Previous behavior will not normally be considered relevant to the panel's discussions, unless the same or



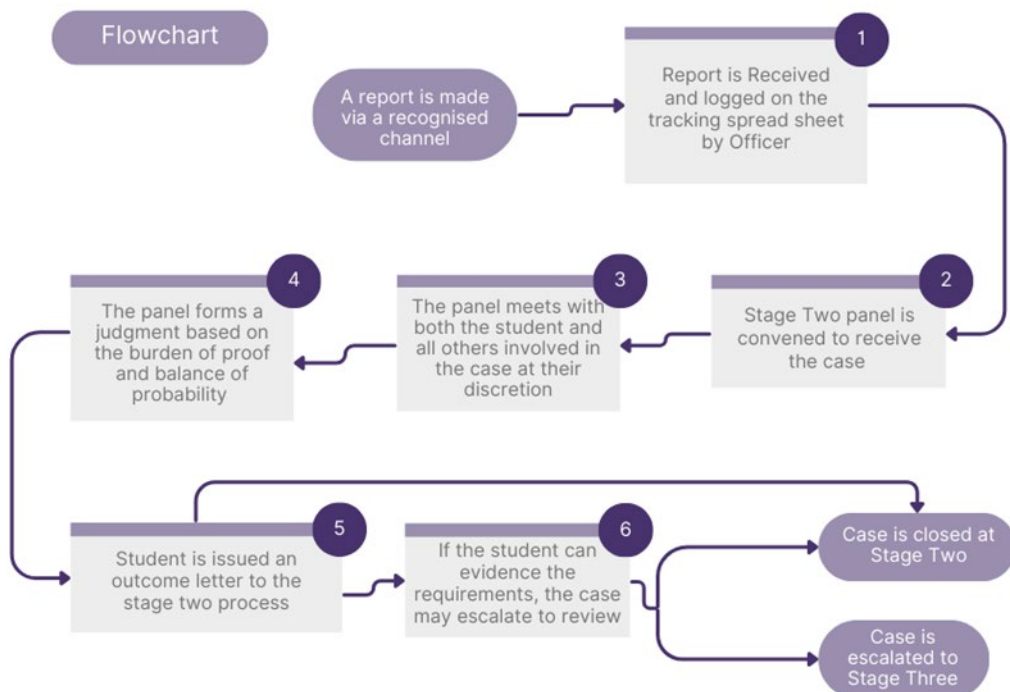
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similar offences have previously occurred. For example, evidence of continued disruption to others' learning and development may be presented as a pattern of non-academic misconduct.

- 12.3.3. Process: A Stage Two Disciplinary panel may be called if the student requests escalation, if the incident is deemed to be of such severity that it risks the health and well-being of themselves or others, or if continued acts of misconduct are identified following a Stage One conclusion. The Panel for this stage must consist of three or more members of institutional seniority who will review all material submitted a minimum of 48 hours prior to the panel sitting and then meet with the student in question. This meeting will be administered by the Contention Officer and will act as an opportunity for the student to speak directly with the panel and answer any questions the panel may pose. As stated in section 19.2, impartiality is an expected aspect of the process for the Contention Officer throughout all proceedings. It is also expected that the investigator will be in attendance to articulate to the panel their reasons for Stage One action and outcome.
- 12.3.4. Following this panel, the Panel Chair and the Contention Officer will provide the student with a copy of the meeting notes and an investigation conclusion letter, outlining the panel's decision and judgment. This will be provided to the student within two working weeks of the panel sitting.
- 12.3.5. In the event that the student does not attend the scheduled panel meeting and does not send apologies. The student will be provided with one alternative date for the meeting. Should the student not attend the amended scheduled meeting, the panel may come to a decision based on the burden of proof and the balance of probability presented.



Disciplinary Stage Two Processing



- 12.3.6. Appeal: If the student is unsatisfied with the conclusion of the panel, they may escalate their case to review, provided they can evidence one or more of the following:
- New evidence is available which was not available upon reasonable enquiry at the time of the Stage 1 investigation or Stage 2 Disciplinary Panel that may have a significant impact on the overall decision.
 - There was a procedural irregularity in the conduct of the disciplinary procedures.
 - The decision reached/penalty recommended was of such a nature that it was one which no reasonable person could have reached on the available evidence.

12.4. Stage 3 – Review

- 12.4.1. The third stage of the disciplinary process allows for a review of all prior stages and a review of compliance with this code of practice.
- 12.4.2. Process: A request for review must be submitted to a member of the University Leadership Group who has had no prior involvement in the case or its wider operations, in writing within 5 working days of receipt of the Stage 2 closure letter. If the required parameters

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(outlined in this procedure) are met, the appointment member of the University Leadership Group may then begin a review investigation. This may consist of a review of all paperwork attached to the case and interviews with those involved. Once this investigation is complete, the student will receive a Completion of Procedures (COP) letter. This letter will comply with OIA guidance in style and outline the outcome to the third and final internal stage.

- 12.4.3. Appeal: If, having exhausted the University's internal procedures, the student remains dissatisfied with the conduct of the review procedure or with the outcome of the review, they may refer the case to the Office of the Independent Adjudicator (OIA) as outlined within the Completion of Procedures Letter. For incidents relating to the condition of the accommodation, cases may be escalated to Universities UK (UUK) Details may be obtained from the OIA / UUK website (<http://www.oiahe.org.uk> / [About us](#)) or from:

OIA
PO Box 3362
Reading
RG1 9UF
/
Woburn House
20 Tavistock Square
London
WC1H 9HQ

13. SANCTIONS AND OUTCOMES

- 13.1. Sanctions of a permanent nature can only be issued by a Stage Two panel. Any measures taken prior must take the form of written warnings and requested measures, such as access agreements.
- 13.2. If the recommended sanction is removal from campus or termination of studies. The panel must be in agreement and the outcome authorised by the Vice-Chancellor.
- 13.3. Sanctions may include, for example:
- 13.3.1. Formal apology
 - 13.3.2. Written warnings
 - 13.3.3. Restrictions
 - 13.3.4. Restitution
 - 13.3.5. Suspension
 - 13.3.6. Termination of Studies



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13.3.7. Further sanctions may be applied at the reasonable discretion of the panel. The panel may also deem it necessary to insist on multiple sanctions.

13.4. In the instance of a student being suspended, the support available and access to campus and/or resources will be determined by the panel.

14. SAFEGUARDING, HARASSMENT, SEXUAL MISCONDUCT AND VICITIMISATION

14.1. Allegations of bullying, harassment or sexual misconduct are handled in accordance with the Prevention of Bullying, Harassment, and Sexual Misconduct Policy. This in turn may result in disciplinary action.

15. PLACEMENTS AND EXTERNAL SETTINGS

15.1. Students on placement remain subject to university disciplinary procedures and to the host institution codes and policies.

15.2. Students who engage with the wider community in a manner that brings the reputation of the institution to disrepute or risk the lives of themselves or others within the institution community may be subject to disciplinary action.

16. DATA PROTECTION AND CONFIDENTIALITY

16.1. Information relating to disciplinary cases is handled in accordance with data protection law and the University's retention schedules.

17. MONITORING, GOVERNANCE AND REVIEW

17.1. The effectiveness of this Procedure will be monitored via annual reporting to Senate and relevant committees.

18. COMMUNICATION STANDARDS AND STUDENT SUPPORT

18.1. Communications with parties shall be clear, timely, and sensitive, with signposting to Student Advice & Wellbeing and the Students' Union.

18.2. 'Student-friendly' copies of this policy can be found through the Students' Union website.



19. APPENDICES

19.1. Audio Recording

The audio recording of meetings or hearings may be taken by the meeting's clerk and destroyed following the submission and approval of the minutes. Although this may be revisited in an individual case, subject to such a reasonable adjustment as may be agreed by the University under the Equality Act 2010.

19.2. Conflict of Interest

The Students' Union may offer a student support during the administration of this procedure. An alternative member of the Students' Union may be asked to sit on either the Disciplinary Panel or Review Panel during the application of this procedure. Care will be taken to minimise the potential conflict of interest which may occur.

Other members of academic or support staff may also have had previous involvement with the student prior to the disciplinary procedure being invoked. This will not preclude their involvement within the disciplinary case, though care will be taken to minimise any conflict of interest which may arise.

The University staff used to officer the Disciplinary Panel and Review may not be the same. The Role of the Officer is to remain impartial, record a report of the proceedings and advise on the procedure. In all cases, care will be taken to minimise any conflict of interest.

19.3. Return to Studies

Following a formal decision to interrupt or suspend a student from studies under the procedure, a Return to Study Review will be conducted within a 4 week period of the expected return to study date. Where this decision has an impact on assessments / hand-in deadlines, considerations must be made to providing re-sits or extensions to assignments for the student in question.

The Review will be conducted by the relevant Dean or Deputy Dean and will outline the expectations regarding the conduct of the student upon their return to study. Where necessary, one or more follow up meetings may be conducted with the student to discuss their progress.

The meeting will also assist the student in reintegrating with the University and ensure they have the adequate support in place to continue with their studies effectively.



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19.4. Monitoring of Procedures

The effectiveness of these procedures will be reviewed through the annual Contention Report received by Senate and its sub-committees.

The Safeguarding, Contention and Projects Officer will prepare reports to Senate and its sub-committees on the number and nature of disciplinarys which have been considered and the proportion which have been upheld. The People and Inclusion Committee will receive anonymised information on the protected characteristics of students investigated within this procedure and the number of disciplinarys which have been upheld or dismissed in each group.