

UNIVERSITY GENERAL REGULATIONS



UNIVERSITY OF
LINCOLN

2022-23

This document sets out the general principles and Regulations that apply to the University's awards as listed in the University's Schedule of Awards.

These Regulations apply to all students, staff and to all University awards. In addition, students are governed by the following which form part of the University Regulations:

- Undergraduate Regulations
- Foundation Degree Awards
- Graduate Diploma/Certificate Awards
- Higher National Programme Awards
- Integrated Masters Degrees
- Postgraduate Taught Regulations
- Postgraduate Research Regulations

These Regulations take effect for all students and staff from the date of publication.

These Regulations may at any time be amended or added to by the University.

These English language Regulations are the only authentic version of the University Regulations. Any dispute arising under these Regulations will be resolved in the English language.

It is the responsibility of students and staff to acquaint themselves with these Regulations.

The University is made up of the College of Arts, College of Science, College of Social Science, the Lincoln International Business School and various Institutes. These Colleges may have different nomenclatures to refer to cognate or subject areas. In the context of these Regulations, "School" refers to any of these different groups. Similarly, Head of School refers to the Designated Responsible Officer of these groups, as appropriate.

The University Academic Board designates awarding powers to the Board of Examiners for taught programmes and College Research Degrees Boards for research programmes. In the context of these Regulations, these are synonymously referred to as the Board of Examiners.

11 May 2023

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Part A – Admissions, Enrolment and Fees

A.1 Academic Integrity

A.1.A Academic Integrity and Equality of Experience

A.1.A.1 The University of Lincoln's Regulations are founded upon the underlying principles of maintaining academic integrity and ensuring equality in experience for all students of the University. Staff and students are expected to uphold academic integrity with consideration of the following values: honesty, respect, fairness, trust, and collective and individual responsibility.

A.1.B Student Charter

A.1.B.A The practical expectations on staff and students in support of these principles are articulated in the Student Charter.

A.2 Admissions

A.2.1 Admissions is the decision by which the University agrees to allow an individual to enrol on a programme as a student of the University.

A.2.2 The University will determine the standards of attainment that any applicant will be required to achieve to be admitted to a particular programme.

A.2.3 An individual seeking admission to a programme provided at the University will act in good faith and disclose any fact that is material to the University's decision to admit the individual as a student.

A.2.4 Applications for admission will be considered on academic grounds and on the availability of places on a particular programme unless the applicant's past conduct, experience and circumstances are material to admission.

A.2.5 Possession of minimum entry qualifications does not guarantee the allocation of a place even if such a place is available.

A.2.6 The University will adopt an admissions policy under these Regulations which will from time to time be reviewed and, where necessary, be revised.

A.2.7 The University follows the national Credit Accumulation and Transfer Scheme (CATS) whereby it can formally evaluate applicants' prior experience and qualifications and offset them against standard entry requirements. An individual may be admitted with advanced standing to a programme. Accreditation of Prior Learning (APL) may be granted for formal learning from other institutions, including where this learning has resulted in the award of a similar qualification, and the University welcomes applications for the accreditation of academic credit. Applicants are advised to consult the University Policy on Accreditation of Prior Learning and the Student Handbook. The University has an approved list of qualifications with the credit structure and the maximum amount of credit that can be awarded for prior certificated or experiential learning (AP(E)L).

A.2.8 A student can be admitted directly to Level 5 or, exceptionally, Level 6 of a programme. However, the student will not be able to claim an interim award of the University unless they meet the University's credit requirements.

A.2.9 Credits already awarded by the University as part of a University award may not be used as APL credit against a second award which is at the same Level and in a similar subject area. For example, credit achieved as part of a postgraduate diploma may be used as credit towards a Masters degree but cannot be used a second time as credit towards a different Masters award.

- A.2.10 Postgraduate credits, awarded either by the successful completion of individual modules or as part of a short course may be used for students wishing to apply for University of Lincoln postgraduate programmes and may, according to specific programme admissions requirements, be accredited as prior learning.
- A.2.11 Applications to University postgraduate programmes will be through the normal admissions procedure for part time or full time students.

A.2 Enrolment and Registration

- A.2.1 Enrolment establishes an individual's status as a student of the University.
- A.2.2 Enrolment is the agreement between the University and the student under which:
- A.2.2.i The University provides a programme for the student and makes available to the student the other academic services and facilities associated with that programme.
 - A.2.2.ii The University registers the student as a candidate for an award of the University.
 - A.2.2.iii The University confers the award for which the student is registered where the student satisfies the Board of Examiners of their entitlement to receive that award.
 - A.2.2.iv The student undertakes to pay the fee for the programme and any other charges levied by the University in respect of the programme and the provision of other academic services and facilities associated with the programme. Students are expected to pay their fees, or make arrangements for the future payment of fees, at enrolment.
 - A.2.2.v The student undertakes to do anything else required by the University that concerns the student's following of a programme, receipt of other academic services and use of facilities associated with a programme.
 - A.2.2.vi The student undertakes to be in attendance at the University.
- A.2.3 An individual is not certified as a student until they have completed the relevant enrolment process as requested by the University and their enrolment has been authorised by a designated member of staff of the University.
- A.2.4 An individual who is not enrolled as a student of the University will not be allowed to follow any part of a programme at the University.
- A.2.5 It is the responsibility of an individual to seek their re-enrolment as a student of the University, as the formal renewal of the agreement between the University and the student. The formalities for re-enrolment are the same as those for first enrolment.
- A.2.6 Re-enrolment will normally take place on or around the anniversary of the student's first enrolment to a particular programme. Re-enrolment is subject to annual deadlines, and eligible students who fail to attend for re-enrolment may be deemed by the University to have terminated their enrolment, and the University's obligations to them.
- A.2.7 A student who has failed to re-enrol may be considered for re-admission to the programme.
- A.2.8 Registration is the recording of an individual's candidacy for an award of the University.
- A.2.9 A student who is enrolled to a programme of the University leading to an award of the University will be registered by the University as a candidate for that award.

- A.2.10 An individual who is enrolled by an institution authorised by the University to offer a programme leading to an award of the University will complete their registration as a candidate for an award of the University.
- A.2.11 An individual registered as a candidate for an award of the University will only be eligible for that award where the Board of Examiners is satisfied as to their entitlement to receive that award.
- A.2.12 The Chair of the Board of Examiners may, except where restricted by professional body requirements, agree, on an exceptional basis, to extend a student's registration beyond that set out in the programme documentation.

A.3 Tuition Fees

A.3.A Tuition Fees Regulations

- A.3.A.1 For the purposes of the University's Tuition Fee Regulations the word 'fees' will be interpreted as:
 - A.3.A.1.i A sum of money due to the University in respect of educational services, that will include registration, enrolment, tuition (including assessment and examinations), academic supervision, the provision of other academic services and facilities such as library and learning resources, the provision of pastoral and extra-curricular services and the conferment of awards.
- A.3.A.2 Tuition fees are payable each academic year or other relevant period of study as determined by the University.
- A.3.A.3 Prospective students who are designated as an international student, will be required prior to enrolment to pay a deposit or the full tuition fee, whichever is the lesser amount. This does not apply to Online programmes.
- A.3.A.4 A Certificate of Acceptance of Studies (CAS) number, for visa purposes, shall only be issued on receipt of the deposit. The deposit is non-refundable save under the following circumstances:
 - A.3.A.4.i The student fails to meet the conditions of the offer.
 - A.3.A.4.ii The student fails to obtain a VISA from the appropriate competent authority to travel and study in the UK, where the reason for refusal is not due to credibility, deception or fraud.
- A.3.A.5 The Registrar or nominee may waive the deposit requirement for applicants who are sponsored by an organisation which is considered acceptable to the University or in exceptional circumstances in the case of individual applicants.
- A.3.A.6 A student is required to pay all outstanding tuition fees relating to previous academic years prior to enrolment.
- A.3.A.7 A student who requires an extension to their leave in the UK is required to pay all outstanding tuition fees relating to previous tuition fees before the University can provide a new CAS for their Student Visa application.
- A.3.A.7 Tuition fees for additional activity are payable at the equivalent £ per credit for each module. Additional activity includes:
 - A.3.A.7.i Enrolment on modules that are over and above the full credit diet for the relevant academic year.
 - A.3.A.7.ii Retakes of modules as permitted by the Board of Examiners.

A.3.A.7.iii Students who re-take modules on an 'assessment only' basis will be charged half of the £ per credit point fee for each module.

A.3.A.8 Exceptionally, tuition fees may not be payable where a student has been granted a retake with approved mitigating circumstances.

A.3.A.9 A student who knowingly or recklessly tenders false information relating to their liability to pay a fee, either personally or via a sponsor, will have breached the University's Regulations on student conduct and be subject to the University's Student Conduct and Disciplinary Procedure. This is without prejudice to any rights the University might have in respect of legal proceedings.

A.3.B Fee Waiver

A.3.B.1 Fee Waiver Requests

A.3.B.1.A In exceptional circumstances, the Academic Registrar (or nominee) on receipt of a written request from the student, may waive or vary tuitions fees, in full or in part. All requests must be submitted in writing to a Student Administration Manager in the first instance for subsequent consideration by the Academic Registrar.

A.3.B.1.B For the purpose of this procedure, the term 'student' includes those who have left the University within the previous 3 months for whatever reason.

A.3.B.1.C Exceptional circumstances may include:

A.3.B.1.C.i Death of spouse/long term partner, parent, or child.

A.3.B.1.C.ii Serious physical or mental illness that prevents the student from continuing with their studies.

A.3.B.1.C.iii Serious personal injury that prevents the student from continuing with their studies.

A.3.B.1.D The above list is not exhaustive, and each request will require the submission of certified medical or other documentary evidence.

A.3.B.1.E The University may reject a fee waiver request where the substantive matters of the request require investigation and fall within scope of the Student Complaints Procedure.

A.3.B.1.F Where a request for a fee waiver is not approved by the Academic Registrar, the student will have a maximum of 15 working days following notification of the outcome of their initial claim to provide further evidence. This timescale may be extended dependent on request-specific circumstances. This opportunity to provide further evidence will only be available once following the outcome of the Academic Registrar's review.

A.3.B.2 Office of the Independent Adjudicator for Higher Education

A.3.B.2.A A student dissatisfied with the outcome of the fee waiver request process 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.

A.3.B.2.B This right may normally only be exercised when the University's internal processes have been exhausted.

A.3.B.2.C The student must first obtain a Completion of Procedures letter from the Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA, and this must be made within 12 months of the date of the Completion of Procedures letter.

A.3.B.2.D Guidance on making an application to the OIA can be found on its website.

A.3.B.2.E Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

A.3.C Sponsors

A.3.C.1 The University may agree to accept payment from a sponsor in respect of any part of a fee owed to the University by a student. Only private or public sector bodies are acceptable as sponsors.

A.3.C.2 Where a sponsor payment is withdrawn or reclaimed, including funding received from the Student Loans Company or other funding bodies, the student will be liable for any tuition fees.

A.3.C.3 Sponsored students should provide an official letter at enrolment confirming the amount of fees to be paid by the sponsor for the relevant academic session.

A.3.C.4 The University, at its discretion, may refuse to recognise a sponsor where reasonable efforts have not established the existence of that sponsor or of the sponsor's ability to make a payment. The University shall notify the student of its decision to reject a sponsor.

A.3.C.5 Any part of a tuition fee payable by a sponsor must be paid within 30 days of the invoice. Where a sponsor's payment is outstanding more than 30 days the student will be automatically liable for any outstanding sum. This is without prejudice to the University's right to require any sponsor to pay a fee on or before enrolment.

A.3.D Research Students

A.3.D.1 Research students may be required to pay either an annual Research Support Fees or Additional Resource Tuition Fees in addition to the annual standard tuition fee. This fee covers the cost of specialist resources, equipment and access to any specialist collections that may be required to support the research project and will be specified in the formal offer letter. Students, or their sponsors, will be required to pay the fee.

A.3.D.2 On completion of the requisite period of registration a research student will automatically be transferred to Thesis Pending Fee Status. This is to recognise that at this point in their registration research students are expected to have completed the research part of their work, have prepared the first draft thesis, and are solely involved in the preparation and refinement of their final thesis for examination.

A.3.D.3 Thesis Pending Fees Status may only be granted upon completion of the following periods of registration:

A.3.D.3.i 2 years for full-time MPhil students.

A.3.D.3.ii 3 years for part-time MPhil students.

A.3.D.3.iii 3 years for full-time PhD and PhD Professional students.

A.3.D.3.iv 5 years for part-time PhD and PhD Professional students.

A.3.D.4 Thesis Pending Fee Status will be granted for 12 months. A one-off fee will be charged at the point that Thesis Pending Fee Status is granted. Where a student has not completed their thesis and submitted for examination within that period, the normal fees regime will apply thereafter.

A.3.D.5 If a research student submits their thesis during their Thesis Pending Fee Status period, they are still liable for the one-off Thesis Pending Fee. No additional fees are due between thesis submission and first examination.

A.3.D.6 Where a research student is given the opportunity to be re-examined, they will be liable to pay a re-examination fee on a pro rata basis for each full month of registration up until the point of resubmission of the revised thesis.

A.3.D.7 Where a research student is recommended for the award of the degree with either minor amendments or substantive amendments, but is not required to be re-examined, there will be no liability for further tuition fees.

A.3.E Students Interrupting or Withdrawing from a Programme

A.3.E.1 Terms are defined by the Student Loans Company as the breaks of holiday, i.e., Term 1 starts at the same time as Semester 1 in autumn, Term 2 starts at the same time as Semester 2 after Christmas, and Term 3 starts after the Easter holiday.

A.3.E.2 Students interrupting or withdrawing from their programme will be charged a proportion of their tuition fee as set out below. Effective start date is the formal date on which the student completes the relevant enrolment process for a programme or the first day of the term, whichever is the later date.

Term	% Of Tuition Fees Charged
Undergraduate Programmes, MArch, Postgraduate Health and Social Care Programmes (Regulated Fees)	
0-2 teaching weeks following effective start date	0%
Term 1	25%
Term 2	50%
Term 3	100%
Time Following Effective Start Date	% Of Tuition Fees Charged
Work-Based Distance Learning Undergraduate Programmes	
0-2 weeks following effective start date	0%
3-15 weeks following effective start date	25%
16-30 weeks following effective start date	50%
31 weeks onwards following effective start date	100%
Postgraduate Programmes (Withdrawal Only)	
0-4 weeks following effective start date	0%
5-10 weeks following effective start date	25%
11 weeks onwards following effective start date	100%
Online Programmes delivered in partnership with Higher Ed Partners	
0-2 weeks following effective module start date	0% of current module
2 weeks onwards following effective module start date	100% for the current and any previously studied modules
Short Courses and Microcredentials	
Any	100%

A.3.E.3 The University will retain the CAS deposit amount for any new student visa holder who would fall within a category of being charged 0% of tuition fees. All other fees will be refundable.

A.3.E.4 Students who have their enrolment terminated by the University, or who have their visa sponsorship withdrawn by the University due to being in breach of their visa requirements, will remain liable for the payment of tuition fees for that academic year up to the date of withdrawal from the University. The withdrawal date will either be the date at which the student's right of appeal lapses or, if the student lodges an appeal, the date of the Completion of Procedures letter.

A.3.E.5 A student on an unregulated fees programme interrupting their studies will remain liable for their full tuition fee for the interrupted academic year.

A.3.E.6 A student on a regulated fees programme interrupting their studies will be charged in the academic year that studies are resumed.

A.3.E.7 Fees will be adjusted to reflect those already charged during the interrupted academic year.

- A.3.E.8 A student who resumes studies in a later academic year at an earlier point than the original interruption and/or resumes on a greater number of credits will incur an additional charge.
- A.3.E.9 Bachelor of Architecture, Master of Architecture, and undergraduate students, except in the case of short courses, interrupting studies will be liable for tuition fees calculated on a term basis for the academic year in which they have interrupted their studies.
- A.3.E.10 If the fees have been paid in full the credit will be carried over to the academic year in which the student resumes their studies and completes their year.
- A.3.E.11 If a payment plan has been agreed this will normally be suspended during a period of interruption and resume once studies recommence. Upon resumption, tuition fee liability for the academic year in which studies are resumed will be calculated on a termly basis.
- A.3.E.12 The overriding principle is that the student will pay for one complete period of study (for full time students this would be one academic session) although this may be spread over two academic years, provided that the student resumes studies in the same term as the initial interruption. Where a student resumes studies in an earlier term than the initial interruption, an additional charge will be payable for the subsequent term(s) of study repeated.

A.3.F Failure to Pay Fees

- A.3.F.1 A student who, within 21 days of enrolment, has neither paid their tuition fee in full nor committed to an instalment payment plan, which has been approved by the University Finance Department, or who is in default of a tuition fee instalment payment by 21 days or more, may be suspended by the University Registrar and Secretary from their programme. During the period of such a suspension, a student shall not be entitled to attend classes or lectures or to have access to learning resource facilities or to submit an assessment or to take any examination. Marks that may have been awarded for work submitted during a period of suspension shall be disregarded by the Board of Examiners, who shall treat the work as a non-submission.
- A.3.F.2 A student who has been suspended for default in the payment of a tuition fee may be re-admitted to a programme where payment in full of all outstanding tuition fees is received within 28 days of the suspension. Where payment is received later than 28 days after the suspension, the student shall normally be re-admitted in the following academic year at the stage in the programme when the original suspension occurred. This Regulation is without prejudice to the Chief Finance Officer's right to make an arrangement for the payment of tuition fees where a student is in default.
- A.3.F.3 Suspension from a programme for non-payment of tuition fees shall not be grounds for the granting of extensions for submission of assessments, nor may the Board of Examiners treat such a suspension as circumstances adversely affecting student performance in assessment.
- A.3.F.4 If a student is in default of payment of their tuition fee, the University Registrar and Secretary may terminate the student's enrolment.
- A.3.F.5 Where a student wishes to dispute the decision of the University Registrar and Secretary to suspend or terminate their studies, they should make a formal review request in writing to the Deputy Vice Chancellor (Student Development and Engagement).
- A.3.F.6 A student who is in default of payment shall be ineligible to proceed from one Level of a programme to another and will have their transcripts of marks and certificates withheld.
- A.3.F.7 The University reserves the right to take any reasonable steps to recover any sums due in respect of unpaid fees.

Part B – Attendance

B.1 Attendance

- B.1.1 Full time and part time students are expected to engage with the University during term time including any periods of formal examination or other assessment.
- B.1.2 In the case of a student following a programme by distance learning, attendance means demonstrable activity on the programme.
- B.1.3 Each School is responsible for monitoring student attendance and registers will normally be taken on a regular basis.

B.2 International Students' Attendance

- B.2.1 There is a statutory responsibility placed upon universities to monitor attendance of international students who are in the UK and to report to the Home Office when a student has been found not to be engaging with their course.
- B.2.2 International students attending the University of Lincoln must comply with the conditions of their visa.
- B.2.3 Students are required to note that the University of Lincoln must comply with its legal obligations to the United Kingdom Visas and Immigration (UKVI). Students found to be in breach of the conditions of their visa in relation to attendance will, unless they are able to show mitigating circumstances, have their visa withdrawn and, consequently, their enrolment at the University terminated.

B.3 Suspension and Termination of Enrolment

- B.3.1 Where a student is not in attendance, the University may suspend or terminate the student's enrolment. The University shall act fairly in taking such a decision.
- B.3.2 Students withdrawn on the grounds of attendance via the Student Engagement and Participation Policy have a right to appeal the decision.

Part C – UK Visas and Immigration Compliance

C.1 Introduction

C.1.1 To ensure compliance with UK Visas and Immigration rules, all students must show evidence that they have the right to remain and the correct conditions to study in the UK. On request by the University, students must present evidence that they have valid leave to be in the UK, have the correct conditions to study and have not allowed any period of immigration leave to lapse.

C.2 Suspension of Study

C.2.1 The University may temporarily suspend from study a student who is unable to provide one of the following on request:

C.2.1.i Evidence of valid leave to be in UK, including the condition to study.

C.2.1.ii Proof that an in-time visa application to remain has been submitted.

C.2.1.iii An update on the status of any pending visa application.

C.2.1.iv Proof that they have exited the UK.

C.2.1.v To present original copies of immigration documentation in person upon request.

C.2.2 If a student's immigration leave or their circumstances prevents them from studying, their record will be temporarily suspended to ensure compliance to the conditions that are placed on the type of leave the student is holding.

C.2.3 A student whose study has been temporarily suspended will be allowed 15 working days to provide the evidence requested. During the period of suspension under section 2 above (and including the 15 working days under section 3) any University work submitted by the student will not be marked nor taken to the Board of Examiners. Students will not be eligible to attend assessments or engage with classes. If such evidence is not provided, and there is no justification for not providing the evidence, after 15 working days the University will terminate the student's enrolment.

C.2.4 A student whose enrolment has been terminated under the Regulations may appeal in writing to the Student Visa Compliance team within 10 working days of termination of their enrolment. Such appeals must be sent to the Student Visa Compliance team and supported by appropriate evidence to show why the termination was not justified. The Student Visa Compliance team will make the final decision in respect of the student's status and communicate this to the student.

C.3 Pending Appeal of Termination Decision

C.3.1 Where the decision has been made by the Board of Examiners to terminate study on academic grounds, students are permitted to dispute the decision through the Review and Appeal procedures.

C.3.2 If a student visa holder is not able to resume their studies pending the outcome of the Review and Appeal procedures, the University is not able to maintain its sponsorship duties during this period and will need to report the student's visa for curtailment (cancellation). It is a requirement of the Home Office that the University, as sponsor of the visa, must report and withdraw sponsorship of any sponsored migrants who are not actively studying.

C.3.3 If a student is found to have breached, or is unable to meet the following compliance conditions, it will result in their visa being cancelled by the University of Lincoln. The following is not an exhaustive list and may change according to the UKVI Sponsor Guidance, the University's Regulations and Policies:

- C.3.3.i Non-enrolment on their programme by the stated deadline.
 - C.3.3.ii Failure to re-enrol when required.
 - C.3.3.iii Failure to arrive in the UK by the stated deadline where a student enrolls whilst overseas.
 - C.3.3.iv Successful completion of their programme earlier than stated on the Confirmation of Acceptance for Studies (CAS).
 - C.3.3.v Inability to demonstrate that they are studying on a full time basis if the student holds a visa for full time mode of study. This includes students on a full time taught programme who are undertaking a retake period, which is considered full time study.
 - C.3.3.vi Inability to engage in their studies for more than 60 days during term time, or if their period of absence will have an impact on their ability to complete their programme within the visa period granted by the Home Office.
 - C.3.3.vii Breaches of work conditions as stated on their visa.
 - C.3.3.viii A switch of immigration status or holding a different type of visa to study in the UK.
 - C.3.3.ix Students who undertake a period of work placement that does not meet the definition set out in the Home Office Sponsor Guidance and the University's Work Placement Policy.
 - C.3.3.x Student is withdrawn due to non-attendance and has not submitted an appeal against the decision by the stated deadline or the appeal was rejected by the Academic Registrar (or nominee).
 - C.3.3.xi Student transfers or moves to study a lower exit award than what the visa was originally granted for. For example, a student studying for the exit award of RQF Level 8 (PhD) transferring or moving to study onto a RQF Level 7 award (MPhil).
 - C.3.3.xii Student has undertaken a period of study outside the UK that is not integral to their programme, following a change of circumstances request.
 - C.3.3.xiii Student is found to engage in fraudulent activity associated with their studies or visa conditions.
- C.3.4 Other circumstances may lead to withdrawal of sponsorship (cancellation of visa), and this will be considered in accordance with the risk the student has or poses to the University's Sponsor Licence.
- C.3.5 Where a student's visa sponsorship is withdrawn and they do not hold alternative leave to complete their programme or are not permitted to complete their programme remotely outside the UK, they shall have 10 working days from the date of sponsorship withdrawal to interrupt or withdraw from studies. Where a student does not take either action, the University shall withdraw them from the programme on the 11th working day.
- C.3.6 Where a student is due to return to the University academically after a period where sponsorship has previously been withdrawn, the University reserves the right to refuse to issue a further CAS if the student has failed to adhere to Student Visa Compliance Regulations or has previously shown to pose a risk to the University's Sponsor Licence.
- C.3.7 A student whose visa has been cancelled in line with the above may submit an appeal in accordance with the withdrawal appeals process.

Part D – Interruption of Studies

D.1 General

- D.1.1 A student may apply to the University to interrupt their studies for a specific period of time.
- D.1.2 Students must apply for a period of interruption via the online system, providing their reason(s) for requesting an interruption and providing evidence as appropriate.
- D.1.3 Tuition fees for students interrupting or withdrawing from their programme will be charged a proportion or all of their tuition fees. Detailed information on fee liability for all programmes can be found Part A.3.E of these Regulations.
- D.1.4 A student will normally be expected to return to their programme in the following academic year at the point in the teaching or assessment calendar equivalent to when study was previously interrupted. Where students interrupt at the semester break this may be relatively straightforward but where an interruption has been at another point this will require monitoring by the Programme Team. Academic judgement may be used when deciding upon the relevant point of return to study.
- D.1.5 A student returning after an interruption of studies will enrol on modules not previously assessed, or where reassessment has been agreed by the Board of Examiners. Any assessments already completed will be carried forward.
- D.1.6 The University cannot guarantee that changes to a programme will not be made during a student's period of interruption. Where changes have occurred the Board of Examiners, in consultation with relevant departments such as Student Administration and Student Services, will make appropriate arrangements to enable the student to complete the programme.
- D.1.7 During a period of interruption of studies the student and the University remain bound by the University's Regulations, Policies and Procedures.
- D.1.8 Where a student has formally interrupted their studies, the period of interruption of study will not normally be included for the purposes of calculating their maximum period of registration. The normal maximum for a period of interruption of studies is 2 years, but this may be subject to more restrictive requirements of professional bodies and as agreed at validation.
- D.1.9 A School Fitness to Practise Panel has the power to suspend a student from their studies for a specified time or until the occurrence of a specified event. Such suspension has the effect of a mandatory interruption of studies.
- D.1.10 For the majority of programmes, students may not interrupt studies for their current academic year after week 32. All variations to this rule are set out in subsequent Sections of these Regulations. Students unable to complete assessments due to unforeseen circumstances during the subsequent examination and resit examination periods should submit a claim to the University Mitigating Circumstances Panel.
- D.1.11 Students wishing to complete their current year but interrupt studies for their following academic year may do so at the end of the examination periods – from week 51 for the majority of programmes.

D.2 Online Programmes Delivered in Partnership with Higher Ed Partners

- D.2.1 A student may apply to the University to interrupt their studies on or before the 14th calendar day of the relevant module. They will not be liable for any tuition fees for the relevant module.

- D.2.2 A student may apply to interrupt their studies between the 15th calendar day of any module and before the final 7 calendar days.
- D.2.3 A student may not interrupt their studies within the final 7 calendar days of any module. Students unable to complete assessments due to unforeseen circumstances should request an extension in the first instance, and subsequently consider submitting a claim to the University Mitigating Circumstances Panel.
- D.2.4 For 8-week modules, students interrupting from the 15th calendar day onwards, will be required to complete such a module again in full. Completed assessments may be carried forward at the discretion of the module leader.
- D.2.5 Students interrupting project/dissertation modules from the 15th calendar day onwards, will resume their studies at the same stage of the module that they interrupted, and fees will be carried forward.

D.3 Short Courses and Microcredentials

- D.3.1 Students enrolled on short courses or microcredentials are not permitted to interrupt their studies.

D.4 Shared Parental Leave

D.4.A Undergraduate and Postgraduate Taught Students

- D.4.A.1 Students on undergraduate and postgraduate taught programmes who wish to take Shared Parental Leave are required to follow the University's Interruption of Studies process.

D.4.B Postgraduate Research Students

- D.4.B.1 Postgraduate Research Students are entitled to up to 12 months Shared Parental Leave which includes a mandatory period of 2 weeks. Any Shared Parental Leave is in addition to the maximum 2 years of interruptions available to postgraduate research students.
- D.4.B.2 It is the responsibility of the student to notify their Director of Studies of the pregnancy and where the student is a member of staff, they must also notify Human Resources.
- D.4.B.3 Students must also notify Student Administration by requesting Shared Parental Leave through the current interruption process. In the request they must provide details of the date on which they intend to start parental-related absence and the date on which they intend to return. This should be done at least 15 weeks before the due date.
- D.4.B.4 The agreed date that the student intends to return may change during the course of the absence and students must notify their Director of Studies and Student Administration as soon as possible of any change in their expected return date.

Part E – Change of Studies

E.1 Change of Studies

- E.1.1 A change of studies occurs when a student transfers their registration from one programme to a different programme.
- E.1.2 A student may only change their studies with the agreement, given on academic grounds, of the relevant Programme Leaders and where the timing of such a change is not prejudicial to the academic progress of the student.
- E.1.3 No student may change from one programme to another unless it is clear that they have adequate opportunity to complete all the assessments on the new programme in the teaching session assigned to the current cohort of students on that programme Level.
- E.1.4 A change of studies may only take place where the transfer is explicitly approved by the importing Programme Leader, evidenced by the relevant signature on the student transfer form. In the case of a joint programme, authorisation from both importing Programme Leaders is required.
- E.1.5 In allowing a student to change their studies, the University will not give an undertaking that the student will be entitled to support from any financial sponsor to pursue the new programme.
- E.1.6 Students withdrawn on academic, fitness to practise, attendance or engagement grounds are not eligible to reapply for admission onto the same programme.

Part F – Termination of Enrolment and Registration

F.1 Introduction

F.1.1 A student's enrolment and registration will terminate when they complete a programme and either has an award conferred by the Board of Examiners or the Board of Examiners decides that the student is ineligible for an award.

F.2 Termination by a Student

F.2.1 A student may terminate their enrolment prior to the completion of their programme.

F.2.2 Any obligations incurred between the University and the student, prior to the termination of enrolment, remain binding.

F.2.3 A student who notifies the University of the intention to terminate their studies will be strongly encouraged to first discuss the matter with an academic member of staff, usually their personal tutor or a member of professional support staff from the Student Support Team.

F.2.4 Students wishing to withdraw permanently from the programme will be required to complete a withdrawal form online which will be processed accordingly. The student will be contacted once the process has been completed to confirm their withdrawal.

F.3 Termination on Academic Grounds

F.3.1 Where a student has exhausted all reassessment opportunities and has not met the general pass standard for their current Level, including any Variations agreed by Academic Board in order to satisfy professional body regulations, the student will be deemed to have failed and their enrolment on the programme terminated.

F.4 Termination on Attendance/Engagement/Participation Grounds

F.4.1 The University is also entitled to terminate the enrolment of a student who fails to fulfil the attendance, engagement and/or participation requirements as laid down in the Regulations and in the Student Engagement and Participation Policy. In such circumstances, the Personal Tutor can escalate the matter to a Formal Hearing chaired by the Head of School.

F.4.2 Students will be invited to attend the Formal Hearing and will normally be given at least 5 working days' notice of the date. Students may be accompanied by a companion who must be a student of the University or an officer of the Students' Union. The companion's role is to support the student, not to advocate on their behalf.

F.4.3 The decision-making panel at the Formal Hearing will comprise the Head of School (or nominee) as Chair, a representative from the Students' Union, the student's Personal Tutor (or alternatively another member of academic staff who knows the student) and a member of the Visa Compliance Team if the student holds a visa.

F.4.4 The student must be given the opportunity to provide adequate reasons and/or evidence regarding their lack of attendance, participation and/or engagement. The primary focus of the Hearing should be on resolving difficulties that are preventing the student from attending and agreeing a resolution. However, if the panel does not find the reasons put forward by the student or the evidence submitted compelling, it may terminate the student's enrolment. In these circumstances, the student will be advised in writing of this decision (and their right to appeal) within 2 working days.

F.4.5 The absence of the student from a Hearing will not invalidate the Hearing's proceedings or decisions; Hearings can take place in the absence of a student who fails or refuses to attend.

- F.4.6 A student whose enrolment has been terminated on attendance, engagement and/or participation grounds may lodge an appeal within 10 working days of the date of the termination letter. An appeal must be lodged on the form provided (available from the Secretariat) on either of the following grounds only:
- F.4.6.i That there were mitigating circumstances adversely affecting the student's attendance which for valid reasons the student did not make known to the Mitigating Circumstances Panel at the appropriate time either in sufficient detail or at all. Normally, the only acceptable valid reasons will be that the student was unable or incapable of bringing the circumstances to the Panel's attention. The student must provide documentary evidence to support their claims.
 - F.4.6.ii That there was a material error in the conduct of the process that was of such a nature as to cause reasonable doubt as to whether the outcome might have been different had the error not occurred.
- F.4.7 The student must provide all material and evidence that they wish to be considered in support of their appeal at the time that the appeal is made. A student who submits an appeal may continue to attend lectures, seminars etc pending the outcome of the appeal.
- F.4.8 The Appeals Officer will forward the appeal to the Academic Registrar (or nominee) for consideration. The appeal should normally be completed within 15 working days. In considering the appeal, the Academic Registrar has the discretion to make enquiries of such persons (including the student, tutors, programme leaders, module co-ordinators and the visa compliance team) as they deem necessary.
- F.4.9 The Academic Registrar shall notify the Appeals Officer of the outcome of the appeal and give reasons for the decision. The Academic Registrar may confirm the decision to terminate the student's enrolment or reinstate the student onto their programme. This decision is final and will be notified to the student in writing by the Appeals Officer. If termination of the student's enrolment is confirmed, the Appeals Officer will issue a Completion of Procedures letter.
- F.4.10 In the event of termination as set out in the paragraphs above, where the student has accumulated the requisite number of credits, the Board of Examiners may confer an alternative exit award. Individual programme specific Assessment Regulations set out the detail of exit awards that are available. A student may receive only one award in respect of any programme . A candidate who accepts a lower award rather than taking the opportunity to be reassessed may not normally elect to subsequently be reassessed.

Part G – Library Regulations

G.1 General

G.1.1 These Regulations apply to all materials, facilities and services supplied at or from University and Campus Libraries and to all those using University Library materials, facilities, and services.

G.2 Access to Library Facilities and Services

G.2.1 A registered user must not use another user's registration card nor permit or allow another user to use their own registration card.

G.2.2 In the case of some facilities and services, priority is given to certain classes of users. Users who experience difficulties due to such arrangements should discuss their case with a member of staff.

G.2.3 All Library users must comply with instructions given by the Library or Security staff which may include being asked to leave the University and Campus Libraries.

G.3 Borrowing Items from the University and Campus Libraries

G.3.1 Loan periods for the items can be found in Library guides and on the Library web pages. Special vacation arrangements can be made. Some equipment and some materials are only available for short loan periods. Borrowers may be asked to return materials or equipment before the due date or time if they have been requested by others.

G.3.2 If items are not available in the University, Library staff may agree to obtain them from other sources on behalf of the user. Users must agree to comply with any special loan periods or other conditions and meet the costs which may apply in such cases.

G.4 Conduct of Users

G.4.1 Users must conform to the Library's rules concerning the consumption of food and drink.

G.4.2 Actual or attempted unauthorised removal of materials is a breach of these Regulations and shall be dealt with by the University Librarian, or nominee under the Student Conduct and Disciplinary Procedure.

G.4.3 The University accepts no responsibility for personal property lost or damaged on University premises, including in University and Campus Libraries.

G.5 Fines and the Recovery of Cost for Damaged or Lost Items

G.5.1 All items must be returned on or before the expiry of the user's registration.

G.5.2 Items borrowed from University and Campus Libraries must be returned on or before the date for return. Fines shall be charged at the rates published in the University and Campus Libraries and on the Library web pages on requested items that have not been returned by their due date.

G.5.3 A user who loses a borrowed item or fails to return it to the University or Campus Library will be charged for its replacement.

G.5.4 Borrowing rights may be withdrawn from a user until such a fine or any other outstanding Library debt has been paid in full.

Part H – Student Health and Safety Regulations

H.1 General

- H.1.1 Health and Safety information can be obtained from the Health and Safety Department's website.
- H.1.2 The following Regulations are issued in accordance with the Health and Safety at Work etc Act 1974, and with the Health and Safety Policy of the University. These Regulations must be observed by all students. Breach of any Health and Safety Regulations will be regarded as a serious matter. The offender may be liable to disciplinary action under the Student Conduct and Disciplinary Regulations and/or prosecution under the terms of the Act.
- H.1.3 These Regulations must be read in conjunction with any College, School, Departmental and University residences' Health and Safety Statements of Intent, risk assessments and associated procedures.
- H.1.4 Students must take reasonable care for the health and safety of themselves and the health and safety of other persons who may be affected by their acts or omissions.
- H.1.5 Students will comply with any reasonable instructions given by a member of staff to enable the University's statutory duties or requirements to be performed or complied with.
- H.1.6 Students will not, intentionally, or recklessly, interfere with or misuse anything provided by the University in the interests of health, safety, or welfare.
- H.1.7 Students will comply with all written or verbal instructions given to ensure their personal safety and the safety of others.
- H.1.8 Students should promptly report any identified faults and damage to the Estates Department by telephoning 01522 886777 or emailing maintenance@lincoln.ac.uk.

H.2 Accidents

- H.2.1 Students must report all accidents and "near-miss" accidents of which they are aware. Accidents must be reported to the University's Health and Safety Department, via University first aiders, Security or the Health and Safety Department.

H.3 Campus Traffic Safety

- H.3.1 Cyclists must only cycle on designated routes. Where these routes cross or use footpaths, priority will always be given to pedestrians. Cyclists and motor cyclists must only leave their vehicles in areas designated as cycle parks and should only secure their cycles to the stands provided. Cycles must not obstruct pathways, corridors, doorways, or fire escape routes. Access by disabled persons to the full length of provided handrails, next to paths and walkways must be available at all times. Cyclists should not secure their cycles to these but use appropriate cycle sheds and designated areas. Cycles of any description must not be taken into buildings (other than designated cycle sheds). This Regulation equally applies to skateboards, scooters, and roller skates/blades.
- H.3.2 Students will adhere to the traffic management Regulations for all campuses as produced by University Estates Department.

H.4 Fire Safety

- H.4.1 Students must not interfere with fire equipment, deface notices, or activate alarms without due cause.
- H.4.2 Students must carry out the published evacuation procedures which are as follows:

If you discover an indication of fire:

- Raise the alarm using nearest break glass point.
- Ring the fire brigade (999 on payphones, 9-999 on University phones).
- Inform security of their observations (88) 6062.
- Leave the building through nearest available exit.
- Proceed to assembly point.
- Follow any instructions given by members of staff or fire and rescue service.

If you hear the fire alarm:

- Leave building immediately through the nearest available exit (never assume that an alarm is being tested or is faulty).
- Proceed to assembly point.
- Follow any instructions given by members of staff or fire and rescue service.

At the Assembly Point:

- Remain at the assembly point until told otherwise by the fire and rescue service or a senior member of staff.
- Do not move your car.
- Never re-enter a building until told you can by the fire and rescue service or a member of staff.

H.4.3 The location of assembly points is shown on blue 'Fire Action' notices in each building.

H.5 Laboratory and Similar Work

H.5.1 Students may enter and remain in laboratories, workshops, or other specialist areas only during times scheduled in the timetable. Entering or being present in laboratories and workshops at any other time is only permitted with the express authority of the staff member in charge of those premises.

H.5.2 If a student is allowed to work unsupervised then they must follow the applicable booking in and out procedure. Limitations on the range of activities allowed may apply.

The University's Lone Working Policy must be adhered to, and related documentation completed by both the student and the member of staff providing authorisation.

H.5.3 Students must wear protective clothing when instructed to do so. Specialist protective equipment will be provided by the University. In some Colleges / Schools students must provide their own laboratory workshop coats and other protective clothing as specified.

H.5.4 Machines for which guards are provided must only be used with the guards in place.

H.6 Personal Electrical Equipment

H.6.1 It is strongly recommended that personal electrical equipment is tested for safety before use at the University. Students may contact the University Estates Department maintenance team to make appropriate arrangements.

H.6.2 Electrical cables and leads must not be deployed in such a way as to introduce trip hazards.

H.7 Students Not on Campus

H.7.1 Students on a programme not based on campus will comply with the health and safety legislation and Regulations in force at their location, whether in the UK or abroad.

H.7.2 Students will comply with all written or verbal instructions to ensure their personal safety and the safety of others.

H.8 Students' Visitors

H.8.1 Students are responsible for the actions of their visitors while their visitors are on campus. Students will ensure that their visitors fulfil the requirements of these Regulations. Breaches of these Regulations may lead to action being taken against the student under the University's Student Conduct and Disciplinary Regulations.

H.8.2 Any visitor may be required to follow an instruction given to them by a member of University staff to ensure their personal safety and the safety of others.

H.8.3 Any visitor may be given an instruction by a member of University staff to leave the University premises.

H.9 University Buildings

H.9.1 Students are prohibited from undertaking work of any kind on the fabric or services of University buildings.

H.9.2 Students are prohibited from entering any area or building which has been given over to the control of a building contractor.

H.10 University Equipment

H.10.1 Students must not use any item of fixed or portable machinery or electrical equipment without appropriate authorisation and following receipt of instruction from University staff in the correct method or procedures if necessary.

H.10.2 Students are prohibited from undertaking maintenance or repair work or adjusting any item of fixed or portable equipment. Any faults or suspected hazards must be reported to staff.

H.10.3 No student will disconnect University electrical equipment from a University power supply without the express authority of a University member of staff.

H.11 University Residences

H.11.1 Students must at all times, whilst in residence in University property, comply with all fire, safety and security procedures as laid down in the conditions of residence.

H.12 Breach of Regulations

H.12.1 Students failing to comply with the above Health and Safety Regulations, or any associated University Health and Safety policies, may be dealt with under the Student Conduct and Disciplinary Regulations. The University will co-operate with the enforcing authority where a student is alleged to have broken the law in relation to health and safety matters.

Part I – University Records on Students

I.1 General

- I.1.1 It is the student's responsibility to inform the University in writing or by other designated procedures of changes in local or home addresses, and of other relevant information, such as change of name.
- I.1.2 Information about a student shall be managed in accordance with current Data Protection legislation.
- I.1.3 Access to University records on students is confined to staff who require access in connection with the performance of their duties. All persons maintaining or having access to student records are instructed that the information therein is confidential.
- I.1.4 Under certain circumstances however, the University may have a legal obligation to disclose information, for example to Local Authorities, Sponsors, or the Police.
- I.1.5 A student may access their individual record by submitting a data subject access request to the University's Information Compliance team.

Part J – Board of Examiners Regulations

J.1 Board of Examiners Regulations

- J.1.1 Boards of Examiners will determine a student's entitlement to tenure, progression, and receipt of a University award.
- J.1.2 Each College has a tiered structure of Boards of Examiners comprising Subject and College Boards of Examiners.
- J.1.3 Boards of Examiners will have responsibility for setting all assessments for students and for approving the timing of assessments. It is the responsibility of the Board of Examiners to consider and ratify the approved marks for the modules and to recommend the form of reassessment where a module has been failed by a student.
- J.1.4 Boards of Examiners will ensure that the arrangements for the assessment of students are consistent with the assessment regime established at validation for a programme.
- J.1.5 No decision of a quorate Board of Examiners, acting within its approved Terms of Reference, may be modified by any authority within the University except as provided by the Academic Review and Appeals Regulations or by the Annulment of Formal Assessments Regulations.
- J.1.6 The proceedings of Boards of Examiners are confidential.
- J.1.7 Module marks are approved when the schedule of marks for the module is signed by the module co-ordinator and, where relevant, the External Examiner.
- J.1.8 Decisions concerning a student's right to progress from one Level to the next, and on a student's entitlement to an award, are made by the Board of Examiners.
- J.1.9 The decisions of Boards of Examiners will be made available to relevant advisers and academic tutors to enable advice and guidance to be given to students.

J.2 Publication of Results

- J.2.1 Individual students who are sponsored, either by their employer or another educational institution, may give their consent for their results, attendance record, or other information to be made available to their sponsor. Students who are sponsored and who wish to make their results available and details to their sponsor may have to complete "The Consent to the Disclosure of Personal Information to Employers and Institutions Sponsoring Programmes" form. Disclosure will only be made where a student has completed and signed the consent form where it is appropriate.
- J.2.2 Student Administration will ensure that each student is provided with information on the results of assessment, reassessment opportunities or requirements, entitlement to progress and, where appropriate, entitlement to a University award.
- J.2.3 Assessment results for all undergraduate students are released online. A schedule of release dates for results is published on the Portal. The student is responsible for accessing this information about their results.
- J.2.4 Results for final year students, together with the transcript of all module marks and their certificate will be presented to students at the University's Graduation ceremonies, except where a student has made a formal request to receive them earlier. Students unable to attend the relevant ceremony will receive the above-mentioned documents via recorded delivery within 4 weeks after the ceremony

J.3 Annulment of Formal Assessments

J.3.1 In addition to the provisions for annulment arising from appeals against decisions of Boards of Examiners, Academic Board may annul an assessment in whole or in part if it is found that a serious irregularity has taken place in the conduct of the assessment, or if force majeure has prevented or seriously impaired the participation of a group of students in the assessment.

J.4 Authority to Vary and/or Revoke Awards

J.4.1 Where a Board of Examiners, having made an award to a student, is satisfied that the attainment of the award involved malpractice, fraud, an academic offence, or other dishonesty, then the Board of Examiners may revoke or vary the award that has been made to the student.

J.4.2 This power may only be exercised once due account has been taken of the evidence and the student concerned has been given the opportunity to address any allegation. Where it is proposed that that an award should be varied or revoked the Board of Examiners will make the necessary arrangements to satisfy itself that a student has a reasonable opportunity to address the allegation.

J.4.3 In the event of the revocation or variation of an award, the student may have recourse to the University's academic appeals procedures on the same basis as any other student seeking to challenge a decision of a Board of Examiners.

J.4.4 Where the Academic Board is satisfied that any behaviour, whether past or current, on the part of the recipient of an honorary award is likely to bring the University into disrepute, then the Academic Board may revoke the award after consultation with the Board of Governors.

J. 5 Aegrotat Awards

J.5.1 Where a student's performance has been seriously adversely affected by illness or other valid cause and the student has been prevented from completing their programme, the Board of Examiners may agree that an Aegrotat award be conferred.

J.5.2 Aegrotat awards may be considered at any Level provided the Board of Examiners is satisfied beyond reasonable doubt that the available evidence of previous performance demonstrates that the student would have achieved their chosen award were it not for the circumstances that prevented completion of their studies.

J.5.3 For postgraduate research students, the CRDB will appoint Examiners to review the thesis material and they will decide whether the student would have been successful had it been possible for the examination to take place.

J.5.4 Where a student has died before completing their programme a Board of Examiners may agree that an Aegrotat award be conferred posthumously.

J.5.5 Aegrotat awards are conferred without classification.

J.5.6 This provision does not apply to programmes that also lead to professional registration or accreditation.

J. 6 Exceptional Examination Boards

J.6.1 An Exceptional Examination Board may be established to review awards made to students where allegations of malpractice, fraud etc. have been raised.

J.6.2 The Exceptional Examination Board will meet to review the circumstances pertaining to the allegations. All evidence will be independently reviewed before being presented to the Board. The review will be undertaken by the University Registrar and Secretary, as they will have had no

prior connection with the programme. An academic external to the institution will be appointed and will be responsible for confirming the robustness of the evidence and the soundness of the proposal for each student.

- J.6.3 The Exceptional Examination Board will comprise 2 senior academics of the University without prior connection to the programme and 2 External Examiners, one of whom should have experience of higher education in the country concerned. It will be chaired by a Deputy Vice Chancellor, as nominated by the Vice Chancellor.
- J.6.4 The Exceptional Examination Board will meet as many times as necessary to ensure the awards are properly confirmed.

Part K – Conduct for Candidates in Live Assessment

K.1 Introduction

K.1.1 University Examinations are conducted either in physical spaces or online; online examinations are sometimes referred to as Time Constrained Assessments.

K.2 Examinations

K.2.1 Candidates must comply with examination conditions from the time they enter the exam venue and at all other times as instructed by the Chief Invigilator or other authorised officer.

K.2.2 Examination conditions are defined as:

K.2.2.i No interacting with other candidates.

K.2.2.ii No disrupting of other candidates through unnecessary moving of examination furniture.

K.2.3 As a University of Lincoln student, you are expected to uphold the highest standards of integrity and student behaviour. Integrity means the obligation to be honest and truthful.

K.2.4 Candidates suspected of committing an academic offence and/or failing to comply with the Code of Conduct during an examination will be warned by an invigilator once only and will be asked to leave the examination room for the remainder of that examination session if the candidate's behaviour continues to give rise to suspicion of an academic offence.

K.2.5 Candidates suspected of committing an academic offence and/or failing to comply with the Code of Conduct for Candidates in Live Assessment will be approached by an invigilator and given a formal warning. The invigilator will endorse the candidate's answer book appropriately including reference to the time of the incident. The endorsed answer book will be withdrawn, and a new book will be issued before the candidate is permitted to continue the examination. The chief invigilator will be notified, and the incident recorded on the Chief invigilator report. If the candidate ignores the formal warning and continues to behave in a manner giving rise to a suspicion of committing an academic offence and/or failing to comply with the Code of Conduct for Candidates in Live Assessment, they will be asked to leave the examination room for the remainder of that examination session.

K.2.6 Candidates who fail to comply with University Regulations and the Code of Conduct for Candidates in Live Assessment will be dealt with under the disciplinary or academic offences procedures. All Regulations dealing with academic offences, including plagiarism, will apply.

K.2.7 Candidates must comply with all instructions from invigilators and any additional written instructions pertinent to their examination or award.

K.2.8 Candidates will be admitted to an examination room no earlier than 15 minutes prior to the start of the examination.

K.2.9 Candidates must sit in the numbered seats as allocated on the seating plan for the examination they are sitting.

K.2.10 Candidates must display their Student ID card or alternative photo ID as confirmation of their identity.

K.2.11 Mobile Phones, smart watches and other similar devices are not permitted in any examination room for the duration of the examination.

- K.2.12 All coats and hats not being worn, and any other similar items must be placed in the designated area set aside for that purpose.
- K.2.13 If a candidate covers/veils their face they will have their identity checked in a private space by an invigilator prior to the start of the examination.
- K.2.14 Candidates may only take to the examination desk the writing implements required to take the examination. Candidates whose first language is not English are permitted to take an unmarked translation dictionary into the examination.
- K.2.15 Non-programmable calculators are permitted in examinations ONLY where specified in the rubric for that examination. Spare calculators are not normally provided. Programmable calculators are not allowed in any examination.
- K.2.16 Candidates may bring to an examination a container of up to 500ml of water/soft drink and/or a small packet of sweets, for example a packet of mints. Alternatives will be permitted subject to approval following assessment by the Student Wellbeing Centre.
- K.2.17 Electronic dictionaries, subject specific dictionaries and English definition dictionaries are not permitted.
- K.2.18 Invigilators will confiscate any items that are not required as part of the examination. Confiscated items will be returned to candidates at the end of the examination.
- K.2.19 Candidates arriving late must report to an invigilator.
- K.2.20 Candidates will not be permitted entry to an examination room 30 minutes following the commencement of an examination.
- K.2.21 Candidates are responsible for checking that they have been issued with the correct examination paper.
- K.2.22 Candidates who wish to attract the attention of an invigilator must raise their hand.
- K.2.23 Candidates who wish to leave the examination room temporarily must be accompanied by an invigilator.
- K.2.24 Candidates will not be permitted to leave the examination permanently in the first 30 minutes or last 30 minutes of an examination.
- K.2.25 At the end of an examination, candidates must not leave an examination room until all examination papers have been collected by the invigilator. It is the candidate's responsibility to ensure that all their papers have been collected.
- K.2.26 Pregnant candidates may apply for special examination arrangements, but this is not a requirement. A request to Student Administration for special arrangements must be made in writing, accompanied by evidence that the candidate will be pregnant at the time of the examination; a note from the candidate's midwife or practice nurse would be adequate. The dates and times of all examinations should be included in the written request. Any relevant medical advice relating to the student should also be made known at this point. Student Administration will make the necessary arrangements, providing an individual room if required and allowing an additional 10 minutes per hour for every hour of the examination.
- K.2.27 Candidates must ensure that written answers are legible and able to be marked. Poor handwriting will not be an acceptable reason to request the use of a computer in examinations. Where 2 markers are unable to read a substantial part of an examination script due to illegible handwriting, the relevant School may choose to have the script transcribed with any related costs being passed on to the student at the discretion of the School. In such cases, the candidate should be asked to attend the School to enable the transcription of the writing. It must be made

clear to the candidate that their role in attending is only to interpret the text as it stands, and that the addition or removal of any material will constitute academic misconduct. Any associated travel costs will need to be paid by the student. Where the candidate refuses to return to transcribe their work, their work will be assessed based on the legible parts only and a mark awarded accordingly.

- K.2.28 Examination papers must not be removed from the Examination venue under any circumstances; papers must be left on desks. Removing an examination paper from the Examination venue could be dealt with under the disciplinary procedure.
- K.2.29 If the fire alarm sounds during an examination, candidates must follow the Chief Invigilators' instructions. Candidates will still be under exam conditions and so must not use their mobile phone or any other electronic device, nor speak to other students. It is likely that the exam will continue once they have returned to the building, and they will be given extra time to complete the paper.
- K.2.30 Any item of lost property found in an examination room will, in the first instance, be taken to the Student Support Centre, during their opening hours or alternatively the Security Office, both located in the Minerva Building.

K.3 Time Constrained Assessments

- K.3.1 Candidates are required to ensure that they have appropriate hardware and connectivity to complete online examination.
- K.3.2 Candidates must ensure that they are online, logged on to the University Virtual Learning Environment and be ready to take an assessment 15 minutes prior to the commencement of the examination.
- K.3.3 Candidates must familiarise themselves with the requirements of their examination and follow the instructions for completion and submission of their examination paper.
- K.3.4 Candidates may submit (upload) and resubmit examination answer papers at any time during the examination period. The last submission will be taken as final.
- K.3.5 Candidates must comply with examination conditions for the duration of the online examination. Examination conditions mean:
 - K.3.5.i No collaboration or interaction with other candidates or individuals using any means of communication or device during live examinations.
 - K.3.5.ii No posting, sharing, or receiving of exam questions, exam topics or answers using any means during live examinations.
 - K.3.5.iii No sharing of information with other students during live examinations by any means of communication or attempting to do so.
 - K.3.5.iv No encouraging or persuading others to share examination content or breach this code of conduct.
- K.3.6 Where candidates have queries about examination questions or are facing technical issues, then they should communicate with the point of contact stated on the examination paper.
- K.3.7 Irregularities and suspicions of unfair practices will be investigated and could result in academic offence or misconduct proceedings.
- K.3.8 University of Lincoln examinations are confidential, and students are prohibited from disclosing, publishing, reproducing, or transmitting such assessments, in whole or in part, in any form or by any means, written, electronic or mechanical to another person including any other candidates.

- K.3.9 To maintain the integrity of examinations, each candidate has the duty to report any attempt to violate the code of conduct.
- K.3.10 Candidates are expected to allow sufficient time to submit or upload their examination paper. Submission after the specified time will not be accepted and the paper will not be marked.
- K.3.11 Candidates are expected to submit a back-up copy of their examination paper to an identified mailbox, before the end of the online examination.

Part L – Academic Offences

L.1 Academic Offences

- L.1.1 Every student is entitled to receive, in a programme or course handbook, guidance on the relevant discipline conventions governing such matters as sound scholarship, originality of expression, citation, attribution, referencing, bibliography, acceptability of quotation, plagiarism, self-plagiarism, collusion, impersonation and cheating in examinations.
- L.1.2 The University applies the principle of strict liability to academic offences: this means that a student's intentions will not be treated as relevant when judging whether or not they have committed an offence. For example, if a student submits an essay which contains, without the necessary acknowledgement, substantial material produced by another person, they may be judged to be guilty of plagiarism even if they assert that the lack of proper acknowledgement was mistaken or inadvertent.
- L.1.3 The following are examples of academic offences in respect of assessment:
- L.1.3.i Collusion: A student colludes when they submit work for assessment done in collaboration with another person as entirely their own work or collaborates with another student to complete work which is submitted as that other student's work. Collusion does not apply in the case of the submission of group projects, or assessments that are intended to be produced collaboratively.
 - L.1.3.ii Plagiarism: Plagiarism is the passing off of another person's thoughts, ideas, writings, or images as one's own. A student commits plagiarism when they incorporate in their own work unacknowledged portions of another person's material or attempts to pass off such work as original through its inclusion. Poor scholarly practice may justify trivial instances of failure to acknowledge source material.
 - L.1.3.iii Self-plagiarism: Self-plagiarism is the re-submission in whole or in part, without proper acknowledgement, of any work by the student for which credit has already been claimed as part of the same or another award.
 - L.1.3.iv Misleading material: Inclusion of data which has been invented or obtained by unfair means. This includes passing off of data from previous studies as if conducted by the student or by offering incentives to another person to provide material or otherwise to assist in producing work for assessment.
 - L.1.3.v Cheating: Any irregular behaviour during live assessments such as the unauthorised possession of notes; the copying of another candidate's work; the use of programmable calculators and other equipment when this has been forbidden; the unauthorised obtaining of examination papers. Cheating also covers the use of any form of communication (whether verbal or electronic) between students during live assessments in order to gain an unfair advantage.
 - L.1.3.vi Contract Cheating: The outsourcing of assessment work, in whole or in part, to any third party, whether a commercial provider, current or former student, or acquaintance or family member.
 - L.1.3.vii Misconduct in Research: The fabrication or falsification of data; misrepresentation of data and/or interests and or involvement, or the failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to research subjects or participants or the environment. This would also include improper handling of privileged or private information on individuals collected during the research.
 - L.1.3.viii Use of artificial intelligence (AI): The unauthorised use of AI, in whole or in part.

L.1.4 The above list is not exhaustive.

L.2 Penalties

L.2.1 The recommendations will include whether or not to restore the right to reassessment and the imposition of one of the penalties below.

L.2.1.i Take no further action.

L.2.1.ii Warn the student against any future academic offence but impose no other penalty.

L.2.1.iii Record a mark of zero for the piece of assessed work or examination only.

L.2.1.iv Record a mark of zero for every assessment item within the module.

L.2.1.v Record a mark of zero for every assessment item within all modules taken during the Semester.

L.2.1.vi For undergraduate and postgraduate taught students, to reduce by a single classification the final award to be conferred at the conclusion of the programme, or, where the final award is the lowest classification available, that the award be reduced to the prior intermediate award.

L.2.1.vii Record a mark of zero for every assessment item within all modules during the academic Level.

L.2.2 The Committee will recommend applicable penalties consistently, with due consideration of the potential impact on the progression and/or award classification of the student.

L.2.3 Where the outcome of a proven academic offence removes the right to re-assessment, even after initial failure, this may result in failure of an award.

L.2.4 In addition, a student against whom an academic offence is proven may also be subject to action under the Student Misconduct Regulations and/or the Fitness to Practise Regulations.

L.2.5 An allegation of an academic offence against a student who is claiming that their performance has been affected by Mitigating Circumstances will therefore be subject to the appropriate investigative procedure.

L.3 Procedure

L.3.A Introduction

L.3.A.1 The Academic Offences Committee shall decide, for each individual case referred to it, whether it is competent to examine the evidence and determine whether or not the allegation is proven.

L.3.A.2 Allegations of misconduct in research made against postgraduate research students shall be dealt with under the UK Research Integrity Office's (UKRIO) Procedure for the Investigation of Misconduct in Research, and not under the Academic Offences Regulations. College Research Degrees Board shall decide, for each individual case referred to it, whether it is competent to examine the evidence and determine whether or not the allegation is proven, or whether the case should be referred to for consideration under the UKRIO procedure.

L.3.A.3 Where a member of staff suspects that an academic offence has been committed, they shall notify the Head of School, or Deputy Head of School if appropriate, and provide evidence for the grounds of suspicion.

- L.3.A.4 A claim for mitigating circumstances cannot be used to avoid the application of a penalty for a proven allegation of an academic offence.
- L.3.A.5 Where the student is studying a programme in more than one School, the School that owns the module in which the allegation has arisen will undertake the investigation.
- L.3.A.6 Allegations of the commission of academic offences may be dealt with either by a summary procedure or by a full investigatory procedure.
- L.3.B Summary Procedure
- L.3.B.1 The summary procedure shall not be available in any case where the allegation relates to misconduct in an examination, or to the use of contract cheating, or where a previous allegation against the student has been upheld.
- L.3.B.2 The summary procedure is available in cases where an allegation of an academic offence has been made against a student at Level 4 or Level 5 of an undergraduate programme or a student undertaking postgraduate activity which is not part of a full Masters Level programme, and which constitutes no more than 60 Level 7 credits.
- L.3.B.3 At partner institutions, the summary procedure shall be conducted by the senior academic staff member with responsibility for higher education.
- L.3.B.4 The student will be invited to attend an interview with the Head of School, or nominee, under the Summary Procedure.
- L.3.B.5 If the student chooses to attend an interview (see Part U – Audio Recordings of Meetings), then the Head of School will explain the allegation to the student. If the student chooses to not attend an interview, the matter will be dealt with under the full investigatory procedure.
- L.3.B.6 If the student provides a satisfactory defence, then the Head of School will dismiss the allegation.
- L.3.B.7 If the student admits the allegation, then the Head of School may impose L.2.1.i, L.2.1.ii, or L.2.1.iii, as listed in the Penalties section. Reassessment entitlements as appropriate will be granted at the next available opportunity by the Board of Examiners.
- L.3.B.8 If the student does not attend the interview, or neither admits the allegation nor offers a satisfactory defence, then the matter will be dealt with under the full investigatory procedure.
- L.3.B.9 In all cases where the Summary Procedure results in a proven allegation, whatever penalty is applied, the School must formally record the outcome.
- L.3.C Full Investigatory Procedure
- L.3.C.1 It is a principle of the full investigatory procedure that a member of staff involved in one of its stages is disqualified from participation in a later stage.
- L.3.C.2 Where an academic offence has been alleged and the summary procedure is not available to a student or where the student did not attend the summary procedure interview, then the following full investigatory procedure will apply.
- L.3.C.3 The Head of School or nominee will arrange for the student to be interviewed promptly by an appropriate member of staff.
- L.3.C.4 The interview shall be conducted by a trained investigative officer, as nominated by the Head of School, accompanied by a staff member whose role is to take minutes of the interview. The student may be accompanied by a friend who shall be a member of staff or student of the

University or a staff member from the Students' Union Advice Centre. The students' companion will not be allowed to make material contributions to the interview.

- L.3.C.5 If, after being given reasonable notice and opportunity to attend an investigatory interview, the student does not attend, the Head of School or nominee will determine whether a *prima facie* case exists based on the evidence available. The Head of School will then proceed as appropriate.
- L.3.C.6 The allegation will be explained in full, and the student will be allowed to give their defence, and to provide appropriate evidence.
 - L.3.C.6.i Where appropriate, the interviewer may adjourn the interview to allow further enquiries to be made, such as where the student introduces new evidence during the interview.
 - L.3.C.6.ii The outcomes of the further enquiries and/or examination shall be communicated to the student and the interview shall then be resumed as soon as possible.
 - L.3.C.6.iii Where appropriate, the student may be invited to attend a viva examination to answer questions about the work or the techniques used and to demonstrate their authorship of the relevant work. The viva examiner will be a specialist in the relevant subject/discipline from within the student's School (who has had no prior involvement in the matter), nominated by the Head of School. The viva examination should not be an examination of the work as would be necessary for the awarding of a grade. A note-taker will also be present, and the student may be accompanied as set out above.
- L.3.C.7 The minutes of the interview, and viva as appropriate, shall be prepared promptly following the interview. The student will be provided with a copy of the minutes and invited to request amendments for accuracy as appropriate.
- L.3.C.8 The Head of School or nominee on receipt of the agreed minutes shall decide if a *prima facie* case has been established. If not, then no further action shall be taken, and the student shall be notified accordingly.
- L.3.C.9 Where a *prima facie* case of an academic offence has been identified, the Head of School or nominee will forward all the documentation as directed by the evidence checklist to the Officer of the Academic Offences Committee.
- L.3.C.10 The student will be provided with an opportunity to provide any substantiative evidence not previously considered to the Officer for the Academic Offences Committee ahead of the Committee's consideration of the case.

L.4 Academic Offences Committee

- L.4.1 Any person with prior involvement in the allegation or the investigation is precluded from the consideration of the offence or its penalty. If an allegation is proven, the Committee will consider the penalty to recommend to the Board of Examiners.
- L.4.2 When an allegation of an academic offence is proven, the Academic Offences Committee will recommend a penalty having taken into consideration all the evidence presented and these additional factors for which a more severe penalty may be applied:
 - L.4.2.i Premeditation: A planned act will normally be considered more serious than an impulsive action.
 - L.4.2.ii Continuity: A repeated academic offence will be dealt with more severely than a single act.

- L.4.2.iii Scale and Extent: The quantum and severity or extensive use of academic misconduct will be dealt with more severely than a lesser amount.
 - L.4.2.iv Theft of Materials: An academic offence that involves the theft of another person's assessed work will be dealt with more severely.
 - L.4.2.v Other Students: A more severe penalty may apply where the academic offence adversely affects other students.
- L.4.3 The Committee's decision will be communicated to the student in writing within 3 working days of the meeting by the Academic Offences Officer. The student will also be informed of their right to appeal.
- L.5 Appeals Against a Decision of the Academic Offences Committee**
- L.5.1 The only grounds on which a student may appeal the decision of the Academic Offences Committee is that the student has new material evidence that they were unable, for valid reasons, to provide earlier in the process.
 - L.5.2 A student may submit an appeal within 10 working days of being notified of the decision of the Academic Offences Committee.
 - L.5.3 The appeal, in light of new evidence provided, will be considered by the Chair of the Academic Offences Committee and the outcome report will be sent to the student within 10 working days of receipt of the appeal.
 - L.5.4 A successful appeal will result in reconsideration of the decision of the Academic Offences Committee.

Part M – Mitigating Circumstances

M.1 General

- M.1.1 Mitigating circumstances are exceptional and unforeseen circumstances, beyond a student's control, which may have had a serious and adverse effect upon their assessed work.
- M.1.2 It is the responsibility of the student to attend examinations, submit coursework for assessment as required and by the due date, and to provide the University Mitigating Circumstances Panel, in advance of the meeting of the Board of Examiners, with any relevant information on exceptional and unforeseen circumstances that may have adversely affected their assessment performance.
- M.1.3 If a student claims that their performance has been adversely affected by mitigating circumstances, it is their responsibility to ensure that the evidence of such mitigating circumstances is provided, documented, and independently substantiated at the earliest possible opportunity.
- M.1.4 Students are responsible for ensuring that claims for Mitigating Circumstances to be taken into account are submitted prior to the meeting of the Board of Examiners where the relevant assessments would normally be considered.
- M.1.5 If a student is unable to attend an assessment event or take an assessment (applicable to all examinations and formal in-class tests conducted under examination conditions) they should make a claim for mitigating circumstances prior to the assessment event. Where this has not been possible (e.g., due to extraneous events beyond a student's control) then a claim for mitigating circumstances may be made up to ten working days after the assessment event (i.e., prior to the release of marks).
- M.1.6 For assessments where an extension may be granted (e.g., coursework) students should apply for an extension in the first instance. If the student considers, or is advised, that an extension is not an appropriate solution, they should submit a claim for mitigating circumstances in advance of the submission date or within the ten working days after the submission deadline (i.e., prior to the release of marks).
- M.1.7 Students may not normally use any disability or illness that is catered for by the Student Wellbeing Centre's Needs Assessment as the basis for a Mitigating Circumstances claim. The only exception to this might be the unexpected emergence of an underlying disability or illness which required further support. A Mitigating Circumstances claim might be made in such circumstances but would be subject to the normal requirement for supporting evidence.
- M.1.8 Where there are known and documented circumstances that will take place at a future date (for example, a hospital appointment for an operation which coincides with a formal examination) students should submit these claims in advance.
- M.1.9 A claim for mitigating circumstances cannot normally be made or considered following publication of results by a Board of Examiners. Such claims may only be made in very sensitive and compelling circumstances which the student will need to fully evidence to the Mitigating Circumstances Panel.
- M.1.10 Circumstances accepted as valid by the University Mitigating Circumstances Panel are forwarded to the relevant Board of Examiners which shall consider whether or not the circumstances have actually affected performance in assessment and apply the decision concerning assessment.
- M.1.11 Where an approved mitigating circumstances claim applies to any assessment(s) where an original mark has been returned, the Board of Examiners shall apply the higher of the original and reassessed marks in all cases.
- M.1.12 For students enrolled on programmes leading towards a professional accredited qualification, circumstances accepted as valid by the University Mitigating Circumstances Panel, or where

appropriate, shall be forwarded to the relevant Fitness to Practise Panel. Fitness to Practise Panels shall consider the circumstances in relation to the Fitness to Practise Policy for the programme upon which the student is enrolled and shall forward its recommendation to the relevant Board of Examiners.

- M.1.13 A claim for mitigating circumstances cannot be used to avoid the application of a penalty for a proven allegation of an academic offence.
- M.1.14 Students must apply for mitigating circumstances via the online system.
- M.1.15 If a student wishes to submit a claim for mitigating circumstances, they are strongly advised to talk this through with an appropriate member of staff (e.g., academic tutor) in the first instance.
- M.1.16 Claims can be withdrawn by the student at any time up until the meeting of the University Mitigating Circumstances Panel and after they have been approved by the Panel.
- M.1.17 Where a claim for mitigating circumstances is not approved as valid by the University Mitigating Circumstances Panel the student will have a maximum of 15 working days following notification of the outcome of their initial claim to provide further evidence.
- M.1.18 Following consideration of any additional evidence, if the claim is not approved as valid, a Completion of Procedures letter will be issued to the student, who may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- M.1.19 If a student fails to attend examinations or to submit work for assessment by the due date, without good cause, the Board of Examiners has the authority to deem the student to have failed the assessments concerned. Late submission of work will be penalised.

M.2 Mitigating Circumstances which Adversely Affect Performance in Assessment

- M.2.1 The following are examples of circumstances which may be treated as adversely affecting a student's performance in assessment. This list is not exhaustive.
 - M.2.1.i Illness affecting attendance at teaching or assessment.
 - M.2.1.ii Illness affecting preparation for or of an assessment.
 - M.2.1.iii Being the victim of a crime involving injury.
 - M.2.1.iv Circumstances of a serious personal or emotional nature.
 - M.2.1.v Force majeure or other unpreventable event.

M.3 University Mitigating Circumstances Panel

- M.3.1 A student's claim for mitigating circumstances in assessment shall be considered by the University Mitigating Circumstances Panel having regard to the following:
 - M.3.1.i The authenticity of evidence produced: is the evidence documented and verified by an independent and authoritative person not personally connected to the student e.g., a doctor, counsellor, police officer, etc.
 - M.3.1.ii The contemporaneity of the evidence: is the evidence up to date and relevant to the assessment claimed to have been affected?
- M.3.2 The University Mitigating Circumstances Panel delegates authority to the Chair of the Panel (or nominee) to make decisions on claims and the reconsideration of claims on the Panel's behalf. This enables claims to be dealt with in a timely manner when a higher volume of claims are submitted. The Chair of the Panel may determine cases which still require Panel decision. A log

of all decisions made by the Chair of the Panel will be provided to the University Mitigating Circumstances Panel at its next meeting for endorsement.

M.4 Disability or Long-Term Illness

- M.4.1 Where the claim relates to a long-term illness or disability that would be defined as a disability under the Equality Act (2010) , and which may be more appropriately treated as requiring special support, the University Mitigating Circumstances Panel should establish whether the circumstances were known to the student and the University at the time of admission or enrolment.
- M.4.2 Where a long-term illness or disability was not present, or not known to the student, at the time of enrolment, the circumstances may be dealt with by the Mitigating Circumstances Panel for those assessments being undertaken during the current period of enrolment. Future assessments shall be dealt with in accordance with University practice for the support of students with a disability or long term illness and students should contact Student Wellbeing for further advice. Unless there is good reason for non-disclosure of the circumstances at an earlier time the Mitigating Circumstances Panel shall not consider assessments undertaken in previous enrolment periods.
- M.4.3 Where a long-term illness or disability was present and known to the student at the time of enrolment, but the student did not disclose this to the University, these circumstances shall not normally, unless there was good reason for non-disclosure, be considered as grounds for consideration by the Mitigating Circumstances Panel.
- M.4.4 Where a long-term illness or disability was present and made known to the University at the time of admission or enrolment a needs assessment identifying additional support requirements will be undertaken. The disability or long-term illness shall not be considered as a Mitigating Circumstance where a needs assessment has been provided by Student Wellbeing.

M.5 Boards of Examiners

- M.5.1 Where it is deemed that circumstances have occurred which could have adversely affected the student's performance, the University Mitigating Circumstances Panel shall forward these to the relevant Board of Examiners or, where appropriate, to the relevant Fitness to Practise Panel.
- M.5.2 The Board of Examiners shall consider whether, on the basis of the assessment profile, it is reasonable to conclude that the circumstances have actually affected performance.
- M.5.3 Where a student has an approved Mitigating Circumstances claim against an assessment element in a module where the module has been passed based on the existing element marks, the Board of Examiners will deem the Mitigating Circumstances to be unnecessary and the module to be passed. In this circumstance, the following will apply:
- M.5.3.i The appropriate outcome decision on a student award, progression or resit allowance will be made immediately and will not be dependent on a following Mitigating Circumstances submission.
 - M.5.3.ii Students who wish to reinstate their right to engage in the Mitigating Circumstances submission will be informed of the process for requesting this and the deadlines for making such an application.
 - M.5.3.iii No such application will be refused under any circumstances.
- M.5.4 Cases referred to a Fitness to Practise Panel shall be considered in relation to the Fitness to Practise Regulations and recommendations forwarded to the Board of Examiners.
- M.5.5 Normally no student shall be eligible for an award or progression until such time as the Board of Examiners has sufficient evidence to satisfy itself that the student has achieved the appropriate standard for the award or progression. Mitigating circumstances can never compensate for

insufficient evidence, provided through assessment, of achievement of the standard for an award or progression.

M.6 Outcomes

- M.6.1 For undergraduate and postgraduate taught students, where a student has had a Mitigating Circumstances claim approved, the Board of Examiners may apply the following:
- M.6.1.i The student shall either be allowed to take the assessment(s) concerned as if for the first time (or as if for the second time if the assessment affected by the extenuation is a reassessment) in a manner approved by the Board of Examiners.
 - M.6.1.ii Where a late penalty has been applied, a student may request that the Board of Examiners removes the penalty as an alternative to a resubmission of assessed written work.
 - M.6.1.iii If a student achieves the progression standard or has sufficient credits to be made a final award, the Board of Examiners will make a decision on current performance and not grant further assessment opportunities. In such cases students wishing to reinstate their Mitigating Circumstances submission allowance may request this by emailing Student Administration. This must be done prior to the agreed submission deadline for any reassessment opportunity.
 - M.6.1.iv Where there is sufficient evidence on which to base its decision, the Board of Examiners may deem the student to have passed the assessment(s) concerned. In determining assessment marks to be awarded where a student's mitigating circumstances have adversely affected their performance the Board of Examiners shall assign such marks as reflect the ability of the student as evidenced by other assessments.
- M.6.2 In addition to M.6.1, in exceptional circumstances where a final Level student at either postgraduate or undergraduate Level is unable to undertake reassessment and evidence of this is approved by the Mitigating Circumstances Panel, the Board of Examiners may make an award and decide on the classification of the award. The Board of Examiners shall assign marks as evidenced by other assessments at that level.
- M.6.3 For research degree students, where a student's performance is found to have been adversely affected by circumstances, the College Research Degrees Board shall apply the following:
- M.6.3.i The student shall be allowed extra time in which to complete their thesis or make amendments following initial examination. The College Research Degrees Board shall decide upon the length of time permitted, taking into account the extent of the circumstances, agreeing an extension to the period of registration where required.
 - M.6.3.ii Where mitigating circumstances arise during the viva voce examination, such as unexpected illness, and the examination is adversely affected, the student shall be allowed to be examined or re-examined, as if for the first time. Where mitigating circumstances arise prior to the viva voce starting, it should be rescheduled, preferably giving at least 24 hours' notice to avoid unnecessary disruption of travel arrangements for external examiners.
- M.6.4 Boards of Examiners must clearly record the rationale for each decision and ensure that decisions are compatible with comparable precedents.

M.7 Office of the Independent Adjudicator for Higher Education

- M.7.1 A student dissatisfied with the outcome of the Mitigating Circumstances Appeal 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.

- M.7.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- M.7.3 The student must first obtain a Completion of Procedures letter from the Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA, and this must be made within 12 months of the date of the Completion of Procedures letter.
- M.7.4 Guidance on making an application to the OIA can be found on its website.
- M.7.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

Part N – Academic Review and Appeal

N.1 General Principles

- N.1.1 There are occasions when students might feel that they wish to dispute the decision of a Board of Examiners.
- N.1.2 A reference to a Board of Examiners may also apply to the College Research Degrees Board and the Independent Assessor (specifically relating to degree apprenticeships).
- N.1.3 Students are encouraged to raise concerns informally with individuals such as tutors, programme leaders, Academic Officers, and staff in Student Administration. When a student is seeking to resolve a dispute informally, those dealing with the student should inform the student about the procedures for Review and Appeal. Seeking an informal resolution does not take away the student's right to invoke the formal procedure.
- N.1.4 There are 2 stages to the process in which a student may seek formally to resolve a dispute: by a Review and by an Appeal. A student who instigates the Review and Appeal procedures should continue with their studies as normal, including studying for reassessment.
- N.1.5 Challenges to academic judgement will not be permitted at any stage of the Academic Review and Appeal process.

N.2 Review

- N.2.1 Where a student wishes to be reassured that all material circumstances have been taken into account by the Board of Examiners when it arrived at a decision in their case, then a request may be made by the student that the Chair of the Board of Examiners reviews the Board's decision.
- N.2.2 A student may submit a Review Request on the following grounds only:
 - N.2.2.i That there was a procedural irregularity in any part of the assessment or other relevant process to which the claim relates, including the interpretation and other application of the relevant Regulations.
 - N.2.2.ii That there is evidence of prejudice or of bias.
 - N.2.2.iii That there was an error in the calculating or recording of the marks upon which the original decision was made.
- N.2.3 The following will not be considered as grounds for a Review Request:
 - N.2.3.i Marginal failure to attain a higher degree classification.
 - N.2.3.ii A challenge against the academic judgement of internal or external examiners.
 - N.2.3.iii Retrospective complaints against the standard of student support. These must be made before the results of Boards of Examiner deliberations and cannot be used to lever a Review Request or Appeal against the judgement of the Board.
 - N.2.3.iv Claims for mitigating circumstances.
- N.2.4 Save in exceptional and unforeseeable circumstances, a Review Request must be made within ten working days of notification of the decision of the Board of Examiners.
- N.2.5 The formal Review Request must be lodged on the form provided (available from the Secretariat).

- N.2.6 The student must provide all material and evidence that they wish to be considered in support of their Review Request at the time that the Review Request is made. Matters of contention not raised at the Review stage cannot be introduced at the Appeal stage.
- N.2.7 An Academic Appeals Officer may decide that a Review Request cannot be accepted if the circumstances and/or reasons put forward by the student are not relevant and/or applicable (e.g., the request is challenging academic judgement).
- N.2.8 In cases where the student includes grounds that are not permitted under these Regulations, the Academic Appeals Officer will notify the student of the limitation to the stated grounds for their Review Request. The Academic Appeals Officer will appropriately redact the Review Request documentation prior to submission to the Chair of the Board of Examiners. The Chair of the Board of Examiners will also be requested to disregard any reference to grounds that are not permitted under these Regulations.
- N.2.9 A student may not seek an anonymous Review.
- N.2.10 Reviews will normally be completed within 20 working days. At the end of the 20-working day period the Chair of the Board of Examiners must either:
- N.2.10.i Inform the Academic Appeals Officer in writing that the Review may proceed directly to the Appeal stage.
 - N.2.10.ii Submit in writing to the Academic Appeals Officer the reasons why the Review could not be completed within 20 working days. The Academic Appeals Officer will submit the Review Request into the Appeals process.
- N.2.11 In conducting a Review, the Chair of the Board of Examiners has the discretion to make enquiries of such persons, including the student, tutors, programme leaders and module coordinators as they deem necessary.
- N.2.12 In deciding the outcome of the Review, including the nature of the resolution to be offered to the student, the Chair of the Board of Examiners will take into account the applicable Regulations for the programme including any variations, the need to ensure the integrity of the standards of the University's awards and the need to guarantee fairness to all students in the assessment process.
- N.2.13 The Chair of the Board of Examiners will notify the Academic Appeals Officer of the outcome of the Review, giving reasons for the decision. This decision will be notified to the student in writing by the Academic Appeals Officer.
- N.2.14 A student who has reasons to be dissatisfied with the outcome of a Review may submit an Appeal.

N.3 Submission of an Appeal

- N.3.1 A student may not submit an Appeal unless a Review has been concluded.
- N.3.2 An Appeal must be submitted to the Academic Appeals Officer within 10 working days of the student's receipt of the letter notifying them of the outcome of the Review. The Appeal must be submitted on the form provided (available from the Secretariat).
- N.3.3 The only grounds for an Appeal are:
- N.3.3.i That there was a procedural irregularity in the Review procedure.
 - N.3.3.ii A consideration of whether the outcome was reasonable given all of the circumstances.

N.3.3.iii New material evidence which the student was unable, for valid reasons, to provide earlier in the process.

N.3.4 An Appeal will not reinvestigate the Review but will instead focus on possible procedural irregularities and the reasonableness of the Review outcome.

N.4 Lapsed Appeals

N.4.1 Where the Appeal is deficient in terms of the grounds cited or the evidence submitted, the Academic Appeals Officer will write to the student advising that the Appeal may not proceed until such deficiencies have been remedied. The student will have 10 working days to make a response to the Academic Appeals Officer.

N.4.2 If, after the 10 working days limit (or, if granted, an extended time limit) has expired, the Academic Appeals Officer will notify the student in writing that the Appeal has lapsed.

N.5 Appeals Process

N.5.1 Once the Appeal has been submitted, an Appeal Chair will be appointed by the Vice Chancellor.

N.5.2 The Appeal Chair will, within 10 working days, determine whether or not the Appeal will be upheld.

N.5.3 If the Appeal is not upheld, the student will be issued with a Completion of Procedures letter.

N.5.4 The Appeal Chair may seek further information or clarification from the Chair of the Board of Examiners on the decision taken in the Review through the process of Referral Back.

N.5.5 The Chair of the Board of Examiners will make a response to the Referral Back within 10 working days.

N.5.6 Through Referral Back, the Chair of the Board of Examiners may propose a resolution and the Appeal Chair will put this to the student for decision on the basis that the resolution will constitute full and final settlement of the case.

N.5.7 In cases where the Appeal is not upheld after Referral Back, the student will be issued with a Completion of Procedures letter.

N.5.8 In cases where the Appeal is upheld and the proposed resolution is not accepted, then the Appeal will progress to an Appeal Hearing.

N.6 Appeal Hearing

N.6.1 The Appeal Hearing will normally take place within 20 working days following the decision of the Appeal Chair.

N.6.2 The Appeal Board will comprise: the Appeal Chair, 2 full time members of teaching staff of the University and a nominated Student Leader of the Students' Union.

N.6.3 No member of the Appeal Board will have prior involvement in the case or be from the same School as the student.

N.6.4 The Chair of the Board of Examiners or nominee and the student will attend the Appeal Hearing. The student may be accompanied by a member of staff, a student of the University or a staff member from the Students' Union Advice Centre.

- N.6.5 If, for valid reasons, the student is unable to attend an Appeal Hearing, the University will reschedule the meeting on one occasion. If the student is unable to attend the rescheduled meeting, the Appeal Hearing will take place *in absentia*.
- N.6.6 No later than 3 working days before the Hearing, the Academic Appeals Officer will provide the attendees of the Appeal Hearing with the Assessment Regulations for the award and the full Review and Appeal documentation related to the case, including documentary evidence.
- N.6.7 The Chair of the Appeal Board will ensure that all parties are given fair and equal opportunities to present their case. The Appeal Board will reach its decision in private.
- N.6.8 The Appeal Board will either uphold or not uphold the Appeal and will make any such recommendations as it considers appropriate.
- N.6.9 The decision of the Appeal Board will be communicated in writing normally within 5 working days.
- N.6.10 Where an Appeal is not upheld, the original decision of the Board of Examiners will stand.
- N.6.11 Where an Appeal is upheld, the Board of Examiners will meet as soon as reasonably possible to reconsider the matter as recommended by the Appeal Board.
- N.6.12 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter and referred to the Office for the Independent Adjudicator for Higher Education.

N.7 Frivolous and Vexatious Review Requests and Appeals

- N.7.1 The University reserves the right to reject a Review or Appeal as frivolous or vexatious for reasons including (this list is not exhaustive):
- N.7.1.i Reviews or Appeals that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
 - N.7.1.ii Insistence upon pursuing unmeritorious Reviews or Appeals and/or unrealistic outcomes.
 - N.7.1.iii Reviews or Appeals that are designed to cause disruption.
- N.7.2 The Academic Appeals Officer will write to the student with a full explanation as to why their case has been rejected.
- N.7.3 If a student wishes to challenge the Academic Appeal Officer's decision, they must submit this in writing to the Deputy University Secretary who will review the evidence and will decide whether the challenge is upheld.
- N.7.4 The decision of the Deputy University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student, who may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- N.7.5 A frivolous or vexatious Review or Appeal may be dealt with under the Student Conduct and Disciplinary Procedure.

N.8 Office of the Independent Adjudicator for Higher Education

- N.8.1 A student dissatisfied with the outcome of the Appeal 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.
- N.8.2 This right may normally only be exercised when the University's internal processes have been exhausted.

- N.8.3 The student must first obtain a Completion of Procedures letter from the Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA, and this must be made within 12 months of the date of the Completion of Procedures letter.
- N.8.4 Guidance on making an application to the OIA can be found on its website.
- N.8.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

Part O – Student Complaints

O.1 Principles of the Complaints Procedure

- O.1.1 This procedure applies to all students on programmes of the University.
- O.1.2 For the purpose of this procedure, the term 'student' includes those who have left the University within the 3 previous months for whatever reason.
- O.1.3 This procedure is to be used for:
 - O.1.3.i Concerns about the provision and delivery of academic programmes and related services.
 - O.1.3.ii Complaints about a student's experiences at the University, including engagement with academic, professional services and support staff.
- O.1.4 Complaints against the standard of tutoring etc. must be made before the results of Board of Examiners deliberations and cannot be used to lever an appeal against the decision of the Board.
- O.1.5 The procedure is underpinned by the following principles:
 - O.1.5.i Complaints will normally be made within 3 months of the event(s).
 - O.1.5.ii Complaints will be considered as originally set out and no further issues can be added to the complaint once submitted.
 - O.1.5.iii At any stage, resolution is possible via mediation and mutual agreement.
 - O.1.5.iv Complaints will not be investigated by anyone who has a personal interest in the outcome.
 - O.1.5.v All parties will act in good faith and with the aim of achieving a mutually agreed outcome.
 - O.1.5.vi The Complaints Process will be transparent and open wherever possible.
- O.1.6 Before making a complaint, either formally or informally, students are encouraged to seek advice from the University's Student Support Services, the Students' Union's Advice Centre, and/or their Personal Tutor.
- O.1.7 A third party may act as and represent the complainant, provided the student gives the Secretariat written authority for the representative to act on their behalf.
- O.1.8 Where a complaint is submitted by a group of students, it is expected that a named individual will be the group's lead and point of contact who must communicate the decisions made in the complaint procedure to all complainants in the group.
- O.1.9 Students making a complaint have the right to be accompanied to meetings by a member of staff or student of the University or a staff member from the Students' Union Advice Centre.
- O.1.10 Anonymous complaints will only be admitted in exceptional circumstances. A complaint made anonymously will be referred to the University Registrar and Secretary, who will consider:
 - O.1.10.i The gravity of the issues.
 - O.1.10.ii The credibility of the concern.

O.1.10.iii The likelihood of confirmation from attributable sources.

O.1.11 Students studying on University awards at Partner Institutions should use the Partner Institution's own procedures and have the right to pursue their complaint with the University if they remain dissatisfied with the outcome of the Institution's procedures.

O.2 Informal Resolution

O.2.1 Many of the issues leading to complaints can be satisfactorily resolved at a local level. Before any formal process begins all parties should try to resolve the matter informally. Informal complaints must be raised as soon as reasonably practicable and no more than one month after the event(s) complained about.

O.2.2 Students should raise the matter at the earliest opportunity, either directly with those concerned, or ideally with their Personal Tutor or with the Programme Leader.

O.2.3 Only when such informal actions have not been sufficient to resolve the matter within a reasonable timescale should students invoke the formal procedure.

O.3 Formal Procedure

O.3.A Opening a Complaint

O.3.A.1 Formal complaints should be raised as soon as reasonably practicable and no more than 3 months after the event(s) being complained about. Complaints submitted after that length of time will not normally be investigated unless the student can provide a compelling reason with appropriate documentary evidence. A decision will be made by the Student Complaints Officer whether to allow the complaint into the procedure.

O.3.A.2 Students are expected to have engaged in processes to attempt to resolve the issues informally.

O.3.A.3 A student who wishes to make a formal complaint must use the Student Complaint Proforma available from the Secretariat. The student must provide evidence to substantiate the complaint. Issues and evidence that were not introduced at the first stage will not normally be accepted for consideration at a subsequent stage of the procedure.

O.3.A.4 The Student Complaints Officer is responsible for coordinating the procedure and will provide advice to the student and staff involved.

O.3.B Head of School/Service Stage

O.3.B.1 The Student Complaint Proforma will be submitted to the relevant Head of School/Service for investigation.

O.3.B.2 Some complaints, either by their nature or their gravity, must be investigated by a member of staff other than the relevant Head of School/Service. Examples of these include:

O.3.B.2.i Complaints about or containing direct criticism of the Head of School/Service, or they have had any prior involvement in the informal complaint. In such a case, the Student Complaints Officer will ask the Head of College or Service Director to nominate another Head of School/Service to investigate.

O.3.B.2.ii Complaints about the Senior Leadership Team. In such a case, an appropriate senior colleague will be asked to conduct the investigation.

O.3.B.3 The Head of School/Service may nominate a colleague to act on their behalf but will retain overall responsibility for the process and for the implementation of actions. Nominees must be senior members of staff without any connection to the case.

- O.3.B.4 The Head of School/Service will, where appropriate, interview named individuals identified in the complaint, will carefully consider any documentary evidence, and will seek to reach a fair resolution of the issues.
- O.3.B.5 The named individuals may be accompanied to interviews by a member of staff or a student of the University, or a staff member from the Students' Union Advice Centre (in the case of students), or a Trades Union representative (in the case of staff).
- O.3.B.6 The Head of School/Service will normally conclude the investigation within 20 working days. Where a Head of School/Service is not able to conclude the investigation within 20 working days, they will write to the complainant via the Student Complaints Officer to provide an update on the progress of the investigation and indicate when it is expected that a response will be made, which will be within 10 working days.
- O.3.B.7 The Head of School/Service will produce a report addressing all key aspects of the complaint and say whether the complaint is substantiated, in whole or in part. Where the complaint has been fully or partially upheld, the Head of School/Service will provide an apology and will set out the actions that have been recommended and/or have been put in place.
- O.3.B.8 On receipt of the completed report, the Student Complaints Officer will forward it to the student together with information of the next stages of the Student Complaints Procedure if appropriate.
- O.3.B.9 Where a complaint has been upheld, it may be necessary for the Head of School/Service to consider disciplinary action under the University's Staff Disciplinary Policy. In this event, further consideration of the complaint will no longer remain within the scope of the Student Complaints Procedure and the student will be informed accordingly. The Head of School/Service will offer to meet the student to discuss what immediate steps may be taken, without prejudice to any action taken under, or to the outcomes of, the Staff Disciplinary Policy.
- O.3.B.10 Where a complaint has been upheld, the Student Complaints Officer will advise the Head of College/Service Director as appropriate and will provide the Complaint Outcome Report.

O.4 Review Stage

O.4.A Requesting a Review

- O.4.A.1 A student who believes the Head of School/Service's investigation has failed to address material elements of the complaint, or offer a fair resolution, may request a Review.
- O.4.A.2 A request for an independent review of a complaint must be submitted on the Student Complaints Review Proforma and lodged with the Student Complaints Officer within 10 working days of the student's receipt of the Complaint Outcome Report.
- O.4.A.3 Students may not introduce any evidence that was available to them but had not been previously submitted at the Head of School/Service stage.

O.4.B The Independent Reviewer

- O.4.B.1 The Vice Chancellor will appoint a senior member of staff from outside the student's School, or from a different service department, to act as the Independent Reviewer.
- O.4.B.2 The Independent Reviewer will form a view as to the validity of the student's assertion that the Head of School stage was defective in some material way within 10 working days.
- O.4.B.3 The Independent Reviewer may make appropriate enquiries as they deem necessary.

- O.4.B.4 If the Review concludes that the Head of School/Service's investigation was not defective and that the outcome was appropriate, the Student Complaints Officer will inform the student and issue a Completion of Procedures letter.
- O.4.B.5 If the Review concludes that the investigation was defective or that the outcome was not appropriate, whether in full or in part, the matter will be returned to the Head of School/Service as a Referral Back. At this point, the 10 working days timeframe will be paused.
- O.4.B.6 The Head of School/Service will respond within 10 working days of the Referral Back, and where further investigation is required, will update their original outcome report accordingly.
- O.4.B.7 On receipt of the Referral Back response, the remainder of the Independent Reviewer's 10 working days timeframe will restart. If the Independent Reviewer concludes that the student's assertions have now been adequately addressed by the Head of School/Service, the Student Complaints Officer will inform the student and issue a Completion of Procedures letter.
- O.4.B.8 If the Independent Reviewer concludes that there are still substantive areas of dispute, the matter will proceed to a Complaints Hearing.

O.5 Complaints Hearing

- O.5.1 The Complaints Hearing will normally take place within 20 working days of the student's receipt of the Review outcome.
- O.5.2 The Complaints Board shall comprise: a Chair, who shall be a member of University staff, nominated by the Vice Chancellor, one senior member of the academic or professional services staff and a nominated Student Leader on behalf of the Students' Union.
- O.5.3 No member of the Complaints Board shall be a member of the School/Service to which the complaint relates or have had any prior involvement or interest in the complaint.
- O.5.4 The Head of School/Service and the student will attend the hearing. The student may be accompanied by a member of staff, a student of the University or a staff member from the Students' Union Advice Centre.
- O.5.5 If, for valid reasons, the student is unable to attend a Complaints Hearing, the University will reconvene the meeting on one occasion. If the student is unable to attend the rescheduled meeting, the Complaints Hearing may take place in absentia.
- O.5.6 No later than 3 working days before the Hearing, the Student Complaints Officer will provide the attendees of the Complaints Hearing with the full documentation related to the case, including documentary evidence.
- O.5.7 The Chair of the Complaints Board will ensure that all parties are given fair and equal opportunities to present their case. The Complaints Board shall reach its decision in private.
- O.5.8 The Complaints Board will either uphold or not uphold the complaint and will make any such recommendations as it considers appropriate.
- O.5.9 The decision of the Complaint Board will be communicated in writing normally within 5 working days.
- O.5.10 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter and referred to the Office for the Independent Adjudicator for Higher Education.

O.6 Frivolous and Vexatious Complaints

- O.6.1 The University reserves the right to reject a complaint as frivolous or vexatious for reasons including (this list is not exhaustive):

- O.6.1.i Complaints that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
- O.6.1.ii Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes.
- O.6.1.iii Complaints that are designed to cause disruption.
- O.6.2 The Student Complaints Officer will write to the student with a full explanation as to why their case has been rejected.
- O.6.3 If a student wishes to challenge the Student Complaints Officer's decision, they must submit this in writing to the Deputy University Secretary who will review the evidence and will decide whether the challenge is upheld.
- O.6.4 The decision of the Deputy University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student, who may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- O.6.5 A frivolous or vexatious complaint may be dealt with under the Student Conduct and Disciplinary Procedure.

O.7 [Office of the Independent Adjudicator for Higher Education](#)

- O.7.1 A student dissatisfied with the outcome of the complaint 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.
- O.7.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- O.7.3 The student must first obtain a Completion of Procedures letter from the Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA, and this must be made within 12 months of the date of the Completion of Procedures letter.
- O.7.4 Guidance on making an application to the OIA can be found on its website.
- O.7.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

Part P – Student Misconduct

P.1 Introduction

- P.1.1 The University of Lincoln is One Community and, as members of this community, students are expected to adhere to all University Regulations, policies, codes, and charters, to 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. The University is firmly committed to sustaining an inclusive learning, working and research environment characterised by respect and dignity, and free from harassment, bullying, abuse, and discrimination.
- P.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.
- P.1.3 Students are expected to:
- P.1.3.i Be considerate and respectful to students, staff, and visitors to the University and to follow the University's One Community values of Equality, Understanding, Listening, Kindness, and Acceptance.
 - P.1.3.ii Respect the University's property, that of others and not take property belonging to another without permission.
 - P.1.3.iii Act as responsible members of the local community and behave as considerate neighbours.
 - P.1.3.iv Comply with reasonable requests or instructions from members of University staff including, complying with a penalty or outcome as part of these Regulations.
 - P.1.3.v Inform the University of any criminal proceedings, convictions or any such matter which impairs their ability to study on the basis of safeguarding the University's Community.
 - P.1.3.vi Conduct themselves appropriately in all forms of communication, including social media.
 - P.1.3.vii Not engage in any conduct which constitutes sexual misconduct.
 - P.1.3.viii Not engage in any conduct which is intended to or is likely to disrupt teaching, learning, examinations, recreational activities, or any other activities undertaken by or within the University.
 - P.1.3.ix Not engage in any conduct which adversely affects or puts at risk the safety, welfare or wellbeing of others including livestock.
 - P.1.3.x Not damage University property or use it for unapproved purposes.
 - P.1.3.xi Not make clandestine recordings of any University activities (including lectures, or meetings) without the consent of all participants, unless there are other lawful or permitted reasons. This may breach the personal privacy rights of those participants.
 - P.1.3.xii Not engage in any harassing, bullying, discriminatory or intimidating behaviour.
 - P.1.3.xiii Not engage in initiation, or similar events.
 - P.1.3.xiv Not possess, supply, or use illegal substances or illegal weapons.

- P.1.3.xv Not submit false claims against other members of the University community in order to actively discredit an individual (i.e., Defamation of another including online).
- P.1.3.xvi Not perform actions or make declarations that are dishonest or intended to deceive the University.

P.2 Definition of Misconduct

- P.2.1 The University's definition of student misconduct is behaviour by a student which adversely impacts the activities, functioning, and/or wellbeing of other students, University staff, its visitors, or the University community, or otherwise damages the University or its reputation. These include but are not limited to:
 - P.2.1.i Actions that cause actual or potential distress or harm to others regardless of intention.
 - P.2.1.ii Actions that cause actual or potential damage to property intentionally or recklessly.
 - P.2.1.iii Actions that disrupt the normal or safety operations of the University including bringing the University into disrepute.
 - P.2.1.iv Actions that interfere with the work/study of others or impact on the University's normal operations.
 - P.2.1.v Failure to disclose to the relevant School office a relevant court or legal order, conviction of or investigation into a criminal offence sustained whilst enrolled as a student or, if prior to enrolment, such a matter which impairs a student's ability to study on the basis of safeguarding.
- P.2.2 Examples of the kinds of behaviour which constitute misconduct, including examples of sanctions dependent on the severity, are provided in Part P.16.
- P.2.3 These Regulations are intended to address misconduct by students rather than to resolve disputes between individuals. Mediation or conciliation can be particularly helpful in resolving disputes involving students at an early stage and will be encouraged as a preliminary resolution. Such allegations, where appropriate, may be referred to the Student Support Centre to attempt resolution. Where mediation is unsuccessful, the Student Support Centre will refer the matter back to the Secretariat.
- P.2.4 The University's definition of Gross Misconduct is actions or behaviour in breach of these Regulations that justifies formal disciplinary action and, if proven, penalties under the Student Misconduct Panel process may be applied.
- P.2.5 The University's definition of General Misconduct is actions or behaviour in breach of these Regulations that does not justify disciplinary action by the Student Misconduct Panel, and penalties under the facilitated resolution process may be applied.
- P.2.6 The Regulations apply to behaviour both on and off campus (including online), provided that the person being reported is a student at the University.
- P.2.7 The University cannot act where it does not hold appropriate authority, i.e., in the place of a private landlord or the Police.
- P.2.8 The Secretariat are the determining authority as to whether an allegation falls within scope of these Regulations and under which, if any, definition of student misconduct.

P.3 General Principles

- P.3.1 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.
- P.3.2 The Deputy University Secretary is the final arbiter of the application and interpretation of these Regulations.
- P.3.3 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 University of Lincoln Students' Union (ULSU) has its own disciplinary policy for its members and, when exhausted, the SU may refer students to the University's process.
- P.3.4 These Regulations fundamentally focus on re-education, rehabilitation and learning lessons.
- P.3.5 These Regulations seek to operate in a fair and reasonable manner in relation to all parties who are subject to them. The Regulations adhere to the principles of natural justice, which are:
- P.3.5.i The right for students to know the case against them.
 - P.3.5.ii The right for students to be given an opportunity to respond.
 - P.3.5.iii The right to confidentiality.
 - P.3.5.iv The right to have their case considered by an impartial arbiter.
- P.3.6 The Student Misconduct Regulations are not a legal process, and criminal law does not apply. The standard of proof required under these Regulations is the balance of probabilities. In order to find that an event occurred, those making such a finding must be satisfied that it is more likely than not that the event in question occurred.
- P.3.7 The University does not have the authority to make determinations as to whether behaviours which may constitute criminal offences have or have not occurred. It can only determine whether it is more likely than not that there has been a breach of its Student Misconduct Regulations.
- P.3.8 It is important that, if the reporting person believes the matter is one which constitutes an offence under criminal law, that this is reported to the Police. The University has limited investigative powers and cannot prove a criminal allegation has or has not occurred. Any disciplinary action is undertaken as a breach of the University's Regulations and is separate from and is not a substitute for a Police investigation or a criminal prosecution.
- P.3.9 Reporting parties will recognise that there will be circumstances where the University does not receive sufficient evidence to prove allegations or there is no case to answer. In these circumstances, the University will instead prioritise support for those involved and identify measures to prevent recurrence.
- P.3.10 Allegations of misconduct relating to behaviour by a group of students may be reported as a single allegation. The University will ensure that the situation of each student is considered, and that each student is entitled to attend individual meetings.
- P.3.11 Any student may be accompanied to a meeting under these Regulations by a companion who must either be a fellow student, a member of staff (such as from Student Support, Student Wellbeing, or Personal Tutor) or a staff member from the Students' Union Advice Centre. A companion must not be related to the matter in anyway. A companion will not be allowed to contribute materially to the investigative procedure. If the companion acts outside of these parameters the meeting will be suspended, and the companion will be asked to leave. If the student is unable to continue the meeting without the companion, it will be at the authorised officer's discretion (based on the context of what has occurred and based on what evidence has

been obtained at that point) as to whether one further attempt to hold the meeting shall be made.

- P.3.12 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).
- P.3.13 In all cases, the process will normally be concluded within 3 months. 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.
- P.3.14 Where it is found that there are insufficient grounds or evidence into an allegation against the behaviour of a student or where the reporting party fails to commit to engaging positively with the process, when necessary, the University reserves the right to discontinue an investigation. There is no right of appeal against this action and reports will not be reopened.
- P.3.15 Resolution through any mechanism, such as mediation, may be attempted at any point during any stage of application of these Regulations. Successful mediation, which effectively disposes of the allegation(s) may result in the cessation of action.
- P.3.16 Each student engaged with under these Regulations will be advised of the availability of advice and support provided by Student Wellbeing, the Student Support Centre, and the Students' Union Advice Centre. Members of staff will be directed to the support available via Human Resources.

P.4 Reasonable Instructions

- P.4.1 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.
- P.4.2 These may include requiring any student to withdraw from any room or area, to cease to take part in any activity or to not have/make unreasonable contact with/about another individual.
- P.4.3 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.

P.5 Relationship with Other Regulations and Procedures

- P.5.1 Allegations of misconduct brought against a student household in relation to noise complaints and anti-social behaviour will be managed via Part Q of these Regulations: Noise Complaints and Anti-Social Behaviour in the Community.
- P.5.2 Where allegations of misconduct are brought against students enrolled on a programme with Fitness to Practise requirements, the Secretariat 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.
- P.5.3 If the matter is initially considered under the Student Misconduct Regulations, the case file, finding and outcome will be shared with the School which will decide whether additional consideration under the Fitness to Practise Regulations is required.
- P.5.4 If the matter is initially considered under the Fitness to Practise Regulations, the case file, finding and outcome will be shared with the Secretariat who will consider convening a Student Misconduct Panel.

P.6 Reports of Alleged Student Misconduct

- P.6.1 A report of alleged misconduct must be made within 3 months of the date of the alleged misconduct occurring. Allegations of student misconduct pre-dating 3 months will not be considered, but, where applicable, the University will prioritise support and will implement measures intended to prevent recurrence.
- P.6.2 The scope and remit of any investigation will be clearly established and will strictly focus on the allegation(s). Any previous behaviours may be referenced as supplementary information only.
- P.6.3 For an allegation of student misconduct to be considered under these Regulations, a report must be made on the prescribed form (available from the Secretariat) and submitted to the Secretariat together with all evidence that the reporting person wishes to provide in support of the allegation. It is the reporting person's responsibility to ensure that they provide a detailed statement of events and all evidence they wish to provide in support at the point of submitting the form. Failure to do so may result in the case not being taken forward.
- P.6.4 If a report is received after this time period has elapsed, then the Deputy University Secretary will be asked to decide whether the report should be exceptionally accepted for consideration under the Regulations. The decision will be relayed to the reporting person within 5 working days.
- P.6.5 The University will not consider anonymous allegations under these Regulations.
- P.6.6 Students can use the online tools available via the Student Services webpages to find out more information and seek guidance about the reporting processes and how to access specialist support regarding the reporting of incidents of sexual violence or Hate Crime, both to the University and externally.
- P.6.7 When a completed proforma is received, a Case Officer from the Secretariat will determine whether:
- P.6.7.i The matter falls within scope of the Regulations as a matter of General Misconduct.
 - P.6.7.ii The matter falls within scope of the Regulations as a matter of Gross Misconduct.
 - P.6.7.iii The matter does not fall within scope of the Regulations. The individual will be informed in writing and provided reasons why the matter will not be dealt with. This decision is final. The reporting person will be referred to Student Wellbeing, the Student Support Centre or Human Resources for guidance and support.
 - P.6.7.iv The Secretariat may need to request additional information from the reporting person or from within the University in order to make the above decision.
- P.6.8 The University owes the same duties and obligations to all students involved and needs to balance the interests of each student when considering what, if any, action to take.
- P.6.9 Where a report is received from an individual who is not a student or member of staff, they will be informed that their report may be considered internally but they should expect no further correspondence from the University, owing to the need to safeguard the personal data of parties for whom the University has such a legal obligation. Where appropriate, these individuals may be referred to make reports externally (i.e., to the Police or other local government services).
- P.6.10 Where the allegation(s) fall within the remit of the Regulations and requires formal investigation as a matter of gross misconduct and a safeguarding concern is identified, the case will be referred to the Deputy University Secretary. The Deputy University Secretary will engage with the Academic Registrar or nominee to convene a Safeguarding Panel who will determine whether any action must be taken immediately.

P.6.11 Where a formal investigation under gross misconduct is initiated against a student in accordance with these Regulations, and that student is also a member of University Staff, the Secretariat will confidentially notify a Human Resources Business Partner of the allegation to obtain advice on sharing information with the individual's line manager. An individual's line manager is responsible for considering whether any further action is required under the student's contract of employment; this being a separate process to this Regulation. Any such action taken by the line manager will not affect an investigation under these Regulations. However, the Investigating Officer or any subsequent Student Misconduct Panel may take the outcome of any additional action taken by the University in relation to the same offence into account during consideration of an appropriate penalty.

P.7 Facilitated Resolution

P.7.1 A matter that falls within scope of the Regulations as a matter of General Misconduct will be dealt with via facilitated resolution. The University will write to the reported student to inform them of the report against them. The student will be provided with details of the allegation and relevant evidence received.

P.7.2 The reported student will be invited to a meeting to discuss and respond to the allegations made.

P.7.3 The reporting person may be invited to a meeting with the Case Officer as part of seeking such resolution.

P.7.4 The reported student will be informed that if they fail to engage with the process, including attending any meetings when requested, the facilitated resolution process will continue in their absence.

P.7.5 At any stage of the facilitated resolution process, the Case Officer may determine, in consultation with the Deputy University Secretary or nominee, that a case should be re-classified as gross misconduct. The Case Officer will inform the reported student, in writing, of this decision and the basis for doing so.

P.7.6 Via facilitated resolution, one or more of the following outcomes may be applied to either the reported person or the reporting person:

P.7.6.i No further action will be taken.

P.7.6.ii Advice will be given in regard to future conduct.

P.7.6.iii A requirement will be issued, which may include the ceasing of all contact (physical, online etc.) with involved named individuals for a defined period (which may be until the student leaves the University).

P.7.6.iv A written caution will be issued. The caution is a formal signal that the reported behaviour is unacceptable and requires improvement. It provides an opportunity to learn from the incident to minimise the likelihood of such behaviour reoccurring in future. If further allegations of misconduct are reported within the next 12 months, then additional action under these Regulations may be taken.

P.7.6.v A requirement to submit an apology in writing to the other person(s) must be submitted to the Case Officer.

P.7.6.vi A requirement to enter into an acceptable behaviour contract with the University which may require the student to ensure they behave in a respectful and inclusive manner in accordance with the University's One Community values.

P.7.6.vii A requirement to complete a remedial undertaking as may be determined is reasonable, i.e., removal of harmful social media posts.

P.7.6.viii A requirement to meet in full or part the cost of making good any damage caused or loss suffered as a result of the misconduct up to the amount of £250.

P.7.7 Whilst it is asked on the proforma what is a reporting students desired outcome, it will be the University who will make the decisions about the appropriateness of outcomes/penalties that may be applied against a student under these Regulations.

P.7.8 A record of the outcome via facilitated resolution will be held by the Secretariat and may be revisited should further matters be brought to the University's attention.

P.8 Gross Misconduct Formal Investigation

P.8.1 The investigation may include the gathering of information from relevant sources. Investigations will be concluded within 20 working days from the point of writing to the student. In more complex cases, or when new evidence becomes available during the investigation, or where a subsequent allegation of misconduct occurs, this could be extended.

P.8.2 Upon receipt of the case, the Investigating Officer will write to the reported student(s) involved to notify them of the investigation and will:

P.8.2.i Inform the student of the specific nature of the allegation(s), the purpose of the investigation and provide them with a copy of these Regulations.

P.8.2.ii Inform the student the matter is being considered as gross misconduct.

P.8.2.iii Inform the reported student that if they fail to engage with the investigation, including attending any meetings when requested, the investigation may continue in their absence.

P.8.3 The Investigating Officer may request to meet with the reported student(s) on more than one occasion during the investigation and will:

P.8.3.i Inform the student of the purpose of the meeting in advance and advise that the meeting is the student's opportunity to be heard.

P.8.3.ii Where possible, give the student at least 5 working days' notice of any such meetings.

P.8.3.iii Inform the student of their right to be accompanied by a companion, who must be a fellow student, a member of staff (such as from Student Support, Student Wellbeing, or Personal Tutor) or a staff member from the Students' Union Advice Centre.

P.8.3.iv Inform the student that they may seek advice and support from the Student Support Centre, Student Wellbeing, or the Students' Union Advice Centre.

P.8.3.v Provide details of the allegation and relevant evidence received to the extent that this allows the student to be able to respond to the specifics of the allegation in full. Evidence will be redacted where it contains the personal data of unrelated third parties.

P.8.4 Submissions of evidence outside of the scope of the investigation or submission of evidence perceived to be confusing the issue, unduly delayed or needlessly cumulative will be rejected.

P.8.5 Meetings will include the Investigating Officer, a member of staff whose sole responsibility will be to take notes, the student and, if applicable, their companion. A copy of the notes can be provided to the student for their reference upon request.

- P.8.6 Where appropriate, the Investigating Officer may invite the student to provide a written response to the allegation and to present any supporting information. In these circumstances the student will be given 5 working days to submit the written response.
- P.8.7 The Investigating Officer may invite witnesses, as identified 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 acting as a witness to participate in the Student Misconduct 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.
- P.8.8 If there is a further allegation of misconduct which breaches the University's Regulations that occurs whilst an investigation is being conducted under gross misconduct, this may be considered as an aggravating factor and taken into account during decision-making at any subsequent Student Misconduct Panel.
- P.8.9 At any stage of a gross misconduct investigation, the Investigating Officer may determine, in consultation with the Deputy University Secretary or nominee, that a case should be de-escalated from gross misconduct to general misconduct. The University will inform the reported student, in writing, of this decision and the basis for doing so.

P.9 Student Misconduct Panel

- P.9.1 At the conclusion of an investigation into gross misconduct, the Investigating Officer will write a report and submit it, together with copies of all relevant information collated as part of the process (e.g., meeting notes), to a Governance Officer (the Case Officer) in order that this can be shared with the reported student for final representation, as additional evidence including witness statements may have been collated as part of the investigation since the initial information was provided to the student. This is a final opportunity to respond only to the allegations put against the reported student and any representation (including mitigation) should be concise and must not contain any further evidence. The Investigating Officer 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).
- P.9.2 On receipt of the Investigating Officer's report, the Secretariat will convene a meeting of the Student Misconduct Panel within 15 working days.
- P.9.3 The Student Misconduct Panel will comprise:
- P.9.3.i The Academic Registrar, or nominee (Chair).
 - P.9.3.ii College Directors of Education and Students, or nominee.
 - P.9.3.iii A Student Leader nominated by the Students' Union, or nominee.
- P.9.4 None of the reporting person, the reported student or the Investigating Officer attend the panel.
- P.9.5 The Case Officer will act as Secretary to the Panel.
- P.9.6 Quoracy for the Student Misconduct Panel will be 4 including the Chair.
- P.9.7 The Panel will consider the report submitted by the Investigating Officer and any final representations from the reported student. The Panel may determine:

- P.9.7.i 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.
- P.9.7.ii One or more of the allegations have been proven on the balance of probabilities.
- P.9.8 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 mitigating circumstances submitted by the student and any previous action taken or penalties applied against the student under these Regulations.
- P.9.8.i That advice will be given in regard to future conduct.
- P.9.8.ii That a requirement will be issued, which may include the ceasing of all contact (physical, online etc.) with involved named individuals for a defined period (which may be until the student leaves the University).
- P.9.8.iii That a written caution will be issued. The caution is a formal signal that the reported behaviour is unacceptable and requires improvement. It provides an opportunity to learn from the incident to minimise the likelihood of such behaviour reoccurring in future. If further allegations of misconduct are reported within the next 12 months, then additional action under these Regulations may be taken.
- P.9.8.iv A requirement to submit an apology in writing to the other person(s) must be submitted to the Case Officer.
- P.9.8.v A requirement to enter into an acceptable behaviour contract with the University which may require the student to ensure they behave in a respectful and inclusive manner in accordance with the University's One Community values.
- P.9.8.vi A requirement to complete a remedial undertaking as may be determined is reasonable, i.e., removal of harmful social media posts or meeting in full or part the cost of making good any damage caused or loss suffered up to the amount of £250.
- P.9.8.vii 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.
- P.9.8.viii A requirement to meet in full or part the cost of making good any damage caused or loss suffered as a result of the misconduct up to the amount of £500.
- P.9.8.ix 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 contacted and requested to ratify any proposed exclusion.
- P.9.8.x A requirement for the student to cease all contact (physical, online etc) with the named individual(s) for a defined period (which may be until the student leaves the University).
- P.9.8.xi Where the misconduct has taken place as part of an assessed element of academic work, there is 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).
- P.9.8.xii A written final warning, meaning that where any further allegations of student misconduct are found proven, only the penalty of permanent expulsion will be applied (with or without credit already achieved).

- P.9.8.xiii Exclusion of the student from the whole University (including digital platforms) for a defined period.
 - P.9.8.xiv Suspension of the student's programme, in whole or in part, for a defined period.
 - P.9.8.xv Permanent expulsion from the University (with or without credit already achieved).
- P.9.9 Formal disciplinary outcomes will be retained by the Secretariat for six years after the academic year within which a case concludes.
- P.9.10 The decision of the Panel will be communicated to the student in writing within a maximum of 5 working days by the Case Officer to the Panel. The student will also be informed of their right to appeal.

P.10 Appeal Stage

P.10.A Submission of an Appeal

- P.10.A.1 A student may appeal against an outcome imposed onto them by the Secretariat as an outcome of facilitated resolution.
- P.10.A.2 A student may appeal against a finding of a proven allegation and/or the penalty imposed by the Student Misconduct Panel against them.
- P.10.A.3 Appeals must be submitted on the proforma available from the Secretariat and must be submitted within 10 working days of written confirmation of the outcome of the facilitated resolution process or of the Student Misconduct Panel.
- P.10.A.4 An appeal may be lodged on the following grounds only:
 - P.10.A.4.i There is significant new evidence relevant to the allegation(s) which could not reasonably have been brought to the attention during the facilitated resolution process or to the Student Misconduct Panel, and which could have materially affected the outcome. The student must clearly explain why the evidence has not been previously submitted.
 - P.10.A.4.ii There was an irregularity in the procedures applied as set out in these Regulations or other unfairness which could have materially affected the outcome.
 - P.10.A.4.iii There is evidence of prejudice or bias by the Investigating Officer or the Student Misconduct Panel; the evidence must be submitted with the appeal.
- P.10.A.5.E The appeal must include:
 - P.10.A.5.E.i Identification of the penalty on which the appeal is made against.
 - P.10.A.5.E.ii Identification of the formal ground(s) of appeal.
 - P.10.A.5.E.iii A statement detailing why the appeal is being lodged.
 - P.10.A.5.E.iv Evidence to support the appeal.
- P.10.A.6 The penalty applied will be paused pending the outcome of the appeal, except in cases where there may be a risk to staff, students, or members of the public.
- P.10.A.7 A reporting person cannot appeal against the reported student's outcome or penalties of either the facilitated resolution process or the Student Misconduct Panel.

P.10.B Lapsed Appeals

- P.10.B.1 Where the appeal is deficient in terms of the grounds cited or the evidence submitted, the Case Officer will write to the student advising that the appeal may not proceed until such deficiencies have been remedied. The student will have 5 working days to make a response to the Case Officer.
- P.10.B.2 If the 10 working days limit has expired, the Case Officer will notify the student in writing that the appeal has lapsed.

P.10.C Facilitated Resolution Outcome Appeals

- P.10.C.1 The Appeal proforma and accompanying evidence will be submitted to the Chair of the Student Misconduct Panel, who will make a determination on the appeal within 10 working days.
- P.10.C.2 If the Chair of the Student Misconduct Panel upholds the appeal, they will make any recommendations as they consider appropriate, which may include providing an alternative outcome to the facilitated resolution process.
- P.10.C.3 If the Chair of the Student Misconduct Panel does not uphold the appeal, the outcome of the facilitated resolution process will stand, and any penalties paused will be recommenced.
- P.10.C.4 The decision of the Chair of the Student Misconduct Panel will be communicated to the student in writing within 5 working days.
- P.10.C.5 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter.

P.10.D Student Misconduct Panel Appeals

- P.10.D.1 The appeal proforma, accompanying evidence and all of the documentation submitted to the Student Misconduct Panel will be submitted to a Deputy Vice Chancellor.
- P.10.D.2 The Deputy Vice Chancellor will determine whether or not the appeal has validity within 10 working days.
- P.10.D.3 If the Deputy Vice Chancellor does not determine that the appeal has validity, the outcome of the Student Misconduct Panel will stand, and any penalties paused will be recommenced.
- P.10.D.3 If the Deputy Vice Chancellor determines that the appeal has validity, it will be referred back to the Student Misconduct Panel with recommendations on areas for further consideration.
- P.10.D.4 The decision of the Deputy Vice Chancellor will be communicated to the student in writing within 5 working days.
- P.10.D.5 A meeting of the Student Misconduct Panel will be convened within 10 working days of receipt of the Deputy Vice Chancellor's decision.
- P.10.D.6 If the appeal's grounds relate to evidence of prejudice or bias by the Student Misconduct Panel, a new Panel will be convened to consider the evidence and make a final decision.
- P.10.D.7 The Student Misconduct Panel will uphold the appeal in whole, in part, or not uphold the appeal. The Student Misconduct Panel will also determine whether to:
 - P.10.D.7.i Overturn, amend or maintain the original decision regarding if allegations were found proven or not.
 - P.10.D.7.ii Overturn, amend or maintain the original decision regarding penalties that the student had appealed against.

- P.10.D.8 If the Student Misconduct Panel does not uphold the appeal, the outcome of the original Student Misconduct Panel will stand, and any penalties paused will be recommenced.
- P.10.D.9 The decision of the Student Misconduct Panel will be communicated in writing within 5 working days.
- P.10.D.10 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter.

P.11 Exclusion Pending Completion of the Student Misconduct Process or a Criminal Justice Process

- P.11.1 Where necessary, a student who is the subject of an allegation of misconduct, or against whom a criminal charge or court order is pending, or is the subject of police investigation, or where the University receives sufficient information to suggest that behaviour of a student constitutes misconduct and/or may place the University community at risk may be excluded by the Academic Registrar or nominee on the advice of the Safeguarding Panel, pending the outcome of the disciplinary process or the trial.
- P.11.2 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 individual(s).
- P.11.3 Where an allegation of gross misconduct is made against a student which involves conduct or behaviour in University-managed accommodation, the student may be relocated between residences or excluded completely from the residences, as per the University's Accommodation Services' Standard Terms and Conditions of Residence.
- P.11.4 The power to exclude is used to:
 - P.11.4.i Protect a member or members of the University community or the public.
 - P.11.4.ii Protect the property of the University.
 - P.11.4.iii Ensure that the process of the investigation is not adversely affected by the presence of the student.
- P.11.5 A student who has been excluded shall have the right to make written representations to the Academic Registrar or nominee within 2 working days. The Academic Registrar or nominee will review the exclusion within 5 working days and every 10 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.
- P.11.6 A student who has been comprehensively excluded for more than 3 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.

P.12 Misconduct that is also a Criminal Offence

- P.12.1 The following procedures apply where, if proved, the allegation of misconduct is likely to attract an immediate custodial sentence under criminal law.
 - P.12.1.i Where a concern is raised formally about the actions of a student and where those actions could also constitute a criminal offence, the reporting student should always be asked, in the first instance, if they have considered and would wish to make an

initial referral to the Police. This will not preclude immediate action under these Regulations if the Safeguarding Panel considers that partial or complete exclusion is also necessary.

- P.12.1.ii Where the concern relates to a criminal offence, Hate Crime or Hate Incident, which can also be reported to the Police by the University, if the reporting student does not wish to make a report to the Police, the Academic Registrar can be consulted to decide if a report should be made by the University.
- P.12.1.iii In the case of criminal offences which have been made known to the University, 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 Case Officer will decide (seeking advice from the Police or other authority with the support of the Deputy University Secretary), 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.
- P.12.1.iv Where resulted in conviction or acceptance of a Police caution for a criminal offence, the conviction will be taken as conclusive evidence that the behaviour has occurred and will be open to challenge only to the extent that the student disputes that they were the person convicted. Any imposed penalty shall be taken into consideration in determining the penalty under these procedures.

P.12.2 A student who is convicted of a serious criminal offence must immediately notify their Head of School who will liaise with the Secretariat. Disciplinary action may be taken as a result of the aforementioned conviction. Failure to disclose such a conviction will be treated as misconduct under these Regulations.

P.13 Confidentiality, Communication and Record Keeping

- P.13.1 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 reported student and the reporting person have an obligation to maintain confidentiality of information which is the subject of investigation. Failure to keep student disciplinary information confidential is considered to be an act of misconduct and will be treated as such under these Regulations.
- P.13.2 Records of Student Misconduct cases will be kept by the 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.
- P.13.3 The University may share information about a student disciplinary matter with relevant third parties (e.g., the Student Loans Company, the Students' Union, or the Police) where they have a legitimate or legal interest. However, the University will not engage with a third party, such as a parent/guardian or other relatives, and consent cannot be given to act on behalf of the student under these Regulations owing to the need to safeguard the personal data and confidentiality of parties for whom the University has such a legal obligation.
- P.13.4 The reporting person is not entitled to know the outcome or penalties against the reported student, or vice versa. The University will determine the extent of the information that can be shared with the reporting person (if any) in accordance with the General Data Protection Regulation.

P.14 Frivolous and Vexatious Allegations

- P.14.1 The University reserves the right to reject an allegation as frivolous or vexatious for reasons including (this list is not exhaustive):

- P.14.1.i Allegations that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
- P.14.1.ii Insistence upon pursuing unmeritorious allegations and/or unrealistic outcomes.
- P.14.1.iii Allegations or correspondence regarding allegations that are designed to cause disruption.
- P.14.2 The Case Officer will write to the student with an explanation as to why their case has been rejected.
- P.14.3 If a student wishes to challenge the Case Officer's decision, they must submit this in writing to the Deputy University Secretary who will review the evidence and will decide whether the challenge is upheld.
- P.14.4 The decision of the Deputy University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student, who may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- P.14.5 A frivolous or vexatious complaint may be dealt with via a new allegation under these Regulations.

P.15 Office for the Independent Adjudicator for Higher Education

- P.15.1 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.
- P.15.2 This right may only be exercised when the University's internal processes have been exhausted.
- P.15.3 The student must first obtain a Completion of Procedures letter from the Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA, and this must be made within 12 months of the date of the Completion of Procedures letter.
- P.15.4 Guidance on making an application to the OIA can be found on its website.
- P.15.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

P.16 Examples of Offences and Penalties Which May Apply

- P.16.1 Provided below are examples of the kinds of behaviour which may constitute misconduct.
- P.16.2 This list is not exhaustive, and the University may investigate any act that in its view constitutes misconduct.

Disciplinary Offence	Examples of Behaviour	Examples of Sanctions
Physical Misconduct	<ul style="list-style-type: none"> • Punching • Kicking • Slapping • Pulling hair • Biting • Pushing • Shoving • Burning 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • Written caution • Words of advice • Written apology • Acceptable behaviour contract • No contact order

Sexual Misconduct	<ul style="list-style-type: none"> • Sexual intercourse or engaging in a sexual act without consent • Attempting to engage in sexual intercourse or engaging in a sexual act without consent • Sharing private sexual materials of another person without consent • Kissing without consent • Touching inappropriately through clothes without consent • Inappropriately showing sexual organs to another person • Making unwanted remarks of a sexual nature • Promising resources or benefits in return for sexual favours 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts) • Written caution • Words of advice • Written Apology • Acceptable Behaviour Contract • No contact order
Abusive Behaviour	<ul style="list-style-type: none"> • Threats to hurt another person • Abusive comments relating to an individual's sex, sexual orientation, religion or belief, race, pregnancy/maternity, marriage/civil partnership, gender reassignment, disability, or age • Verbal abuse • Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person • Acting in an intimidating, hostile, bullying or harassing manner (including online) • Organisation of or participation in 'initiation' ceremonies or similar events. 	<ul style="list-style-type: none"> • Final Warning • Restrictions/Conditions • A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts) • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract • No contact order
Damage to Property	<ul style="list-style-type: none"> • Causing non-accidental damage to/defacing property belonging to or under the control of: <ul style="list-style-type: none"> ○ The University ○ Students of the University ○ Employees of the University ○ Visitors to the University 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract • A requirement to pay, in full or part, for any damage caused
Unauthorised Taking or Use of Property	<ul style="list-style-type: none"> • Unauthorised entry onto or unauthorised use of University premises • Intentionally taking property belonging to another without permission, authority, or consent • Misuse of University property (for example computers and laboratory equipment) 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract • A requirement to pay, in full or part, for any damage caused

<p>Causing a Health or Safety Concern</p>	<ul style="list-style-type: none"> • An act/omission that did cause or could have caused harm or a health and safety concern on University premises or during University activities (for example, disabling fire extinguishers, possessing/supplying controlled drugs or smoking cigarettes in a non-designated area) 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract
<p>Operational Obstruction</p>	<ul style="list-style-type: none"> • Acts/omissions/statements intended to deceive the University • Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere • Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University • Failure to comply with a previously imposed penalty or reasonable instruction • Communication of information confidential to the University or to its members to anyone outside the University • Failure to disclose a relevant court or legal order, conviction of or investigation into a criminal offence sustained whilst enrolled as a student or, if prior to enrolment, such a matter which impairs a student's ability to study on the basis of safeguarding • The clandestine recording of any University activities (lectures, meetings) made without the informed consent of all participants or other lawful or permitted reasons, and which may have breached the personal privacy rights of those participants • Acts/omissions/statements intended to deceive the University 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • A requirement to complete a remedial undertaking as may be determined is reasonable • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract
<p>Reputational Damage</p>	<ul style="list-style-type: none"> • Behaviour which has damaged or could have caused damage to the reputation of the University • Excessive and/or persistent noise, nuisance, or anti-social behaviour on the University's premises, or which significantly and adversely affects the local community to the extent that it brings the University into disrepute 	<ul style="list-style-type: none"> • Expulsion • Suspension • Exclusion • Final Warning • Restrictions/Conditions • A requirement to complete a remedial undertaking as may be determined is reasonable • Written caution • Words of advice • Written Apology • Acceptable Behavioural Contract

Part Q – Noise Complaints and Anti-Social Behaviour in the Community

Q.1 Introduction

- Q.1.1 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 2 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.
- Q.1.2 The Academic Registrar (or nominee) will be responsible for the investigation of allegations of misconduct brought against a student household (in relation to noise complaints and anti-social behaviour) and will have the power, subject to these Regulations, to impose penalties as detailed in the Student Conduct and Disciplinary Regulations.

Q.2 Joint Process for Dealing with Noise Complaints and Anti-Social Behaviour in the Community

Q.2.A First Complaint

- Q.2.A.1 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:
- Q.2.A.1.i A letter to all occupants from the PPASB Team outlining the complaint and a request to cease the disturbance.
 - Q.2.A.1.ii 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.
 - Q.2.A.1.iii 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.

Q.2.B Second Complaint

- Q.2.B.1 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.

Q.2.C Further Complaints

- Q.2.C.1 On receipt of any further complaints, the student household will be referred to Academic Registrar to investigate the matter.

Q.2.D Academic Registrar Procedure

- Q.2.D.1 The Academic Registrar (or nominee) will 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 will have the power, subject to these Regulations, to impose penalties.

- Q.2.D.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) will 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.
- Q.2.D.3 Where the Academic Registrar (or nominee) considers that the complaint provides grounds for formal consideration, they will 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.
- Q.2.D.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 a staff member from the Students' Union Advice Centre.
- Q.2.D.5 Where the Academic Registrar (or nominee) decides that there are grounds for action they will 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) will have the option of admitting the offence and offering comments in writing.
- Q.2.D.6 Where the student household admits the offence, the Academic Registrar (or nominee) will consider any comments offered by the student household and then determine the appropriate penalty in accordance with section C6.16. The student household will 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.

Part R – Fitness to Practise

R.1 School of Pharmacy

R.1.A Introduction

- R.1.A.1 Where successful completion of an academic award also leads directly to professional qualification, statutory registration and eligibility to practise, the University has a responsibility to the public, to employers and the professions and must be satisfied that the student will be a safe and suitable entrant to the given profession and is fit to practise.
- R.1.A.2 There are myriad reasons why difficulties relating to progress and performance may arise during a student's programme, including while on placement. These may be personal or health issues or relate to competency and capability or learning opportunities.
- R.1.A.3 These Regulations set out the procedures adopted by the University in order to discharge its responsibilities, and to ensure consistency across a range of programmes leading to professional qualification. This is supplemented by programme specific policies which reflect the detailed external regulatory requirements of a particular professional practice area.
- R.1.A.4 The successful completion of a professionally recognised and accredited programme leading to admission to a professional body/regulator requires students' adherence to the Regulations and procedures of the University and to the requirements of the relevant professional body/regulator.
- R.1.A.5 Students are expected to behave in a manner consistent with the University Regulations and procedures and the code of conduct of the relevant professional body/regulator.
- #### R.1.B Relationship with Student Progression, Disciplinary and Academic Offences Regulations
- R.1.B.1 Academic failure, including the failure of practice-based assessments, may lead to the termination of a student's registration on a programme for a professional qualification. The assessment of academic achievement is dealt with under the University's Assessment Regulations, with professional variations to these Regulations being agreed by Academic Board.
- R.1.B.2 Students who fail to make satisfactory progress in academic studies shall be considered by the relevant Board of Examiners which shall determine the appropriate course of action. If, during deliberations, concerns arise regarding the student's suitability to practise professionally on the grounds of health or conduct, the student will be referred to the School Fitness to Practise Panel.
- R.1.B.3 Students on professional programmes are subject to the usual University's Regulations regarding discipline and academic offences.
- R.1.B.4 Allegations of misconduct (as defined in the Student Conduct and Disciplinary Regulations) against students on professional programmes shall be dealt with under the Student Conduct and Disciplinary Regulations in the first instance. At Stage 1 of the formal process, the Head of School shall determine whether the allegation of misconduct is serious enough to bring into question the student's fitness to practise. If so, the allegation will be referred to the School Fitness to Practise Panel for investigation.
- R.1.B.5 Allegations of the commission of an academic offence made against students on professional programmes shall be dealt with under the appropriate Academic Offences procedure as laid down in the University Regulations. If the academic offence is found proven by the Academic Offences Committee, the Committee shall inform the School Fitness to Practise Panel for it to consider the implications regarding the student's fitness to practise. It shall remain the Board of Examiners' decision regarding the penalty applied for a proven academic offence, as recommended by the Academic Offences Committee.

- R.1.B.6 A student may be referred to the School Fitness to Practise Panel following a leave of absence when a fitness to practise issue has arisen or continues to give cause for concern. A report from the student's healthcare practitioner will be required to assist in determining whether the student is ready to resume their studies.
- R.1.C Operating Principles
- R.1.C.1 Programmes subject to these Regulations require confirmation at various stages of admission and training that a student is, and remains, fit to practise. Programme specific Fitness to Practise policies set out the operating guidelines for individual programmes as well as the requirements of the relevant professional body/regulator.
- R.1.C.2 These Regulations also apply to serious concerns raised in relation to a student's performance on placement.
- R.1.C.3 Where circumstances which may affect a student's fitness to practise are brought to the attention of the Head of School or to the University in general, by members of staff, work-based placement staff or other relevant individuals, the following procedures will apply:
- R.1.C.3.i Informal resolution.
 - R.1.C.3.ii Referral of the case to be dealt with under the Student Conduct and Disciplinary Regulations where the matter is considered to be one of misconduct which has no implications for fitness to practise.
 - R.1.C.3.iii Formal consideration by the School Fitness to Practise Panel where an informal resolution is not achieved.
 - R.1.C.3.iv In investigating an allegation the Head of School (or appropriate Senior Academic) may request evidence from interested parties, which may include external agencies and/or members of the public.
- R.1.D Informal Resolution
- R.1.D.1 It is expected that attempts will initially be made to resolve issues through informal mutual agreement between the student, Personal Tutor, placement supervisor, and Head of School. Assistance may be sought from Occupational Health, Student Services and/or other relevant parties. Written records of every meeting with the student should be maintained throughout.
- R.1.D.2 Where concerns are raised regarding a student's practise, including on placement, the following should be undertaken:
- R.1.D.2.i The student should be informed as soon as reasonably practical of the nature of the concerns regarding their practise through a face to face meeting (as a supervision session if the student is on placement or via their Personal Tutor or other academic as appropriate).
 - R.1.D.2.ii The student must be given an opportunity to respond to the concerns raised.
- R.2.D.3 When reviewing such a concern, the Personal Tutor (or nominee) must consider whether the concern requires any referral to a named safeguarding contact as under the University's Safeguarding Policy.
- R.1.D.4 Informal outcomes may include:
- R.1.D.4.i No action required.
 - R.1.D.4.ii Verbal warning.
 - R.1.D.4.iii Notice of improvement.

- R.1.D.5 A record of any agreement reached through informal discussion shall be signed by both parties to confirm their agreement with the outcome and maintained by both the student and the University.
- R.1.D.6 Where a notice of improvement is issued or action plan is required, objectives and timescales for completion and dates for review will be mutually agreed.
- R.1.D.7 Progress will be monitored on a regular basis, normally through review meetings during which progress and completion of the notice of improvement or action plan will be considered. Exceptionally, a further action plan may be agreed between the parties which will be monitored and reviewed. The student will normally be referred to the School Fitness to Practise Panel if they fail to fulfil the notice of improvement requirements or action plan objectives within the agreed timescale.
- R.1.E Formal School Process
- R.1.E.1 The first stage of the formal process is the School Fitness to Practise Panel.
- R.1.E.2 Following investigation, the Head of School (or appropriate Senior Academic) will ask the Head of College to convene a meeting of the School Fitness to Practise Panel to consider issues relating to health matters, professional, behavioural, or other issues that give rise to concerns regarding a student's fitness to practise.
- R.1.E.3 The Head of School (or appropriate Senior Academic) shall also notify the student in writing when a referral is made to the School Fitness to Practise Panel and set out the reasons for the referral.
- R.1.E.4 The School Fitness to Practise Panel shall comprise:
- R.1.E.4.i A Chair who shall be the Head of College (or nominee).
 - R.1.E.4.ii One academic staff representative from the professional programme on which the student is enrolled.
 - R.1.E.4.iii One academic staff representative from another professional programme within the University.
 - R.1.E.4.iv One practice/service representative (where appropriate or as required by the relevant professional body/regulator).
 - R.1.E.4.v One professional body/regulator representative (where appropriate).
 - R.1.E.4.vi A nominated Student Leader on behalf of the Students' Union.
- R.1.E.5 None of the Panel members shall have had any previous connection or involvement with the case.
- R.1.E.6 The student and Head of School (or appropriate senior academic) will be given reasonable notice of the meeting date and, where possible, a minimum of 10 working days. The student will be invited to attend or to make written submissions to the Panel in absentia. The student and the Head of School (or appropriate senior academic) shall have the right to submit any further documentary evidence to the Panel via the Chair. All such evidence must be submitted to the Chair at least 7 working days prior to the date of the Panel meeting. The student may be accompanied to the Panel by a friend who shall be a member of staff or student of the University or a staff member from the Students' Union Advice Centre.
- R.1.E.7 No fewer than 5 working days before the Panel meeting, the Chair shall circulate to the Panel, the student, and the Head of School (or appropriate Senior Academic) the following documents:

- R.1.E.7.i The written results of the Head of School's investigation.
 - R.1.E.7.ii Any evidentiary documentation submitted by the student.
 - R.1.E.7.iii The relevant professional body/regulator's code of conduct.
- R.1.E.8 The Head of School (or appropriate Senior Academic) shall summarise the case on behalf of the University. The Panel and the student shall then be entitled to ask questions of the Head of School (or appropriate Senior Academic).
- R.1.E.9 The student shall then summarise their case. The Panel and the Head of School (or appropriate Senior Academic) shall be entitled to ask questions of the student.
- R.1.E.10 The student and Head of School (or appropriate Senior Academic) shall withdraw from the meeting to enable the Panel to reach its decision in private.
- R.1.E.11 Following consideration of the case, the School Fitness to Practise Panel may:
- R.1.E.11.i Determine there is no case to answer.
 - R.1.E.11.ii Permit the student to continue with the programme either with or without additional supervision and/or reporting requirements. This can include the setting of conditions which the student must continue to meet for any timeframe determined reasonable by the Panel; the failure of a student to meet any condition set by the Panel will require the initiation of the informal resolution process.
 - R.1.E.11.iii Suspend the student from their studies for a specified time or until the occurrence of a specified event, the time period to be agreed by the Panel. Suspension will normally take effect immediately; students wishing to collect documentation or access University systems in support of any appeal against the decision of the Panel must contact the Secretariat. A Governance Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf.
 - R.1.E.11.iv Refer the case to the relevant Board of Examiners for consideration of whether or not a reassessment of a specified part or parts of the programme may be permitted under the programme's Regulations.
 - R.1.E.11.v Terminate the student's registration on the programme with or without support for an application for an alternative academic qualification. Termination will normally take effect immediately.
 - R.1.E.11.vi Where, following investigation, the Panel considers the matter to be one of misconduct but without fitness to practise implications it shall refer the case to be considered under the Student Misconduct Regulations.
 - R.1.E.11.vii Refer the student to Student Wellbeing or Student Support for support or assessment, as might be appropriate.
- R.1.E.12 The finding of the School Fitness to Practise Panel, the reasons for its decision and a determination of whether the student may continue on their programme pending the outcome of any appeal will be communicated to the student within 5 working days of the meeting. The communication will include details of the appeal stage of the process should the student wish to invoke it.
- R.1.E.13 Except where there has been a finding that there is no case to answer or a referral to Stage 1 of the Student Conduct and Disciplinary Regulations, decisions of the School Fitness to Practise Panel shall be reported, by the School Fitness to Practise Panel's Chair to the relevant Board of

Examiners. The relevant professional or accrediting body shall be informed as appropriate to their reporting requirements.

R.1.F Appeals

- R.1.F.1 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:
- R.1.F.1.i There is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel.
 - R.1.F.1.ii There has been a procedural irregularity.
 - R.1.F.1.iii There is evidence of prejudice or bias.
- R.1.F.2 An appeal must be lodged with the Fitness to Practise Appeals Officer in the Secretariat within 10 working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided by the Secretariat and must include:
- R.1.F.3.i A precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged.
- R.1.F.3.ii A precise identification of the formal grounds of appeal.
 - R.1.F.3.iii A statement of the appellant's case.
 - R.1.F.3.iv Evidence establishing that an appeal is warranted. Wherever possible, such evidence must be in documentary form. If the appeal is lodged on grounds of new evidence, the student must establish a valid reason as to why the evidence could not reasonably have been brought to the attention of the School Fitness to Practise Panel at the appropriate time.
- R.1.F.4 On receipt of an appeal, the Academic Registrar or nominee and a Head of School from another College will consider 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 further, and the University 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.
- R.1.F.5 If the University Registrar and Secretary and the Head of School consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.

R.1.G Formal University Process

- R.1.G.1 The second stage of the formal process is the Appeal to the University Fitness to Practise Panel.
- R.1.G.2 Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor shall appoint a Deputy Vice Chancellor as Chair of the University Fitness to Practise Panel.
- R.1.G.3 The Panel shall comprise:
- R.1.G.3.i The Chair appointed by the Vice Chancellor.
 - R.1.G.3.ii One senior academic from the College in which the student is enrolled.
 - R.1.G.3.iii One senior academic from another College.
 - R.1.G.3.iv One practice/service representative (where appropriate or as required by the relevant professional body/regulator).

- R.1.G.3.v One professional body/regulator representative (where appropriate).
- R.1.G.3.vi A nominated Student Leader on behalf of the Students' Union.
- R.1.G.4 None of the Panel members shall have had any previous connection or involvement with the case.
- R.1.G.5 The University Fitness to Practise Panel will review the process undertaken by the School Fitness to Practise Panel, consider further representation from the student and the Chair of the School Fitness to Practise Panel and reach a final decision on the case.
- R.1.G.6 The Chair of the School Fitness to Practise Panel and the appellant shall be required to attend the University Fitness to Practise Panel (hereafter the 'Hearing'). Failure of the student to attend the Hearing without good cause (as determined by the Chair of the University Fitness to Practise Panel) shall result in the consideration of the case in the appellant's absence.
- R.1.G.7 The Secretary shall give the appellant and the Chair of the School Fitness to Practise Panel reasonable notice of the Hearing and, where possible, a minimum of 10 working days. The student may be accompanied by a friend who shall be a member of staff or student of the University or a staff member from the Students' Union Advice Centre.
- R.1.G.8 Both parties shall have the right to submit any further documentary evidence to the Hearing via the Secretary. All such evidence must be submitted at least 7 working days before the date of the Hearing.
- R.1.G.9 Both parties shall have the right to call witnesses; the Secretary must be notified of any intended witnesses at least 7 working days before the date of the Hearing.
- R.1.G.10 No fewer than 5 working days before the Hearing, the Secretary shall circulate to the Panel, the appellant, and the Chair of the School Fitness to Practise Panel the following:
- R.1.G.10.i The assessment Regulations for the scheme or award.
 - R.1.G.10.ii The requirements of the relevant professional body/regulator including any code of conduct.
 - R.1.G.10.iii Minutes of the School Fitness to Practise Panel and any documents considered by the Panel.
 - R.1.G.10.iv Notification of any intended witnesses.
 - R.1.G.10.v The appellant's form of appeal.
 - R.1.G.10.vi Any documentary evidence submitted by either party.
- R.1.G.11 At the Hearing, the appellant shall present their case first. Any witnesses for the appellant should be called to give evidence at this stage.
- R.1.G.12 The Panel and the Chair of the School Fitness to Practise Panel shall be entitled to ask questions of the appellant and/or witnesses.
- R.1.G.13 The appellant's witnesses will then withdraw from the Hearing.
- R.1.G.14 The Chair of the School Fitness to Practise Panel shall present the case for the School Fitness to Practise Panel. Any witnesses for the Chair of the School Fitness to Practise Panel should be called to give evidence at this stage.

- R.1.G.15 The Panel and the appellant shall be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses.
- R.1.G.16 The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing.
- R.1.G.17 The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel.
- R.1.G.18 The appellant will next summarise their case.
- R.1.G.19 Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing.
- R.1.G.20 The Panel will reach its decision in private and must refer to the appropriate code of professional practice in reaching its decision.
- R.1.G.21 The Panel shall either uphold or not uphold the appeal and, in addition, make any recommendations as it considers appropriate. This may include increasing any sanction imposed by the School Fitness to Practise Panel.
- R.1.G.22 The decision of the University Fitness to Practise Panel and the reasons for its decision will be communicated in writing by the Secretary to the student within 5 working days of the Hearing. The decision of the Panel is final.
- R.1.G.23 The decision of the Panel shall be reported to the School Fitness to Practise Panel, the relevant Board of Examiners, and the relevant professional body/regulator as appropriate.
- R.1.H Monitoring, Evaluation and Review**
- R.1.H.1 Monitoring and evaluation of these procedures is the responsibility of the Fitness to Practise Appeals Officer, on the basis of information and data supplied by Colleges.
- R.1.H.2 Heads of College will provide the Fitness to Practise Appeals Officer with information annually on the following:
- R.1.H.2.i The number of cases heard by School Fitness to Practise Panels.
 - R.1.H.2.ii The reasons for the submission of cases to the School Fitness to Practise Panels.
 - R.1.H.2.iii The outcomes of School Fitness to Practise Panels.
- R.1.H.3 The Fitness to Practise Appeals Officer will submit an annual report to Academic Board, together with any recommendations for amendment to the procedures or other action.
- R.1.I Records of Proceedings**
- R.1.I.1 Records of any sanctions imposed upon students shall be kept on their personal files held by the University in accordance with Data Protection legislation.
- R.1.I.2 The University reserves the right to amend the Fitness to Practise Regulations in light of changes to government policy or changes to professional body/regulatory requirements.
- R.1.J Attendance at School and University Panels**
- R.1.J.1 If a student or their friend (if applicable) is unable to attend a School or University Fitness to Practise Panel at an agreed time and place, the Panel shall either continue in absentia or reconvene on one further occasion. The Panel shall take into account the student's reasons for being unable to attend in making its decision. If the Panel is rescheduled and a student or their

friend (if applicable) is unable to attend, the School or University Fitness to Practise Panel shall take place in absentia.

R.1.K The Office of the Independent Adjudicator for Higher Education (HE)

R.1.K.1 In accordance with the Higher Education Act 2004, the University subscribes to the rules and procedures of the Office of the Independent Adjudicator for HE (the OIA). The OIA provides an independent scheme for the review of complaints by students against HE institutions at the stage where the internal complaints procedures have been exhausted. The OIA's definition of 'complaints' includes complaints about the final decision of an HE institution's disciplinary or appeal body. It is open to students of the University of Lincoln to ask the OIA to review a final internal disciplinary or appeal decision.

R.1.L Programmes subject to these Fitness to Practise Regulations

R.1.L.1 Master of Pharmacy

R.1.L.2 The University reserves the right to add programmes which are subject to the Fitness to Practise Regulations at any time and as appropriate.

R.2 School of Health and Social Care

R.2.A Cause for Concern Introduction

R.2.A.1 When a concern is raised about the conduct, competence or health of a student enrolled on a course leading to the opportunity to register with a statutory regulatory body, or supplementing their registration, the Cause for Concern Process will be invoked. This assures patient and public safety and provides the student with pastoral and academic support.

R.2.A.2 In the event of a severe/critical level of concern, an allegation of impairment of fitness to practise will be formulated by the School's Senior Leadership Team (SSLT). A team nominee will subsequently refer the matter to the Head of School who will instigate the formal Fitness to Practise Process.

R.2.A.3 A student's fitness to practise may be alleged to be impaired by reason of:

R.2.A.3.i Personal and professional misconduct, including alleged breaches of professional codes of conduct.

R.2.A.3.ii Lack of capability/competence/deficient professional performance.

R.2.A.3.iii A conviction or caution for a criminal offence.

R.2.A.3.iv Physical or mental ill-health.

R.2.A.3.v A determination by a regulatory or licensing body of impairment of fitness to practise.

R.2.A.4 These Regulations inform students, University staff, practice partners, and employers of the Fitness to Practise Process invoked by the University of Lincoln when a severe/critical concern is upheld by the School's Senior Leadership Team.

R.2.A.5 The protection of the public is paramount whilst students are undertaking a programme of study which potentially leads to professional registration with a regulatory body, or is post-registration study where such a principle is paramount. These Regulations will support students, University staff, placement staff, and employers in providing a clear statement of action when impairment of fitness to practise is alleged.

- R.2.A.6 If a student has omitted (accidentally or deliberately) to disclose a DBS check, Occupational Health check or a changed disciplinary status (from any work environment) in accordance with the programme offer, the Fitness to Proceed process will be invoked.
- R.2.B Fitness to Practise Introduction
- R.2.B.1 Where an academic award potentially leads to statutory registration with a regulatory body or supplements such registration through post-registration study, the University has a responsibility to ensure that the student is safe and suitable to enter, or continue within, the profession.
- R.2.B.2 These Regulations set out the procedure adopted by the University to discharge its responsibilities and to ensure consistency across a range of programmes potentially leading to or supplementing statutory registration.
- R.2.B.3 The successful completion of a professionally recognised and accredited programme requires students' adherence to the Regulations and procedures of the University and the requirements of a statutory regulator.
- R.2.B.4 Students are expected to behave and practice in a manner consistent with University Regulations and procedures and the code of conduct of their regulatory body.
- R.2.B.5 Academic failure, including the failure of practice-based assessments, may lead to the termination of a student's registration on a programme for a professional qualification. The assessment of academic achievement is dealt with under the University's Assessment Regulations, with professional variations to these Regulations being agreed by Academic Board. A list of relevant programmes is cited at the end of these Regulations.
- R.2.B.6 Students who fail to make satisfactory progress in academic studies will be considered by the relevant Board of Examiners which shall determine the appropriate course of action. If, during deliberations concerns about fitness to practise arise, the student will be referred to a School Fitness to Practise Panel.
- R.2.B.7 Allegations of an academic offence made against a student on a professional programme will be dealt with under the appropriate Academic Offences procedure laid down in the University Regulations. If an academic offence is found proven by the Academic Offences Committee, the Committee will also refer the matter for consideration by a School Fitness to Practise Panel. It shall remain the Board of Examiners' decision regarding the penalty applied for a proven academic offence, as recommended by the Academic Offences Committee.
- R.2.B.8 A student will be referred to a School Fitness to Practise Panel following a leave of absence when a fitness to practise issue has arisen or continues to give cause for concern (severe/critical level).
- R.2.B.9 At various stages of a student's admission and training, programmes subject to these Regulations require confirmation that the student is, and remains, fit to practise. Programme specific policies, that take account of regulatory requirements, set out the operating guidelines for individual programmes.
- R.2.B.10 When a concern is raised that a student's conduct, competence or health deviates from programme standards, the Cause for Concern Process will be invoked to assure patient and public safety and to provide the student with support.
- R.2.B.11 A concern that is categorised as severe/critical will lead to an allegation of impairment of fitness to practise by the School's SLT which will instigate the Fitness to Practise Process.
- R.2.B.12 In the event of a severe/critical concern, the School's SLT will determine whether temporary removal of the student from the programme is required in accordance with the 'Policy for Immediate Temporary Removal of a Student'.

R.2.B.13 Subsequent to the Cause for Concern Process (see below) and a fitness to practise investigatory interview, the School's SLT will determine whether the allegation is sufficiently serious to bring into question the student's fitness to practise. If so, the student will be deemed to have a case to answer and referred to the Convenor of the School Fitness to Practise Panel.

R.2.B.14 Subsequent to the Cause for Concern Process and a fitness to practise investigatory interview, the School's SLT will decide whether to request the Academic Registrar to exercise their power of exclusion, in accordance with Part C8 of the Student Conduct and Disciplinary Regulations, pending completion of the fitness to practise process.

R.2.C Cause for Concern Process

R.2.C.1 Concern about the conduct, competence or health of a student may be raised by a member of University or clinical staff, a peer, a patient/service user or a member of the general public.

R.2.C.2 When a concern is raised it is expected that the person making the disclosure will identify themselves and will record their concern in a signed document.

R.2.C.3 In exceptional circumstances the discloser's identity will be permitted to remain confidential, where there is a risk to the personal safety of the discloser or a third party.

R.2.C.4 In exceptional circumstances concerns raised anonymously will be considered; where there is evidence of risk to patients and public safety or where the University will be brought into disrepute.

R.2.C.5 The Personal Tutor (or nominee) will be responsible for acting when a concern is raised. The Personal Tutor will meet with their tutee to determine the category and level of concern according to the Concerns Threshold Framework. A range of evidence may be used in this determination and assistance may be sought from third parties.

R.2.C.6 When reviewing such a concern, the Personal Tutor (or nominee) must consider whether the concern requires any referral to a named safeguarding contact as the University's Safeguarding Policy.

R.2.C.7 If the Personal Tutor determines that there is no evidence of concern, the Cause for Concern Process will be discontinued.

R.2.C.8 In the event of a low or moderate/significant concern the Personal Tutor and student will develop an action plan. Timescales for completion and dates for review will be mutually agreed. If third-party action is required, agreement will be sought during the action plan formulation and the arrangements documented in the action plan.

R.2.C.9 Progress towards completion of the action plan will be monitored at up to 2 review meetings. Amendments to the action plan may be agreed at the meetings.

R.2.C.10 Non-completion of an action plan will escalate a concern to a severe/critical level.

R.2.C.11 A concern categorised as severe/critical according to the Concerns Threshold Framework will be referred to the School's SLT by the Personal Tutor. A quorum of 2 School's SLT members is required at a meeting to determine whether to uphold a severe/critical level of concern.

R.2.C.12 The School's SLT may, exceptionally, request the development or continuation of or amendment to an action plan and direct the Personal Tutor accordingly. In the event that the severe/critical level of concern is upheld, an allegation of impairment of fitness to practise will be formulated and referred to the fitness to practise process.

R.2.D Investigation of an Allegation of Impairment of Fitness to Practise

- R.2.D.1 The Head of School will promptly, and in any event within 5 working days, arrange for the matter to be investigated and notify the student by letter and email of the following:
- R.2.D.1.i Details of the allegation.
 - R.2.D.1.ii The Student Code.
 - R.2.D.1.iii The identity of the investigating officer.
 - R.2.D.1.iv Any limitations or conditions placed upon the continuance of studies or supervised practice during the period of the investigation.
 - R.2.D.1.v Support available to the student.
 - R.2.D.1.vi The anticipated timeframe of the investigation.
- R.2.D.2 The student will be invited to respond to the allegation in writing and to clarify whether they admit or deny the allegation of impairment of fitness to practise.
- R.2.D.3 The student may register an objection to the appointment of the investigating officer on the basis of the lack of impartiality. The student will need to provide a rationale and, where appropriate, evidence of the lack of impartiality. Such an objection needs to be made to the Convenor of the School Fitness to Practise Panel within 5 working days of receipt of the letter and email from the Head of School. If the objection is upheld a new investigating officer will be appointed.
- R.2.D.4 The investigating officer may request information from the Head of School and/or others connected with the case as appropriate. Factual information about the student's professional progress and any other relevant information should also be provided.
- R.2.D.5 The investigating officer will interview relevant individuals including the student. At such interviews the investigating officer will be accompanied by an assistant whose sole role will be to prepare a written record of the meeting.
- R.2.D.6 The investigating officer will ensure that the student is advised of appropriate support mechanisms.
- R.2.D.7 The student may be required to attend the University Occupational Health Service in order to obtain a medical opinion about an allegation of impairment of fitness to practise due to ill-health or a health-related condition. In these circumstances the student will be required to provide consent for the disclosure of the medical report.
- R.2.D.8 The student will be normally given 5 working days' notice of the time and venue of the investigation interview by email and will be required to confirm attendance by email.
- R.2.D.9 The notice of investigation email will advise the student that they may be accompanied by a friend who shall be a member of staff or student of the University or a staff member from the Students' Union Advice Centre.
- R.2.D.10 The student will be provided with relevant evidence/documentation in advance of the interview and given sufficient time to read the material.
- R.2.D.11 On commencement of the interview, the investigator will introduce those present and inform the student that a written record will be taken, and a copy provided to the student. The student will be informed that they will be required to check the accuracy of the record, sign and return it to the investigator.
- R.2.D.12 The investigator will explain the context of the interview in the Fitness to Practise Process, provide an overview of the interview proceedings and explain the process for notifying the student of the outcome.

- R.2.D.13 If the student fails to attend the investigatory interview and the investigator is satisfied that the student has been given reasonable notice, the investigator will continue to deal with the alleged impairment of fitness to practise in the student's absence.
- R.2.D.14 The interview will be conducted as follows:
- R.2.D.14.i The interviewer will provide details of the allegations.
 - R.2.D.14.ii The student will be invited to respond to the allegations.
 - R.2.D.14.iii The student will be asked if they admit to or deny the allegations.
 - R.2.D.14.iv Both parties will have an opportunity to ask questions.
 - R.2.D.14.v The student will be invited to make a statement to explain or to extenuate the allegations or to mitigate any sanction.
 - R.2.D.14.vi The student will be asked if any special circumstances apply
- R.2.D.15 Save in exceptional circumstances, the investigating officer will, no later than 20 working days after the referral, make a written report of the investigation to the Head of School.
- R.2.D.16 The Head of School will, no later than 5 working days after receipt of the report from the investigating officer, consult in partnership with a member(s) of the School's SLT and will determine whether, in light of all the evidence, the student has a case to answer and shall be referred to the Convenor of the School Fitness to Practise Panel.
- R.2.D.17 If the student has a case to answer and the matter is sufficiently serious, the Head of School will, no later than 2 working days after the meeting of the School's SLT, submit a summary report and relevant documentation to the Convenor of the School Fitness to Practise Panel.
- R.2.D.18 If the student has a case to answer but the matter falls below the threshold of requiring a School Fitness to Practise Panel, the Head of School may impose one or more of the following penalties:
- R.2.D.18.i An oral caution in respect of the conduct that gave rise to the allegation.
 - R.2.D.18.ii A formal oral reprimand; a written note will be retained on the student's file.
 - R.2.D.18.iii A written warning; a copy of the warning will be retained on the student's file. The warning may stipulate that further instances of the conduct that gave rise to the allegation may result in direct referral to the School Fitness to Practise Panel.
 - R.2.D.18.iv A requirement to make good the cost, in whole or in part, of any damage caused or replacement required.
- R.2.D.19 If issued with a penalty, the student must undertake to fulfil any conditions imposed by the Head of School.
- R.2.D.20 In addition, and when appropriate, the School's SLT will provide written guidance to the Personal Tutor on the development of a supportive action plan for the student.
- R.2.D.21 If a student refuses to accept a penalty issued under section 6.11, the matter will be referred directly to the School Fitness to Practise Panel for final decision.
- R.2.D.22 If the student has no case to answer, the SSLT will provide written guidance to the Personal Tutor on the development of a supportive action plan for the student.
- R.2.D.23 The Head of School will notify the student by letter and email of:

R.2.D.23.i The outcome of the investigation.

R.2.D.23.ii Whether the matter is to be referred to a School Fitness to Practise

R.2.D.23.iii Panel together with full details of the reason for referral and procedures to be adopted.

R.2.D.23.iv Details of any penalty or penalties imposed.

R.2.D.23.v the imposition, cessation, continuance, or alteration of any conditions/limitations placed on the student's studies.

R.2.D.24 The Head of School will notify the Personal Tutor and the investigating officer by email of the case to answer decision.

R.2.E School Fitness to Practise Panel

R.2.E.1 A School Fitness to Practise Panel will, save in exceptional circumstances, be convened within 20 working days of the referral.

R.2.E.2 The University's case will be presented by the investigating officer or nominee.

R.2.E.3 At the discretion of the Convenor, the Panel may also call upon other persons to provide advice on specific aspects of the case in writing or in person.

R.2.E.4 The Convenor will notify the student, by letter and email, of the identity of Panel members, the date and time of the proposed hearing and will make available evidence detailed in the investigating officer's report.

R.2.E.5 The correspondence notifying the student of the hearing will include details of University support services available to the student.

R.2.E.6 All correspondence will be posted to the student's term-time University email and postal address. It is the student's responsibility to ensure that the School has their correct contact details.

R.2.E.7 The student will be allowed at least 10 working days in which to prepare their case.

R.2.E.8 All information on which the student and investigator or nominee intend to rely must be made available to the other party and to the Panel at least 5 working days before the date of the hearing. This includes a written, signed, and dated statement from each party addressing the allegations and any written witness statements germane to the case.

R.2.E.9 The student will be required to attend the meeting in person. If the student fails to attend without a reasonable explanation, the Panel will consider the case in the student's absence. The Chair of the Panel will have discretion as to what constitutes a reasonable explanation.

R.2.E.10 The student is entitled to be accompanied at the hearing by a friend who shall be a member of staff or student of the University or a staff member from the Students' Union Advice Centre. The student shall confirm the name and status of the person accompanying them in writing to the Convenor no fewer than 5 working days before the hearing. The information will include the person's relationship to the student and the reason for the person's attendance.

R.2.E.11 The hearing will be held in private.

R.2.E.12 The quorum for the School Fitness to Practise Panel will be 4 including the Convenor, who will be a member of all Panels in order to provide uniformity of standards and experience.

R.2.E.13 The Panel shall comprise:

- R.2.E.13.i A Chair who shall be the Convenor (nominated by the Head of College).
 - R.2.E.13.ii One academic staff representative from the professional programme on which the student is enrolled.
 - R.2.E.13.iii One academic staff representative from another professional programme within the University.
 - R.2.E.13.iv One professional registered with the relevant profession who contributes to teaching or placement provision but is not a member of the University.
 - R.2.E.13.v A nominated Student Leader on behalf of the Students' Union.
- R.2.E.14 None of the Panel members shall have had any previous connection or involvement with the case.
 - R.2.E.15 The student's Personal Tutor may not be a member of the Panel but can attend in a supportive capacity to the student, withdrawing from the Panel's deliberations.
 - R.2.E.16 Prior to the hearing the Secretary to the Panel will ensure that the student has copies of all documents circulated to members of the Panel and is aware of the procedure to be followed.
 - R.2.E.17 Failure of the student to attend the hearing without good cause (as determined by the Chair of the Panel) will result in consideration of the case in the student's absence.
 - R.2.E.18 The Chair will ask if any Panel member has been personally involved in the student's case at any prior stage and, if so, will ask them to withdraw from the hearing.
 - R.2.E.19 The student, the friend, the investigator, and other staff as appropriate will be invited to join the Panel.
 - R.2.E.20 The Chair will introduce by name and explain the functions of the members of the Panel, the investigator and any others present.
 - R.2.E.21 The Chair will explain the sequence of proceedings and the powers of the Panel.
 - R.2.E.22 The Chair will invite the investigating officer to summarise the case on behalf of the University and provide relevant witness testimony (in the form of witness statements). The Panel and the student will then be entitled to ask questions of the investigating officer.
 - R.2.E.23 The Chair will invite the student to summarise their case and provide relevant witness testimony (in the form of witness statements). The Panel and the investigating officer will then be entitled to ask questions of the student.
 - R.2.E.24 The Chair will invite any other person(s) called upon by the Chair to attend the meeting to make a brief statement. The Panel, the investigating officer and the student will then be entitled to ask questions of the witness.
 - R.2.E.25 At each stage the Chair has discretion to allow reciprocal questioning by the various parties.
 - R.2.E.26 When the Chair is satisfied that the Panel has completed its questioning and the student has had a full opportunity to convey information to the Panel, all parties will withdraw from the hearing to enable the Panel to reach its decision in private.
 - R.2.E.27 If during its private deliberations the Panel requires further evidence or clarification of any aspect of the case, it must reconvene with all parties in attendance.
 - R.2.E.28 A 3 stage approach will be adopted by the Panel in reaching its determination.

- R.2.E.28.i Stage 1 – Finding of fact.
- R.2.E.28.ii Stage 2 – Impairment of fitness to practise
- R.2.E.28.iii Stage 3 – Imposition of sanction
- R.2.E.29 Finding of fact: The Panel shall satisfy itself that, on the balance of probabilities, the evidence adduced by the University supports a finding of fact.
- R.2.E.30 Impairment of fitness to practise: In the event that the allegations are well founded the Panel shall engage in a 2-step process to determine impairment of fitness to practise.
- R.2.E.31 The Panel shall first decide whether the finding of fact constitutes:
 - R.2.E.31.i Personal and professional misconduct, including a breach/breaches of relevant codes of conduct (i.e., professional, educational).
 - R.2.E.31.ii A lack of capability/competence/deficient professional performance.
 - R.2.E.31.iii A conviction or caution for a criminal offence.
 - R.2.E.31.iv Physical or mental ill-health.
 - R.2.E.31.v A determination by a professional, regulatory or licensing body of impairment of fitness to practise
- R.2.E.32 The Panel must then determine whether, as a result, they find that the student's fitness to practise is impaired.
- R.2.E.33 A range of sources may be used by the Panel to support its decision, including the University, programme or regulatory code of conducts, testimonials, and evidence of remedial action.
- R.2.E.34 Imposition of sanction: In making its decision on sanction the Panel should consider a range of factors including:
 - R.2.E.34.i Patient/service user and public safety.
 - R.2.E.34.ii The fundamental tenets of professional practise.
 - R.2.E.34.iii The mitigating and aggravating factors of the case.
 - R.2.E.34.iv Any mitigating circumstances presented by the student.
 - R.2.E.34.v Public perception and the reputation of the University.
- R.2.E.35 Following consideration of the case, the Panel may:
 - R.2.E.35.i Determine that there is no case to answer.
 - R.2.E.35.ii Permit the student to continue with the programme either with or without additional supervision and/or reporting requirements. This can include the setting of conditions which the student must continue to meet for any timeframe determined reasonable by the Panel; the failure of a student to meet any condition set by the Panel will require the initiation of investigation of an allegation of impairment of Fitness to Practise.
 - R.2.E.35.iii Suspend the student from their studies for a specified time or until the

occurrence of a specified event, the time period to be agreed by the Panel. Suspension will normally take effect immediately.

R.2.E.35.iv Refer the case to the relevant Board of Examiners for consideration of whether or not a reassessment of a specified part or parts of the programme may be permitted under the University Assessment Regulations.

R.2.E.35.v Terminate the student's registration on the programme with or without support for an application for an alternative academic qualification. Termination will normally take effect immediately.

R.2.E.35.vi Refer the matter to an appropriate authority such as the Police.

R.2.E.36.vii Refer the student to Student Wellbeing or Student Support for support or assessment, as might be appropriate.

R.2.E.37 The finding of the Panel, the reasons for its decision and a determination of whether the student may continue on their programme of study pending the outcome of any appeal will be communicated by letter and email by the Chair to the student within 5 working days of the hearing. The communication will include details of the appeal stage of the process should the student wish to invoke it.

R.2.E.38 Except where there has been a finding that there is no case to answer or a referral to the Cause for Concern Process, decisions of the Panel shall be reported by the Chair to the relevant Board of Examiners. The relevant professional or accrediting body shall be informed as appropriate to their reporting requirements.

R.2.E.39 Following suspension or programme termination, students wishing to collect documentation or access University systems in support of any appeal against the decision of the Panel must contact the Secretariat. A Governance Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf.

R.2.F Appeals

R.2.F.1 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:

R.2.F.1.i There is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel.

R.2.F.1.ii There has been a procedural irregularity.

R.2.F.1.iii There is evidence of prejudice or bias.

R.2.F.2 An appeal must be lodged with the Fitness to Practise Appeals Officer in the Secretariat within 10 working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from the Secretariat) and must include:

R.2.F.3 A precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged.

R.2.F.3.i Precise identification of the formal grounds of appeal.

R.2.F.3.ii A statement of the appellant's case.

R.2.F.3.iii Evidence establishing that an appeal is warranted. Wherever possible, such evidence must be in documentary form. If the appeal is lodged on the grounds of

new evidence available, the student must establish a valid reason as to why the evidence could not reasonably have been brought to the attention of the School Fitness to Practise Panel at the appropriate time.

- R.2.F.4 On receipt of an appeal, the Academic Registrar or nominee and Head of School from another College will consider 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 further, and the University 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.
- R.2.F.5 If the University Registrar and Secretary and the Head of School consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.
- R.2.F.6 Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor shall appoint a Deputy Vice Chancellor as Chair of the University Fitness to Practise Panel.
- R.2.F.7 The Panel shall comprise:
- R.2.F.7.i The Chair (appointed by the Vice Chancellor).
 - R.2.F.7.ii One senior academic from the College in which the student enrolled.
 - R.2.F.7.iii One senior academic from another professional programme within the University.
 - R.2.F.7.iv One professional registered with the relevant profession who contributes to teaching or placement provision but is not a member of the University.
 - R.2.F.7.v A nominated Student Leader on behalf of the Students' Union.
- R.2.F.8 None of the Panel members shall have had any previous connection or involvement with the case.
- R.2.F.9 The Panel shall have a Secretary who shall normally be the Fitness to Practise Appeals Officer.
- R.2.F.10 The University Fitness to Practise Panel will review the process undertaken by the School Fitness to Practise Panel, consider further representation from the student and the Chair of the School Fitness to Practise Panel and reach a final decision on the case.
- R.2.G University Fitness to Practise Panel
- R.2.G.1 The Chair of the School Fitness to Practise Panel and the appellant shall be required to attend the University Fitness to Practise Panel (hereafter the 'Hearing'). Failure of the student to attend the Hearing without good cause (as determined by the Chair of the University Fitness to Practise Panel) shall result in the consideration of the case in the appellant's absence.
- R.2.G.2 The Secretary shall give the appellant and the Chair of the School Fitness to Practise Panel reasonable notice of the Hearing and, where possible, a minimum of 10 working days. The notice of investigation email will advise the student that they may be accompanied by a friend who shall be a member of staff or student of the University or a staff member from the Students' Union Advice Centre.
- R.2.G.3 Both parties shall have the right to call witnesses; the Secretary must be notified of any intended witnesses at least 7 working days before the date of the Hearing.
- R.2.G.4 No fewer than 5 working days before the Hearing, the Secretary shall circulate to the Panel, the appellant, and the Chair of the School Fitness to Practise Panel the following:
- R.2.G.4.i The assessment Regulations for the scheme or award.

- R.2.G.4.ii The requirements of the relevant professional body/regulator including any code of conduct.
- R.2.G.4.iii Minutes of the School Fitness to Practise Panel and any documents considered by the Panel.
- R.2.G.4.iv Notification of any intended witnesses.
- R.2.G.4.v The appellant's form of appeal.
- R.2.G.4.vi Any documentary evidence submitted by either party.
- R.2.G.5 At the Hearing, the appellant shall present their case first. Any witnesses for the appellant should be called to give evidence at this stage.
- R.2.G.6 The Panel and the Chair of the School Fitness to Practise Panel shall be entitled to ask questions of the appellant and/or witnesses.
- R.2.G.7 The appellant's witnesses will then withdraw from the Hearing.
- R.2.G.8 The Chair of the School Fitness to Practise Panel shall present the case for the School Fitness to Practise Panel. Any witnesses for the Chair of the School Fitness to Practise Panel should be called to give evidence at this stage.
- R.2.G.9 The Panel and the appellant shall be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses.
- R.2.G.10 The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing.
- R.2.G.11 The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel.
- R.2.G.12 The appellant will next summarise their case.
- R.2.G.13 Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing.
- R.2.G.14 The Panel will reach its decision in private and must refer to the appropriate code of professional practice in reaching its decision.
- R.2.G.15 The Panel shall either uphold or not uphold the appeal and, in addition, make any recommendations as it considers appropriate. This may include increasing any sanction imposed by the School Fitness to Practise Panel.
- R.2.G.16 The decision of the University Fitness to Practise Panel and the reasons for its decision will be communicated in writing by the Secretary to the student within 5 working days of the Hearing. The decision of the Panel is final.
- R.2.G.17 The decision of the Panel shall be reported to the School Fitness to Practise Panel, the relevant Board of Examiners, and the relevant professional body/regulator as appropriate.

R.2.H Monitoring, Evaluation and Review

- R.2.H.1 Monitoring and evaluation of these procedures is the responsibility of the Fitness to Practise Appeals Officer, on the basis of information and data supplied by Colleges.
- R.2.H.2 Heads of College will provide the Fitness to Practise Appeals Officer with information annually on the following:

R.2.H.3.i The number of cases heard by School Fitness to Practise Panels.

R.2.H.3.ii The reasons for the submission of cases to the School Fitness to Practise Panels.

R.2.H.3.iii The outcomes of School Fitness to Practise Panels.

R.2.H.4 The Fitness to Practise Appeals Officer will submit an annual report to Academic Board, together with any recommendations for amendment to the procedures or other action.

R.2.I Records of Proceedings

R.2.I.1 Records of any sanctions imposed upon students shall be kept on their personal files held by the University in accordance with Data Protection legislation.

R.2.I.2 The University reserves the right to amend the Fitness to Practise Regulations in light of changes to government policy, professional body/regulatory requirements or changes to University policy.

R.2.J Attendance at School and University Panels

R.2.J.1 If a student or their friend (if applicable) is unable to attend a School or University Fitness to Practise Panel at an agreed time and place, the Panel shall either continue in absentia or reconvene on one further occasion. The Panel shall take into account the student's reasons for being unable to attend in making its decision. If the Panel is rescheduled and a student or their friend (if applicable) is unable to attend, the School or University Fitness to Practise Panel shall take place in absentia.

R.2.K The Office of the Independent Adjudicator for Higher Education (HE)

R.2.K.1 In accordance with the Higher Education Act 2004, the University subscribes to the rules and procedures of the Office of the Independent Adjudicator for HE (the OIA). The OIA provides an independent scheme for the review of complaints by students against HE institutions at the stage where the internal complaints procedures have been exhausted. The OIA's definition of 'complaints' include complaints about the final decision of an HE institution's disciplinary or appeal body. It is open to students of the University of Lincoln to ask the OIA to review a final internal disciplinary or appeal decision.

R.2.L Programmes subject to these University Fitness to Practise Regulations

- R.2.L.1 PGDip High Intensity Psychological Interventions (HIPI)
- R.2.L.2 PGCert Psychological Wellbeing Practitioner
- R.2.L.3 Psychological Wellbeing Practitioner Practice Certificate
- R.2.L.4 PGDip/MSc Counselling
- R.2.L.5 MSc Nursing (pre-registration - Adult)
- R.2.L.6 MSc Nursing (pre-registration - Mental Health)
- R.2.L.7 MSc Nursing (pre-registration - Child)
- R.2.L.8 MSc Physiotherapy
- R.2.L.9 MSc Occupational Therapy
- R.2.L.10 MSc Social Work
- R.2.L.11 Social Work Degree Apprenticeship
- R.2.L.12 BSc (Hons) Nursing (pre-registration - Adult)
- R.2.L.13 BSc (Hons) Nursing (pre-registration - Mental Health)
- R.2.L.14 BSc (Hons) Nursing (pre-registration - Child)
- R.2.L.15 BSc (Hons) Nursing (pre-registration - Adult) Apprenticeship
- R.2.L.16 BSc (Hons) Nursing (pre-registration - Mental Health) Apprenticeship
- R.2.L.17 BSc (Hons) Nursing (pre-registration - Child) Apprenticeship
- R.2.L.18 BSc (Hons) Midwifery
- R.2.L.19 BSc (Hons) Paramedic Science
- R.2.L.20 FdSc Nursing Associate Apprenticeship

- R.2.L.21 Return to Practice (Nursing)
- R.2.L.22 Post Graduate Certificate in Independent / Supplementary Prescriber Preparation
- R.2.L.23 Practice Certificate in Independent / Supplementary Prescriber Preparation
- R.2.L.24 CertHE Ambulance Technician Practice

- R.2.L.25 The University reserves the right to add programmes which are subject to the Fitness to Practise Regulations at any time and as appropriate. The Fitness to Practise procedures for cases involving students enrolled on Degree Apprenticeship programmes may be modified slightly to accommodate appropriate engagement with sponsoring employers.

Part S – Audio Recordings of Meetings

S.1 Audio Recordings of Meetings

- S.1.1 Students and staff may sometimes wish to make audio recordings of meetings. This should only be done with the informed consent of all those taking part in the discussion to be recorded, and on the understanding that any recording made will not be disclosed to anyone other than those participants, except where it is submitted as evidence in relation to proceedings governed by University policies and Regulations (including recognised external oversight such as consideration by the Office of the Independent Adjudicator).
- S.1.2 The University will not accept or admit as evidence in any such proceedings any recording made without the informed consent of all participants. Any such clandestine recording which is alleged to have breached the personal privacy rights of participants may lead to disciplinary action being initiated against the person who made the recording.