



Lincoln College

Non-Academic Misconduct Disciplinary Procedure

1. Introduction

- 1.1. This procedure outlines the process for dealing with conduct that breaches a student's non-academic obligations, which are referred to in this procedure as the 'College Code of Discipline'.
- 1.2. Under the College Code of Discipline, students must not without reasonable justification or excuse:
 - a) Cause or create a real danger of harm, loss or distress to another (including the defacement of property or premises);
 - b) Misuse or interfere with security or fire-safety equipment;
 - c) Fail to keep safe and secure, or at the appropriate time to return, College keys and equivalent devices;
 - d) Cause or create a real danger of damage to the College's standing or reputation;
 - e) Disrupt the academic environment of the College;
 - f) Without the Senior Dean's permission use College premises or facilities, or the College's name or address, or any Oxford University email address, for business purposes;
 - g) Disobey any other College rules;
 - h) Disobey reasonable instructions given by College officers or staff;
 - i) Fail to comply with the terms of any agreement they may have with the College.
- 1.3. Students must make reasonable efforts to ensure that their guests' behaviour also conforms to the requirements of this section.

2. Scope

- 2.1. This procedure applies to Undergraduate, Graduate, and Visiting Students of the College, and to associate members of the JCR and MCR, and refers to all such people as 'students'.
- 2.2. This procedure refers to the person making a report as the 'reporter' and the person who is alleged to have breached the College Code of Discipline as the 'subject'.
- 2.3. An alleged breach of the College Code of Discipline may be subject to the Procedure only if:
 - a) it was committed on or near College premises, or on or near the premises of the University of Oxford or its colleges; or
 - b) it was committed during College activities away from College premises; or
 - c) it threatens to bring the College into disrepute; or

- d) it was committed by the use of College or University facilities (such as computer networks) or privileges;
 - e) it was committed against the College or any of its members or employees, or against the University of Oxford or its colleges; or
 - f) the alleged perpetrator's connection with the College is or becomes apparent and significant.
- 2.4. Anonymous reports shall not be considered, except where the Senior Dean judges that there is a compelling reason to do so.
- 2.5. Reports regarding alleged breaches of discipline that occurred more than six months previously shall not normally be investigated, except where the Senior Dean judges that there is a compelling reason to do so. The Senior Dean shall consider: the gravity of the alleged breach of discipline; whether the alleged breach of discipline was an isolated event or part of an alleged course of conduct; the length of any delay in reporting; the reasons for any delay in reporting; and any barriers to reporting.
- 2.6. Where the alleged behaviour constitutes a basis for investigation by the police or other public authority, and such steps have been proposed or initiated, or their imminent proposal or initiation can reasonably be foreseen, this Procedure shall normally be suspended until the conclusion or abandonment of the investigation or prosecution.
- 2.7. The College shall not treat the discontinuation or dismissal of criminal charges as evidence that the subject did not breach the Code of Discipline, and may subsequently pursue the same matter under this Procedure.
- 2.8. Where a student is found guilty of a criminal offence, the College may subsequently pursue the same matter under this Procedure and attach its own penalty.
- 2.9. Where the alleged behaviour constitutes a basis for disciplinary steps to be taken by the University Proctors and such steps have been proposed or initiated, or their imminent proposal or initiation can reasonably be foreseen, this Procedure shall normally be suspended until Proctorial proceedings have concluded. The College may subsequently pursue the same matter under this Procedure and attach its own penalty.
- 2.10. At any stage of the process, prior to a determination being made, a case may be transferred to another process (such as the Fitness to Study Policy or the [Harassment Policy](#)) if it is appropriate. If a case is referred to another process, the Non-Academic Misconduct Disciplinary Procedure shall cease.
- 2.11. Where the Senior Dean determines that a report of an alleged breach of discipline should be referred, paused, or discontinued, he or she shall inform the reporter in writing.

3. Summary of Procedure

- 3.1. The Non-Academic Misconduct Disciplinary Procedure comprises two processes:

Minor Breaches of Discipline

Major Breaches of Discipline

- 3.2. Upon receiving a report of alleged misconduct, the Senior Dean shall determine whether to proceed under the Minor Breaches of Discipline Procedure or the Major Breaches of Discipline Procedure.
- 3.3. The Procedure for Minor Breaches of Discipline applies to cases in which the Senior Dean considers that, if established, the alleged breach of discipline would appropriately be addressed by the penalties set out in 7.1.
- 3.4. The Procedure for Major Breaches of Discipline applies to cases in which the Senior Dean considers that, if the alleged breach of discipline is established, the penalties set out in 7.1. may not be sufficient to address it.
- 3.5. An alleged breach of discipline may be referred to the Major Breaches of Discipline Procedure at any stage after receipt of a report, including at any of stage of an investigation under the Minor Breaches of Discipline Procedure, prior to a determination being made.
- 3.6. The standard of proof used when making determinations under this Procedure is the balance of probabilities. The Senior Dean and/or Disciplinary Panel shall conclude that there has been a breach of the College Code of Discipline if they are satisfied that it is more likely than not that the conduct which is alleged to have breached the code occurred.
- 3.7. The Senior Dean may impose temporary precautionary measures on the subject and/or reporter for the duration of this Procedure. Precautionary measures do not indicate any finding of misconduct and are not penal in nature. The Senior Dean shall inform the student(s) in writing of any precautionary measures imposed and the reasons for doing so. Precautionary measures may include no-contact arrangements, restrictions on accessing facilities or events, and/or, where no other option is appropriate, a temporary suspension of studies or an interim exclusion order (see the [Interim Exclusion Procedure](#)).
- 3.8. Reports shall be dealt with confidentially by all parties. Information shall only be shared: where it is necessary to do so in order to conduct a fair investigation; to enact a precautionary measure; to protect members of the College, University community, or the public; to communicate the outcome of a disciplinary procedure; or to comply with legal or regulatory obligations.
- 3.9. Any student who is the subject, reporter, or witness to a report under this Procedure may seek confidential advice and support from the [College Welfare Co-Ordinator](#), their Tutor(s), [the Senior Tutor](#), their College Advisor, the [Oxford Student Union](#), and/or the [Student Welfare and Support Services](#).
- 3.10. Subjects and reporters may be accompanied to meetings by a fellow student, a member of the Oxford SU Student Advice Service, or another supporter or advisor. The student should not be

accompanied by a family member, unless by prior agreement with the investigator and may not be accompanied by a legal advisor. Requests to be accompanied by a supporter should be made to the Senior Dean, Investigator, and/or Disciplinary Panel Chair as appropriate at least 48 hours in advance of any meeting.

- 3.11. Where the Senior Dean or Sub-Rector has a conflict of interest, such as being the student's Tutor or having prior involvement in the case, he or she shall nominate another senior Fellow to conduct the Procedure.

4. Procedure for Minor Breaches of Discipline

- 4.1. Where the Senior Dean believes that an alleged breach of discipline should be considered under the Minor Breaches of Discipline procedure, he or she shall write to the subject, usually within five working days of receiving a report of misconduct. The Senior Dean shall inform the subject of the report against them, setting out the provision(s) of the College Code of Discipline alleged to have been breached and inviting them to submit a response to the allegation.
- 4.2. If the subject admits the alleged breach of discipline, the Senior Dean shall proceed to consider what, if any, penalty should be imposed (4.7).
- 4.3. If the subject denies the alleged breach of discipline, the Senior Dean may take any steps reasonably required to investigate it. This may include interviewing the reporter, the subject, and any witnesses, requesting written response to questions, and requesting relevant documents. Any meetings shall be formally documented.
- 4.4. Before reaching any determination, the Senior Dean shall disclose all relevant evidence to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the Senior Dean judges that the need to protect such rights overrides the subject's need for the information in question. The subject shall be provided with the opportunity to respond to evidence and to provide an explanation for the conduct in question.
- 4.5. The Senior Dean shall consider and assess all relevant evidence and shall determine whether he or she is satisfied, on the balance of probabilities, that a breach of discipline has occurred.
- 4.6. Where there are substantial questions of fact to be decided, the Senior Dean may refer the report to be considered by a Disciplinary Panel under Part 5, below. It shall not normally be necessary in such cases to appoint an investigator; all materials gathered by the Senior Dean in the course of their investigation shall be provided to the Disciplinary Panel.
- 4.7. Where the Senior Dean concludes that a breach of discipline has been established, he or she shall inform the subject – and, where appropriate, the reporter – of the decision in writing. The Senior Dean may impose any penalty, or a combination of the penalties, set out in 7.1, or may make a conditional determination under 7.4.

4.8. Where the Senior Dean concludes that a breach of discipline has not been established, they shall inform the subject – and, where appropriate, the reporter – of their decision in writing.

4.9. The procedure for Minor Breaches of Discipline shall usually be concluded within two weeks of a report being made to the Senior Dean however, in complex cases, the period may be longer.

5. Procedure for Major Breaches of Discipline

Appointment of Investigators and Disciplinary Panel

5.1. Where the Senior Dean believes that an alleged breach of discipline should be considered under the Major Breaches of Discipline Procedure, he or she shall write to the subject, usually within five working days of receiving the allegation. The Senior Dean shall inform the subject of the report against them, setting out the provision(s) of the College Code of Discipline alleged to have been breached, and stating that the matter has been referred to the Sub-Rector under the Major Breaches of Discipline Procedure and that a Disciplinary Panel shall be convened to consider the report.

5.2. The Senior Dean shall refer the case to the Sub-Rector, who shall appoint an investigator to investigate the report. The investigator may be a senior member of the College or an external investigator, at the Sub-Rector's discretion.

5.3. The Sub-Rector shall write to the subject and the reporter, informing them of the identity of the investigator. Where the subject or the reporter objects to the appointment of the investigator and the Sub-Rector believes the grounds for their objection to be reasonable, an alternative investigator shall be appointed.

5.4. The Sub-Rector shall convene a Disciplinary Panel to consider the investigator's report. The Panel shall consist of three members, all of whom must either be members of the Governing Body or be people who have been approved by the Governing Body as being suitable Disciplinary Panel members. The Senior Dean shall normally be one of the members of the panel. The Sub-Rector shall chair the Disciplinary Panel.

5.5. The Sub-Rector shall write to the subject and the reporter, informing them of the identity of the Disciplinary Panel members. Where the subject or the reporter objects to the appointment of one or more Panel members and the Sub-Rector believes their grounds for objection to be reasonable, alternative Panel members shall be appointed.

5.6. Where the Sub-Rector has referred more than one case involving the same subject, the Disciplinary Panel may decide to consolidate the cases.

5.7. The procedure for Major Breaches of Discipline shall usually be concluded within 20 working days of being referred to the Sub-Rector; however, in complex cases, the period may be longer.

Investigation

- 5.8. The investigator shall gather such evidence and make such inquiries as appear to them to be proportionate and necessary to determine the issues in the case. Any meetings shall be formally documented.
- 5.9. The investigator shall disclose all relevant evidence to the subject, except where it is necessary to withhold information, such as the identity of a witness, to protect the rights of others, and where the investigator judges that the need to protect such rights overrides the subject's need for the information in question. The subject shall be provided with the opportunity to respond to the case against them, to put forward relevant evidence, and to meet the investigator in person where practicable.
- 5.10. The investigator shall usually provide the reporter with the subject's evidence, if appropriate, or a summary of the evidence. The investigator shall invite the reporter to comment on the evidence and to provide further relevant evidence.
- 5.11. Upon completion of the investigation, the investigator shall make a written report to the Disciplinary Panel, to include any written or documentary evidence, notes of meetings, and a conclusion as to whether a finding that the subject committed the alleged breach(es) of discipline could be justified.

Disciplinary Panel

- 5.12. The investigator's report shall be considered by the Disciplinary Panel at a meeting, which shall usually be attended by the subject and the investigator.
- 5.13. It is expected that all relevant witness evidence shall have been obtained by the investigator and included in the investigation report. As such, it shall not normally be necessary for the Disciplinary Panel to hear directly from witnesses. Upon receipt of the investigator's report, the Panel Chair shall consider whether it would be appropriate to invite any witness, including the reporter, to attend the meeting. Where witnesses are in attendance, the Chair shall consider whether any particular arrangements are required to safeguard the interests of the witnesses.
- 5.14. The Chair of the Disciplinary Panel shall write to the subject informing them of the proposed date of the Disciplinary Panel. The subject shall have at least 10 working days' notice of the date. The Chair shall:
- a) Set out the allegation against the subject, referring to the relevant provision(s) of the College Code of Discipline;
 - b) provide a copy of the Investigator's Report and any other evidence that shall be considered by the Disciplinary Panel;
 - c) set out the names of the members of the Disciplinary Panel and anyone else who shall be present for some or all of the meeting, identifying the capacity in which they shall be attending;
 - d) inform the subject of the right to be accompanied, in accordance with 3.10;

- e) inform the subject that they can expect the members of the Disciplinary Panel to ask them questions;
- f) ask the subject to confirm their attendance at the meeting. In the event that the subject is unable to attend the Disciplinary Meeting on the proposed date, or chooses not to attend, they should write to the Chair promptly, providing reasons for their inability to attend and/or decision not to attend. The Chair may either propose an alternative date or confirm that the Disciplinary Meeting shall proceed on the proposed date and may proceed in the absence of the subject;
- g) ask the subject to confirm, usually within five working days, if they wish to call witnesses to the Disciplinary Meeting, and to explain the reasons why they consider the witnesses' attendance to be necessary. The Chair shall consider whether it is appropriate for those witnesses to attend the Disciplinary Meeting to give evidence.

5.15. The Chair shall determine the procedure for the hearing. The subject may make oral and/or written representations to the Disciplinary Panel, and the Panel may ask questions of the subject, the investigator, and any witnesses. The subject may put questions to witnesses through the Chair.

5.16. The meeting shall be formally recorded by a member of staff.

5.17. After the meeting, the Disciplinary Panel shall deliberate in private.

5.18. Decisions of the Disciplinary Panel shall be made by a majority vote.

5.19. If the Disciplinary Panel determines that a breach of discipline has been established, it shall notify the subject usually within five working days of that determination, the reasons for it, and the penalties awarded (see 7.1–7.2). The decision letter shall inform the subject of their right of appeal.

5.20. If the Discipline Panel determines that a breach of discipline has not been established, it shall notify the subject usually within five working days of the determination.

5.21. The reporter shall be informed in writing of the outcome of the proceedings.

6. Group or Society Misconduct

6.1. Where the Senior Dean believes that a breach of discipline can be attributed to members of a group or society but the individuals cannot be identified, and the breach of discipline can reasonably be regarded as a predictable outcome of the activity in question, the group or society may be sanctioned.

6.2. Where the breach of discipline consists of misuse or interference with security or fire safety equipment, or College premises or facilities, and the individual(s) cannot be identified, the Junior Common Room and/ or the Middle Common Room may be sanctioned.

6.3. Before imposing any sanctions on a group or society, the Senior Dean shall consider the matter fully, giving the members of the group, or representatives of the Common Room, the opportunity to answer the case against the unidentified offender.

6.4. A decision to hold a group or Common Room responsible for a breach of discipline under this procedure shall not count as a finding of misbehaviour against the members of the group or Common Room for the purposes of their disciplinary record.

7. Penalties

7.1. The following penalties may be imposed for Minor Breaches of Discipline:

- a) A requirement that the subject apologise to the College or to named individuals;
- b) A requirement that the subject undertake specified training;
- c) A requirement that the subject produce a written reflection;
- d) A warning, which shall remain on the subject's disciplinary record for a specified period;
- e) A ban, not exceeding 14 days, from any specified College locations, facilities and services, imposed so as not disproportionately to interfere with the subject's academic work;
- f) A ban, not exceeding 28 days, from any specified College locations, facilities and services which, for the subject, serve an exclusively or almost exclusively recreational function;
- g) Service on College premises, of up to 20 hours, so scheduled as to give priority to the subject's academic work;
- h) A fine of up to £500, calculated so as not to expose the subject to disproportionate financial hardship;
- i) A fine not exceeding the sum which, if divided equally between the members of the group in question, would require a payment of up to £500 from each individual;
- j) A suspension of a club or society's right to association for up to one year.

7.2. The following penalties may be imposed for Major Breaches of Discipline:

- a) A ban, for a period of up to one academic year, from any College premises and/or from residing in College accommodation, other than by prior consent for academic purposes with or without conditions that need to be satisfied before a return to the College premises and/or accommodation;
- b) Suspension from the College for a period of up to one academic year, with or without conditions that need be satisfied before return to College;
- c) Withdrawal of a club or society's right to association;
- d) Expulsion from the College.

Suspension or expulsion from the College shall lead to suspension or expulsion from the University.

7.3. Non-compliance with a disciplinary penalty imposed under this Procedure may result in further disciplinary penalties.

7.4. The Senior Dean or Disciplinary Panel may dispose of the case by making a conditional determination that there should be no penalty so long as certain conditions are satisfied.

- 7.5. The Senior Dean or Disciplinary Panel may pass on to a student any costs incurred by the College as a direct consequence of a breach of discipline, such as cleaning or refurbishment costs.
- 7.6. When reaching a decision as to what penalty to impose, the Senior Dean or Disciplinary Panel shall consider:
- a) Relevant factors, such as:
 - i. The seriousness of the breach of discipline;
 - ii. The degree of harm caused to any victim, including the College;
 - iii. The subject's previous disciplinary record;
 - iv. Whether or not the subject has co-operated with the investigation;
 - v. The degree of insight shown by the subject;
 - vi. The existence of mitigating or aggravating factors;
 - b) Mitigating factors, such as:
 - i. The subject has apologised to any victim;
 - ii. It is the subject's first breach of discipline;
 - iii. The subject admitted the breach of discipline at the earliest opportunity;
 - iv. The subject has expressed remorse;
 - v. The subject has compelling circumstances that affected their judgement;
 - c) Aggravating factors, such as:
 - i. Any failure to co-operate with investigatory processes;
 - ii. Where the conduct was motivated by protected characteristics or perceived protected characteristics;
 - iii. Repeated breaches of the same or similar provisions of the Code of Discipline;
 - iv. Failure to comply with a minor sanction.

8. Appeals

- 8.1. Where the subject is dissatisfied with the outcome of the Non-Academic Discipline Procedure, he or she may appeal. For the Appeals procedure, please see By Law VI:P APPEALS, reproduced as Appendix B in the [Student Handbook](#).
- 8.2. The reporter is not a party to disciplinary proceedings and does not have a right of appeal. Where the reporter is dissatisfied with the outcome of the Non-Academic Disciplinary Procedure and he or she is a student, he or she may make a complaint via the [Student Complaints Policy](#).

9. Reporting

- 9.1. The Senior Dean shall report, in the Unreserved Business of the Michaelmas Term meeting of the Junior Relations Committee and thence to the Unreserved Business of the Governing Body, the number of reports found to be substantiated under the Procedure in the preceding academic year. This report shall be presented in such a way as to disclose neither the identity of the students involved nor any detail as to the nature of their offences.

9.2. The Senior Dean shall report, in the Reserved Business of the Michaelmas Term meeting of the Junior Relations Committee and thence to the Reserved Business of the Governing Body, the name of any student who receives any penalty other than an admonition under the Non-Academic Discipline Procedure, without any detail as to the nature of the offence that occasioned the disciplinary action.