



# UNIVERSITY OF LINCOLN

## UNIVERSITY GENERAL REGULATIONS 2024-25

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, Social Sciences and Humanities, the College of Health and Science, 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.

1 September 2024

# Table of Contents

<b>Part A – Admissions, Enrolment and Fees</b> .....	<b>7</b>
<b>1 Academic Integrity</b> .....	<b>7</b>
1.A Academic Integrity and Equality of Experience .....	7
1.B Student Charter .....	7
<b>2 Admissions</b> .....	<b>7</b>
<b>3 Enrolment and Registration</b> .....	<b>8</b>
<b>4 Tuition Fees</b> .....	<b>9</b>
4.A Tuition Fees Regulations .....	9
4.B Fee Waiver .....	10
4.C Sponsors.....	11
4.D Research Students.....	11
4.E Students Interrupting or Withdrawing from a Programme.....	12
4.F Failure to Pay Fees .....	13
<b>Part B – Attendance</b> .....	<b>15</b>
<b>1 Attendance</b> .....	<b>15</b>
<b>2 International Students’ Attendance</b> .....	<b>15</b>
<b>3 Suspension and Termination of Enrolment</b> .....	<b>15</b>
<b>Part C – UK Visas and Immigration Compliance</b> .....	<b>16</b>
<b>1 Introduction</b> .....	<b>16</b>
<b>2 Suspension of Study</b> .....	<b>16</b>
<b>3 Pending Appeal of Termination Decision</b> .....	<b>16</b>
<b>Part D – Termination of Enrolment and Registration</b> .....	<b>19</b>
<b>1 Introduction</b> .....	<b>19</b>
<b>2 Termination by a Student</b> .....	<b>19</b>
<b>3 Termination on Academic Grounds</b> .....	<b>19</b>
<b>4 Termination on Attendance/Engagement/Participation Grounds</b> .....	<b>19</b>
<b>5 The Office of the Independent Adjudicator for Higher Education</b> .....	<b>21</b>
<b>Part E – Interruption of Studies</b> .....	<b>22</b>
<b>1 General</b> .....	<b>22</b>
<b>2 Online Programmes Delivered in Partnership with Higher Ed Partners</b> .....	<b>22</b>
<b>3 Short Courses and Microcredentials</b> .....	<b>23</b>
<b>4 Shared Parental Leave</b> .....	<b>23</b>
4.A Undergraduate and Postgraduate Taught Students .....	23
4.B Postgraduate Research Students .....	23
<b>Part F – Change of Studies</b> .....	<b>24</b>
<b>1 Change of Studies</b> .....	<b>24</b>
<b>Part G – Library Regulations</b> .....	<b>25</b>
<b>1 General</b> .....	<b>25</b>
<b>2 Access to Library Facilities and Services</b> .....	<b>25</b>
<b>3 Borrowing Items from the University and Campus Libraries</b> .....	<b>25</b>
<b>4 Conduct of Users</b> .....	<b>25</b>
<b>5 Fines and the Recovery of Cost for Damaged or Lost Items</b> .....	<b>25</b>
<b>Part H – Student Health and Safety Regulations</b> .....	<b>26</b>

1	General.....	26
2	Accidents.....	26
3	Campus Traffic Safety.....	26
4	Fire Safety.....	26
5	Laboratory and Similar Work .....	27
6	Personal Electrical Equipment.....	27
7	Students Not on Campus.....	27
8	Students' Visitors .....	28
9	University Buildings .....	28
10	University Equipment.....	28
11	University Residences .....	28
12	Breach of Regulations.....	28
<b>Part I – University Records on Students .....</b>		<b>29</b>
1	General.....	29
<b>Part J – Board of Examiners Regulations .....</b>		<b>30</b>
1	Board of Examiners Regulations.....	30
2	Publication of Results .....	30
3	Annulment of Formal Assessments .....	30
4	Authority to Vary and/or Revoke Awards .....	31
5	Aegrotat Awards .....	31
6	Exceptional Examination Boards .....	31
<b>Part K – Conduct for Candidates in Live Assessment .....</b>		<b>33</b>
1	Introduction .....	33
2	Examinations.....	33
3	Time Constrained Assessments .....	35
<b>Part L – Academic Offences.....</b>		<b>37</b>
1	Introduction .....	37
2	Academic Offence Definitions.....	37
3	Reporting an alleged Academic Offence .....	38
4	Investigation.....	38
5	College Academic Offences Committees .....	39
6	Penalties .....	40
7	Appeals .....	41
8	Office of the Independent Adjudicator for Higher Education.....	41
<b>Part M - Mitigating Circumstances .....</b>		<b>42</b>
1	Introduction .....	42
2	Examples of Mitigating Circumstances .....	42
3	Making a Claim.....	43
4	Evidence Requirements .....	44
5	Consideration by Mitigating Circumstances Panel .....	44
6	Reconsideration of Claims .....	45

7	Decision on Outcome by Board of Examiners.....	45
8	Office of the Independent Adjudicator for Higher Education.....	46
	Appendix A: Examples of Acceptable Evidence.....	47
<b>Part N – Academic Appeals.....</b>		<b>48</b>
1	General Principles .....	48
2	Appeal .....	49
3	Submission of an Independent Review.....	51
4	Lapsed Requests for an Independent Review.....	51
5	Independent Review Process .....	51
6	Academic Appeal Hearing .....	52
7	Frivolous and Vexatious Academic Appeals.....	52
8	Office of the Independent Adjudicator for Higher Education.....	53
<b>Part O – Student Complaints .....</b>		<b>54</b>
1	Principles of the Complaints Procedure.....	54
2	Informal Resolution .....	55
3	Formal Procedure .....	55
3.A	Opening a Complaint .....	56
3.B	Head of School/Service Stage .....	56
4	Review Stage.....	57
4.A	Requesting a Review .....	57
4.B	The Independent Reviewer .....	57
5	Complaints Hearing.....	58
6	Frivolous and Vexatious Complaints .....	58
7	Office of the Independent Adjudicator for Higher Education.....	59
<b>Part P – Student Misconduct .....</b>		<b>60</b>
1	Introduction .....	60
2	Definition of Misconduct, Examples of Offences and Penalties Which May Apply .....	61
3	Reasonable Instructions and No Contact/Protection Orders.....	65
4	General Principles .....	66
5	Relationship with Other Regulations and Procedures.....	68
6	Reports of Alleged Student Misconduct.....	68
7	General Misconduct .....	69
8	Gross Misconduct Formal Investigation.....	70
9	Student Misconduct Panel.....	71
10	Appeal Stage .....	72
10.A	Submission of an Appeal .....	72
10.B	Lapsed Appeals.....	72
10.C	Facilitated Resolution Outcome Appeals .....	73
10.D	Student Misconduct Panel Appeals .....	73
11	Exclusion Pending Completion of the Student Misconduct Process or a Criminal Justice Process .....	74
12	Misconduct that is also a Criminal Offence.....	74
13	Confidentiality, Communication and Record Keeping.....	75
14	Frivolous and Vexatious Allegations .....	75

15	Office for the Independent Adjudicator for Higher Education .....	76
<b>Part Q – Noise Complaints and Anti-Social Behaviour in the Community .....</b>		<b>77</b>
1	Introduction .....	77
2	Joint Process for Dealing with Noise Complaints and Anti-Social Behaviour in the Community .....	77
2.A	First Complaint .....	77
2.B	Second Complaint .....	77
2.C	Further Complaints .....	77
2.D	Academic Registrar Procedure .....	77
<b>Part R – Fitness to Practise.....</b>		<b>79</b>
1	Introduction .....	79
2	Impairment of Fitness to Practise.....	79
3	Procedural Principles and Relationship with Other Regulations .....	79
4	Reporting Fitness to Practise Concerns.....	80
5	Initial Assessment of Fitness to Practise Concerns .....	81
6	Low-Level Concerns Procedure.....	81
7	Investigating Severe Concerns .....	81
8	Investigation Outcome .....	84
9	School Fitness to Practise Panel.....	85
10	Appeals .....	89
11	University Fitness to Practise Panel .....	90
12	Monitoring, Evaluation and Review.....	92
13	Records of Proceedings .....	92
14	The Office of the Independent Adjudicator for Higher Education .....	92
<b>Part S – Audio Recordings of Meetings.....</b>		<b>93</b>
1	Audio Recordings of Meetings.....	93

## **Part A – Admissions, Enrolment and Fees**

### **1 Academic Integrity**

#### **1.A Academic Integrity and Equality of Experience**

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.

#### **1.B Student Charter**

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

### **2 Admissions**

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.

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.

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.

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.

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

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.

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).

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.

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.

- 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.
- 2.11 Applications to University postgraduate programmes will be through the normal admissions procedure for part time or full time students.
- 2.12 Former students withdrawn from the University on academic, fitness to practise, attendance or engagement grounds are not eligible to reapply for admission onto the same programme.

### **3 Enrolment and Registration**

- 3.1 Enrolment establishes an individual's status as a student of the University.
- 3.2 Enrolment is the agreement between the University and the student under which:
- 3.2.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.
  - 3.2.ii The University registers the student as a candidate for an award of the University.
  - 3.2.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.
  - 3.2.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.
  - 3.2.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.
  - 3.2.vi The student undertakes to be in attendance at the University.
- 3.3 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.
- 3.4 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.
- 3.5 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.
- 3.6 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.
- 3.7 A student who has failed to re-enrol may be considered for re-admission to the programme.
- 3.8 Registration is the recording of an individual's candidacy for an award of the University.
- 3.9 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.



- 3.10 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.
- 3.11 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.
- 3.12 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.

## **4 Tuition Fees**

### **4.A Tuition Fees Regulations**

- 4.A.1 For the purposes of the University's Tuition Fee Regulations the word 'fees' will be interpreted as:
- 4.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.
- 4.A.2 Tuition fees are payable each academic year or other relevant period of study as determined by the University.
- 4.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.
- 4.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:
- 4.A.4.i The student fails to meet the conditions of the offer.
- 4.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.
- 4.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.
- 4.A.6 A student is required to pay all outstanding tuition fees relating to previous academic years prior to enrolment.
- 4.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.
- 4.A.7 Tuition fees for additional activity are payable at the equivalent £ per credit for each module. Additional activity includes:
- 4.A.7.i Enrolment on modules that are over and above the full credit diet for the relevant academic year.
- 4.A.7.ii Retakes of modules as permitted by the Board of Examiners.
- 4.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.

- 4.A.8 Exceptionally, tuition fees may not be payable where a student has been granted a retake with approved mitigating circumstances.
- 4.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.
- 4.B Fee Waiver**
- 4.B.1 Fee Waiver Requests
- 4.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.
- 4.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.
- 4.B.1.C Exceptional circumstances may include:
- 4.B.1.C.i Death of spouse/long term partner, parent, or child.
  - 4.B.1.C.ii Serious physical or mental illness that prevents the student from continuing with their studies.
  - 4.B.1.C.iii Serious personal injury that prevents the student from continuing with their studies.
- 4.B.1.D The above list is not exhaustive, and each request will require the submission of certified medical or other documentary evidence.
- 4.B.1.E The University may reject a fee waiver request where the substantive matters of the request require investigation and therefore fall within scope of the Student Complaints Procedure.
- 4.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.
- 4.B.2 Office of the Independent Adjudicator for Higher Education
- 4.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.
- 4.B.2.B This right may normally only be exercised when the University's internal processes have been exhausted.
- 4.B.2.C The student must first obtain a Completion of Procedures letter from the Legal and Compliance Services Team. 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.
- 4.B.2.D Guidance on making an application to the OIA can be found on its website.
- 4.B.2.E Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

#### **4.C Sponsors**

- 4.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.
- 4.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.
- 4.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.
- 4.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.
- 4.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.

#### **4.D Research Students**

- 4.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.
- 4.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.
- 4.D.3 Thesis Pending Fees Status may only be granted upon completion of the following periods of registration:
  - 3.D.3.i 2 years for full-time MPhil students.
  - 3.D.3.ii 3 years for part-time MPhil students.
  - 3.D.3.iii 3 years for full-time PhD and PhD Professional students.
  - 3.D.3.iv 5 years for part-time PhD and PhD Professional students.
- 4.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.
- 4.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.
- 4.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.
- 4.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.

#### 4.E Students Interrupting or Withdrawing from a Programme

4.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.

4.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.

<b>Term</b>	<b>% Of Tuition Fees Charged</b>
<b>Undergraduate Programmes, MArch, Postgraduate Health and Social Care Programmes (Regulated Fees)</b>	
0-2 teaching weeks following effective start date	0%
Term 1	25%
Term 2	50%
Term 3	100%
<b>Time Following Effective Start Date</b>	<b>% Of Tuition Fees Charged</b>
<b>Work-Based Distance Learning Undergraduate Programmes</b>	
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%
<b>Postgraduate Programmes (Withdrawal Only)</b>	
0-4 weeks following effective start date	0%
5-10 weeks following effective start date	25%
11 weeks onwards following effective start date	100%
<b>Online Programmes delivered in partnership with Higher Ed Partners</b>	
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
<b>Short Courses and Microcredentials</b>	
Any	100%

4.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.

4.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.

4.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.

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

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

4.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.

4.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.

- 4.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.
- 4.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.
- 4.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.

#### **4.F Failure to Pay Fees**

- 4.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 from their programme.
- 4.F.2 Suspension will be communicated in writing by the University Finance Department. The communication will set out (as per these Regulations) the terms of the suspension, how the student can rectify the matter, the University's right to terminate a student's studies after 28 days of suspension and the support available to the student via Student Services and the Students' Union Advice Centre.
- 4.F.3 During the period of suspension, a student will 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.
- 4.F.4 Suspension from a programme for non-payment of tuition fees will not be grounds for the granting of extensions for submission of assessments, nor will the Board of Examiners treat such a suspension as circumstances adversely affecting student performance in assessment.
- 4.F.5 A student who has been suspended may be re-admitted to a programme where payment in full of all outstanding tuition fees is received, or an instalment plan is agreed with the University Finance Department, within 28 days of the suspension. Where payment is received or an agreement reached later than 28 days after the suspension, the student will normally be re-admitted in the following academic year at the stage in the programme when the original suspension occurred unless the delivery of the programme means an earlier opportunity is available.. 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.4.F.6 If a student is in default of payment of their tuition fee or has failed to agree an instalment plan with the University Finance Department within 28 days of the suspension, the Chief Finance Officer (or nominee) may recommend the student's enrolment is terminated.
- 4.F.6 A student whose enrolment has been terminated on the basis of failing to pay fees may lodge an appeal against the decision within 10 working days of the date of the termination letter. An appeal must be lodged on the form provided (available from the Legal and Compliance Services Team) on either of the following grounds only:
  - 4.F.6.i That there were mitigating circumstances which meant the student was incapable of attempting to rectify the issue with the University Finance Department. The student must provide documentary evidence to support their claims.
  - 4.F.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.

- 4.F.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.
- 4.F.8 Upon receipt of a student's appeal, the Legal and Compliance Services Team will request the requisite evidence from the University Finance Department.
- 4.F.9 The Legal and Compliance Services Team will forward both the appeal and University Finance Department evidence to the Academic Registrar (or nominee) for consideration. The Academic Registrar will normally reach a decision on the appeal within 15 working days. When considering the appeal, the Academic Registrar has the discretion to make enquiries of such persons (including the student) as they deem necessary.
- 4.F.10 The Academic Registrar will notify the Legal and Compliance Services Team 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 may provide a further, time-limited opportunity for a student to rectify the matter. This decision is final and will be notified to the student in writing by the Legal and Compliance Services Team, who will issue a Completion of Procedures letter.
- 4.F.11 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.
- 4.F.12 A student who is in default of payment shall be ineligible to proceed from one Level of a programme to another, nor shall they be permitted to complete or Graduate, and will have their transcripts of marks and certificates withheld.
- 4.F.13 The University reserves the right to take any reasonable steps to recover any sums due in respect of unpaid fees.

## **Part B – Attendance**

### **1 Attendance**

- 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.
- 1.2 In the case of a student following a programme by distance learning, attendance means demonstrable activity on the programme.
- 1.3 Each School is responsible for monitoring student attendance and registers will normally be taken on a regular basis.

### **2 International Students' Attendance**

- 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.
- 2.2 International students attending the University of Lincoln must comply with the conditions of their visa.
- 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.

### **3 Suspension and Termination of Enrolment**

- 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.
- 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

### 1 Introduction

- 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.

### 2 Suspension of Study

- 2.1 The University may temporarily suspend from study a student who is unable to provide one of the following on request:
- 2.1.i Evidence of valid leave to be in UK, including the condition to study.
  - 2.1.ii Proof that an in-time visa application to remain has been submitted.
  - 2.1.iii An update on the status of any pending visa application.
  - 2.1.iv Proof that they have exited the UK.
  - 2.1.v To present original copies of immigration documentation in person upon request.
- 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.
- 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.
- 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.

### 3 Pending Appeal of Termination Decision

- 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 academic appeal procedure.
- 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.
- 3.3 If a student is believed to have breached, or is unable to meet the following compliance conditions, it may 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:
- 3.3.i Where a student is unable 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.

- 3.3.ii Where a student has not engaged with their studies for 60 days or more 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.
  - 3.3.iii Where a student breaches the work conditions as stated on their visa.
  - 3.3.iv Where the student has undertaken a period of study outside the UK that is not integral to their programme, following a change of circumstances request.
  - 3.3.v Where the student is found to have engaged in fraudulent activity associated with their studies or visa conditions.
- 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.
- 3.5 Where there is a suspected breach of C.3.3 criteria, the student shall be contacted, provided with the relevant information concerning the suspected breach and given 5 working days to submit a response.
- 3.6 At the conclusion of the 5 working day response period, the case handler will determine that either:
- 3.6.i There is no case to answer and the case should be closed, or;
  - 3.6.ii There is a case to answer and the case will be escalated to a panel to determine the final outcome.
- 3.7 Such a panel should take place within 15 working days of the conclusion of an investigation into the breach. The panel shall comprise no fewer than two members of professional services staff, one who shall act as Chair, drawn from a pool of panel members trained to review such alleged breaches. The panel should normally include one Student Leader or their nominee. Quoracy for this panel shall be three, including the Chair. The panel will be officered by a member of the Visa Compliance team.
- 3.8 The panel will consider the alleged breach, evidence, any response offered by the student and will determine either:
- 3.6.i The student may continue their studies with or without conditions, or;
  - 3.6.ii To withdraw sponsorship of the student's visa and therefore withdraw the student from the programme.
- 3.9 The decision of the panel will be communicated to the student in writing within 3 working days by the Visa Compliance team. The student will also be informed of their right to appeal.
- 3.10 A student shall have a right of appeal against the panel finding/penalty imposed. A student may lodge an appeal within 10 working days of the date of the outcome letter. An appeal must be lodged on the form provided (available from the Legal and Compliance Services Team).
- 3.11 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.
- 3.12 The Legal and Compliance Services Team will obtain the panel pack and will forward this and the student's 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 as they deem necessary.

- 3.13 The Academic Registrar shall notify the Legal and Compliance Services Team of the outcome of the appeal and give reasons for the decision. The Academic Registrar may confirm the decision to withdraw sponsorship and withdrawal from studies or reinstate the student onto their programme with or without conditions. This decision is final and will be notified to the student in writing by the Legal and Compliance Services Team. The Legal and Compliance Services Team will issue a Completion of Procedures letter.
- 3.14 In the event of withdrawal from studies 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.
- 3.15 Where a student might be 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.

## **Part D – Termination of Enrolment and Registration**

### **1 Introduction**

- 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.

### **2 Termination by a Student**

- 2.1 A student may terminate their enrolment prior to the completion of their programme.
- 2.2 Any obligations incurred between the University and the student, prior to the termination of enrolment, remain binding.
- 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.
- 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.

### **3 Termination on Academic Grounds**

- 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.

### **4 Termination on Attendance/Engagement/Participation Grounds**

- 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 Participation Policy. In such circumstances, the Personal Tutor can escalate the matter to a Formal Attendance Hearing chaired by the Head of School.
- 4.2 Students will be invited to attend the Formal Attendance 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.
- 4.3 The decision-making panel at the Formal Attendance 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.
- 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.
- 4.5 The absence of the student from an Attendance 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.

- 4.6 A third party may act as and represent the student, provided the student has given the Head of School written authority for that representative to act on their behalf.
- 4.6.i A student must inform the Head of School, in writing, at least five working days in advance of any hearing or anticipated communication from a legal representative if they have engaged such representation.
- 4.6.ii The University's student contention processes are not legal processes, and it is therefore a student's decision as to whether they engage legal representation. Engagement of a legal representative alone is not considered reason enough to require the University to adjust its normal timescales or its meeting dates; the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation.
- 4.6.iii Students, when represented, are still expected to attend the hearing requested under these Regulations and to speak on their own behalf, unless, owing to necessary reasonable adjustment for reasons such as disability, this is agreed by the University in advance, in writing. The student is responsible for ensuring their representative is appropriately briefed on the matter at hand and these Regulations. Any representation made by a legal representative under these Regulations shall be taken to be the student's response or contribution to the process.
- 4.6.iv Should a student opt for legal representation, they also retain the right to be supported at any meetings held under these Regulations, by a companion who fulfils the criteria of a companion as outlined in these Regulations.
- 4.6.v The University reserves the right to engage its own representation in such matters.
- 4.7 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 OneUni on either of the following grounds only:
- 4.7.i That there were mitigating circumstances adversely affecting the student's attendance which for valid reasons the student did not make known to the School 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 School's attention. The student must provide documentary evidence to support their reasons as to why the circumstances were not made known to the School.
- 4.7.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.
- 4.8 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.
- 4.9 The Legal and Compliance Services Team 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.
- 4.10 The Academic Registrar shall notify the Legal and Compliance Services Team 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 Legal and Compliance Services Team. If termination of the student's enrolment is confirmed, the Legal and Compliance Services Team will issue a Completion of Procedures letter.

- 4.11 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.

## **5 The Office of the Independent Adjudicator for Higher Education**

- 5.1 A student dissatisfied with the outcome of proceedings under these Regulations 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. This right may normally only be exercised when the University's internal processes have been exhausted.
- 5.2 A complaint to the OIA must be made within 12 months of the date of the Completion of Procedures letter, using the OIA's prescribed form.
- 5.3 Guidance on submitting a complaint to the OIA can be found on its website.
- 5.4 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

## Part E – Interruption of Studies

### 1 General

- 1.1 A student may apply to the University to interrupt their studies for a specific period of time.
- 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.
- 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.
- 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.
- 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.
- 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.
- 1.7 During a period of interruption of studies the student and the University remain bound by the University's Regulations, Policies and Procedures.
- 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.
- 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.
- 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.
- 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.

### 2 Online Programmes Delivered in Partnership with Higher Ed Partners

- 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.
- 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.

- 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.
- 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.
- 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.

### **3 Short Courses and Microcredentials**

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

## **4 Shared Parental Leave**

### **4.A Undergraduate and Postgraduate Taught Students**

- 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.

### **4.B Postgraduate Research Students**

- 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.
- 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.
- 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.
- 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 F – Change of Studies**

### **1 Change of Studies**

- 1.1 A change of studies occurs when a student transfers their registration from one programme to a different programme.
- 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.
- 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.
- 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.
- 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.



## **Part G – Library Regulations**

### **1 General**

- 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.

### **2 Access to Library Facilities and Services**

- 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.
- 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.
- 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.

### **3 Borrowing Items from the University and Campus Libraries**

- 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.
- 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.

### **4 Conduct of Users**

- 4.1 Users must conform to the Library's rules concerning the consumption of food and drink.
- 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 Misconduct Procedure.
- 4.3 The University accepts no responsibility for personal property lost or damaged on University premises, including in University and Campus Libraries.

### **5 Fines and the Recovery of Cost for Damaged or Lost Items**

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

### **1 General**

- 1.1 Health and Safety information can be obtained from the Health and Safety Department's website.
- 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 Misconduct Regulations and/or prosecution under the terms of the Act.
- 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.
- 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.
- 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.
- 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.
- 1.7 Students will comply with all written or verbal instructions given to ensure their personal safety and the safety of others.
- 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](mailto:maintenance@lincoln.ac.uk).

### **2 Accidents**

- 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.

### **3 Campus Traffic Safety**

- 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.
- 3.2 Students will adhere to the traffic management Regulations for all campuses as produced by University Estates Department.

### **4 Fire Safety**

- 4.1 Students must not interfere with fire equipment, deface notices, or activate alarms without due cause.
- 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.

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

## **5 Laboratory and Similar Work**

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.

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.

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.

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

## **6 Personal Electrical Equipment**

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.

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

## **7 Students Not on Campus**

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.

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

## **8 Students' Visitors**

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

## **9 University Buildings**

- 9.1 Students are prohibited from undertaking work of any kind on the fabric or services of University buildings.
- 9.2 Students are prohibited from entering any area or building which has been given over to the control of a building contractor.

## **10 University Equipment**

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

## **11 University Residences**

- 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.

## **12 Breach of Regulations**

- 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 Misconduct 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

### 1 General

- 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.
- 1.2 Information about a student shall be managed in accordance with current Data Protection legislation.
- 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.
- 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.
- 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**

### **1 Board of Examiners Regulations**

- 1.1 Boards of Examiners will determine a student's entitlement to tenure, progression, and receipt of a University award.
- 1.2 Each College has a tiered structure of Boards of Examiners comprising Subject and College Boards of Examiners.
- 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.
- 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.
- 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.
- 1.6 The proceedings of Boards of Examiners are confidential.
- 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.
- 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.
- 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.

### **2 Publication of Results**

- 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.
- 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.
- 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.
- 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

### **3 Annulment of Formal Assessments**

- 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.

#### **4 Authority to Vary and/or Revoke Awards**

- 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.
- 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.
- 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.
- 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.

#### **5 Aegrotat Awards**

- 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.
- 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.
- 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.
- 5.4 Where a student has died before completing their programme a Board of Examiners may agree that an Aegrotat award be conferred posthumously.
- 5.5 Aegrotat awards are conferred without classification.
- 5.6 This provision does not apply to programmes that also lead to professional registration or accreditation.

#### **6 Exceptional Examination Boards**

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

- 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.
- 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

### 1 Introduction

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

### 2 Examinations

- 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.
- 2.2 Examination conditions are defined as:
- 2.2.i No interacting with other candidates.
  - 2.2.ii No disrupting of other candidates through unnecessary moving of examination furniture.
- 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.
- 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.
- 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.
- 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.
- 2.7 Candidates must comply with all instructions from invigilators and any additional written instructions pertinent to their examination or award.
- 2.8 Candidates will be admitted to an examination room no earlier than 15 minutes prior to the start of the examination.
- 2.9 Candidates must sit in the numbered seats as allocated on the seating plan for the examination they are sitting.
- 2.10 Candidates must display their Student ID card or alternative photo ID as confirmation of their identity.
- 2.11 Mobile Phones, smart watches and other similar devices are not permitted in any examination room for the duration of the examination.
- 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.

- 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.
- 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.
- 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.
- 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.
- 2.17 Electronic dictionaries, subject specific dictionaries and English definition dictionaries are not permitted.
- 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.
- 2.19 Candidates arriving late must report to an invigilator.
- 2.20 Candidates will not be permitted entry to an examination room 30 minutes following the commencement of an examination.
- 2.21 Candidates are responsible for checking that they have been issued with the correct examination paper.
- 2.22 Candidates who wish to attract the attention of an invigilator must raise their hand.
- 2.23 Candidates who wish to leave the examination room temporarily must be accompanied by an invigilator.
- 2.24 Candidates will not be permitted to leave the examination permanently in the first 30 minutes or last 30 minutes of an examination.
- 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.
- 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.
- 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.

- 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.
- 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.
- 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.

### **3 Time Constrained Assessments**

- 3.1 Candidates are required to ensure that they have appropriate hardware and connectivity to complete online examination.
- 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.
- 3.3 Candidates must familiarise themselves with the requirements of their examination and follow the instructions for completion and submission of their examination paper.
- 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.
- 3.5 Candidates must comply with examination conditions for the duration of the online examination. Examination conditions mean:
- 3.5.i No collaboration or interaction with other candidates or individuals using any means of communication or device during live examinations.
  - 3.5.ii No posting, sharing, or receiving of exam questions, exam topics or answers using any means during live examinations.
  - 3.5.iii No sharing of information with other students during live examinations by any means of communication or attempting to do so.
  - 3.5.iv No encouraging or persuading others to share examination content or breach this code of conduct.
- 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.
- 3.7 Irregularities and suspicions of unfair practices will be investigated and could result in academic offence or misconduct proceedings.
- 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.
- 3.9 To maintain the integrity of examinations, each candidate has the duty to report any attempt to violate the code of conduct.
- 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.

- 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

### 1 Introduction

- 1.1 Students are expected to behave with honesty and integrity in relation to assessments. It is a student's responsibility to familiarise and act in accordance with conventions of academic writing and examination conduct, including appropriate referencing of sources, acknowledgement of assistance, acting ethically and complying with relevant instructions, policies or procedures. A student who does not comply with these requirements may be found to have committed an academic offence.
- 1.2 The University applies the principle of strict liability to academic offences: this means a student's intentions will not be considered relevant when judging whether they have committed an offence. For example, if a student submits an essay which contains, without necessary acknowledgement, substantial material produced by another person, they may be judged to be guilty of plagiarism even if they claim the lack of proper acknowledgement was mistaken or inadvertent. Whilst a student's intentions are not relevant to whether they have committed the offence, they could be relevant when an adjudicator considers application of penalties for proven offences.

### 2 Academic Offence Definitions

- 2.1 The following are examples of academic offences in respect of assessment (list not exhaustive):
- 2.1.i Collusion, which is submitting work for assessment which has been done in collaboration with another person but presenting it as entirely one's own, or collaborating with another student on work which is then submitted for assessment 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.
  - 2.1.ii Plagiarism, which is passing off another person's thoughts, ideas, writings, or images as one's own in assessed work without appropriate acknowledgement.
  - 2.1.iii Self-plagiarism, which is a student using their own work that has previously been submitted for assessment (for which credit has already been awarded) at the University or elsewhere, without proper acknowledgement, in any subsequently assessed work.
  - 2.1.iv Misleading material: Inclusion of data or evidence which has been invented, falsified, improperly altered or obtained by unfair means. This includes passing off 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 evidence for assessment.
  - 2.1.v Cheating: which is, any irregular behaviour during live assessment such as unauthorised possession of notes; copying another candidate's work; using programmable calculators or other equipment (such as phones and smartwatches) unless expressly authorised; unauthorised obtaining of examination papers. This also covers the use of any form of communication (whether verbal or digital) between students during live assessments in order to gain an unfair advantage.
  - 2.1.vi Contract Cheating: The outsourcing of assessment work, in whole or in part, to any third party, (i.e. commercial provider, current or former student, acquaintance or family member).
  - 2.1.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 also includes improper handling of privileged or private information on individuals collected during the research. 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. PGR Progression Boards 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.
  - 2.1.viii Unauthorised of artificial intelligence (AI): The *unauthorised* use of AI, in whole or in part.

### **3 Reporting an alleged Academic Offence**

- 3.1 A member of staff may initiate these procedures at any point it is suspected that an academic offence has been committed, by notifying their Head of School (or nominee, such as the Subject Area Leads in the Lincoln International Business School) and providing evidence for the grounds of suspicion. Such suspicion may arise during the marking of a student's work, review of work by an external examiner, exam invigilation, use of a plagiarism checking tool, or following a report made by another student or third-party.
- 3.2 Should another student, or third-party wish to raise a concern about a suspected academic offence, they should submit their concern to Legal and Compliance Services who will assess the report and make a decision whether to refer the report to the relevant Head of School (or nominee). A named record will be required as evidence and reasonable enquiries may be made to ascertain the validity of a reporting individual's assertions. Anonymous allegations will not normally be acted upon.
- 3.3 The Head of School (or nominee) will appoint an investigator from within the School.
- 3.4 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 be responsible for investigating the allegation.

### **4 Investigation**

- 4.1 The Investigator will invite the student to an investigatory interview, giving five working days' notice. The invite shall include written notification that an alleged academic offence is to be investigated, confirmation of the unit of assessment/module subject of the investigation and will set out the basis for suspicion. The Investigator will summarise the nature of the interview, including whether the summary procedure is applicable in the student's case and what this entails. The student will be informed of their right to be accompanied to the meeting by a companion and signposted to Student Support and the Students' Union Advice Centre for advice and support.
- 4.2 A companion must either be a fellow student, a member of staff or a staff member from the Students' Union Advice Centre and 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 adjudicator'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.
- 4.3 The Investigator will be accompanied to any investigatory meetings by a staff member whose role is to take minutes of the interview.
- 4.4 An investigator may make enquires as they deem reasonable as part of their investigation.
- 4.5 If the student provides a satisfactory defence at any stage of the process, an investigator will dismiss the allegation and ensure this outcome is communicated to both the student and relevant School colleagues, in writing.
- 4.6 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 sufficient case of an academic offence exists based on the evidence available. The Head of School (or nominee) will then proceed as appropriate.

#### Summary Procedure

- 4.7 The summary procedure is an educational and supportive conversation. A summary conversation may be arranged either separately or as the start of an investigatory interview. The conversation is about the correct application of academic conventions, albeit one which ensure the University upholds the integrity of its awards.

- 4.8 The summary procedure is not 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.
- 4.9 Where students openly admit to the alleged offence(s) during this conversation, a more lenient penalty (one of either penalties A or B as under and per paragraph 6.1) will be applied by the investigator. The investigator will ensure the penalty is communicated to both the student and School colleagues, in writing. Reassessment entitlements, as appropriate, will be granted at the next available opportunity by the Board of Examiners.
- 4.10 If the student denies the offence, the Full Procedure will commence.

### Full Procedure

- 4.11 The full procedure will comprise the following:
- 4.11.i The student will be invited to give their defence, and to provide appropriate evidence, including presenting any mitigating factors;
  - 4.11.ii The investigator will ask the student questions relating to the allegation, any defence or evidence presented by the student, the assessed work or techniques used to complete it.
- 4.12 If necessary, the investigator may adjourn the interview to allow further enquiries to be made, such as where the student introduces new material evidence during the interview, or where an investigator determines specialist input into the investigatory interview is required. The outcomes of the further enquiries shall be communicated to the student and the interview shall then be rearranged as soon as possible. Should a specialist be called to ask the student questions about the work or the techniques used, this will be confirmed with the student in advance of the rearranged interview.
- 4.13 The minutes of the interview(s) shall be prepared promptly. The student will be provided with a copy of the minutes and invited to request amendments for accuracy as appropriate.
- 4.14 The investigator shall provide the Head of School (or nominee) with the agreed investigatory interview minutes and copies of any further evidence obtained. The Head of School (or nominee) shall decide if a sufficient case of an academic offence has been established:
- 4.14.i Where a sufficient case has been established, the Head of School (or nominee) shall arrange for all documentation as directed by the evidence checklist to be submitted to the College Academic Offences Committee via the Legal and Compliance Services team.
  - 4.14.ii If not, no further action shall be taken, and the student shall be notified accordingly.

## **5 College Academic Offences Committees**

- 5.1 Any person with involvement in the allegation or the investigation is precluded from the consideration of the offence or its penalty at College Academic Offences Committee meetings.
- 5.2 College Academic Offences Committees comprise a Chair (as nominated by the Head of College), at least three senior members of academic staff, and a representative from the Students' Union. Colleges may name a Deputy Chair to support case handling and oversight of academic offences, themes and trends within Colleges.
- 5.3 College Academic Offences Committees delegate authority to their respective Chairs (or named Deputies in their absence) to make preliminary decisions on allegations of academic offences on the Committee's behalf. This enables allegations to be dealt with in a timely manner when a higher volume of cases is submitted for decision. A log of all preliminary decisions made by the Chair will be provided to the College Academic Offences Committee at its next meeting for approval.

Committee members may open any case handled in such a way to full Committee scrutiny upon request.

- 5.4 The standard of proof required under these regulations is the balance of probabilities. To find an allegation proven, the Committee must be satisfied that it is more likely than not that the alleged offence in question occurred, based on available evidence.
- 5.5 Where allegations are proven, penalties will be applied with the Committee having taken into consideration all the evidence presented including any mitigating and aggravating factors which might mean either a more lenient or severe penalty should be applied. Such factors include:
- 5.5.i Continuity: Repeat academic offences should generally be dealt with more severely than a first offence. The Committee will not normally apply an 'enhanced' penalty for a first-time offence which removes the possibility of progression or graduation unless the circumstances are severe.
  - 5.5.ii Premeditation: A planned act will normally be considered more serious than an impulsive or inadvertent action.
  - 5.5.iii Scale and Extent: The quantum and severity or extensive use of academic misconduct will be dealt with more severely than a lesser amount.
  - 5.5.iv Theft of Materials: An academic offence that involves the theft of another person's assessed work will be dealt with more severely.
  - 5.5.v Other Students: A more severe penalty may apply where the academic offence adversely affects other students.
  - 5.5.vi Engagement: Expression of remorse, level of understanding and transparency in an investigatory procedure may mean a proven offence is dealt with more leniently.
  - 5.5.vii Personal Circumstances: Compelling, relevant and evidenced, personal circumstances which affected a student's judgment, may mean a proven offence is dealt with more leniently.
  - 5.5.viii Impact: The potential impact on the progression and/or award classification of the student will be considered.
- 5.6 Outcomes will be communicated to students in writing within 5 working days of Committee meetings, giving a clear explanation of, and setting out the reasons for, each decision and any penalty. This will include an explanation as to why any lesser penalties were deemed not applicable in the student's case. The student will be informed of their right to appeal.

## **6 Penalties**

- 6.1 The below penalties may be applied in cases of proven offences. The Investigator (summary procedure) or College Academic Offences Committee (full procedure) will, where applicable and in respect of the penalty applied, make a recommendation to the Board of Examiners whether or not to restore the right to reassessment.
- A. Warn the student against any future academic offence but impose no other penalty.
  - B. Record a mark of zero for the piece of assessed work or examination only.
  - C. Record a mark of zero for every assessment item within the module.
  - D. 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.
  - E. Record a mark of zero for every assessment item within all modules during the academic level.



- 6.2 The Committees will recommend applicable penalties consistently, with due consideration of the potential impact on the progression and/or award classification of the student.
- 6.3 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 and could remove a student's ability to progress to the next level of study or complete programme.
- 6.4 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.

## **7 Appeals**

- 7.1 A student may submit an appeal within 10 working days of being notified of any finding or penalty applied by the College Academic Offences Committee. Appeals must be logged with the Legal and Compliance Services team.
- 7.2 The only grounds on which a student may appeal are:
  - 7.2.i Irregularity in application of the procedures under these regulations;
  - 7.2.ii The student has new material evidence that they were incapable, for valid reasons, of providing earlier in the process.
- 7.3 Appeals will be heard by a nominee of the Head of College, who has had no prior involvement in the case, with a decision made within 10 working days of them receiving the appeal.
- 7.4 A successful appeal will result in reconsideration of the decision of the College Academic Offences Committee.

## **8 Office of the Independent Adjudicator for Higher Education**

- 8.1 A student dissatisfied with the final decision of the University regarding the handling of an academic offences allegation has the right to submit a complaint to the Office of the Independent Adjudicator (OIA), an independent review body, for the outcome to be reviewed independently of the University.
- 8.2 The right to complaint to the OIA can normally only be exercised when the University's internal processes have been completed, and a completion of procedures letter has been issued.
- 8.3 An OIA Complaint Form must be completed, and this must be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.
- 8.4 Guidance on making a complaint to the OIA can be found on the OIA's website.
- 8.5 Students may seek advice about OIA complaints from the Student Support Centre and the Students' Union Advice Centre.

## Part M - Mitigating Circumstances

### 1 Introduction

- 1.1 Mitigating circumstances are **significant, unexpected, unpreventable** events, beyond a student's control, which may have had a serious and adverse effect upon their assessed work.
- 1.2 Students are responsible for attending and participating in their studies, including attending exams and submitting/presenting coursework for assessment as required and by due dates. Students are therefore responsible for submitting timely, evidenced mitigating circumstances claims when significant, unexpected, unpreventable events may adversely affect assessment performance.

### 2 Examples of Mitigating Circumstances

- 2.1 The following are examples of circumstances which, when supported by relevant, corroborated evidence, are **normally accepted** as mitigating if they occur immediately prior to or during an assessment:
- 2.1.1 Serious illness, personal injury or significant change, deterioration in, or contemporaneous emergence of a long-term condition or disability;
  - 2.1.2 The death of a close relative e.g., parent, grandparent, guardian, partner, sibling, child;
  - 2.1.3 Being the victim of a crime;
  - 2.1.4 Jury service or involvement in a criminal case/witness that cannot be postponed;
  - 2.1.5 Failure in provision of reasonable adjustments required by a student's PASS plan;
  - 2.1.6 Failure, or inaccessibility of, programme-provided assessment/exam equipment;
  - 2.1.7 Sporting excellence of national or international nature;
  - 2.1.8 An overseas posting of a student who is a member of the military;
  - 2.1.9 Force majeure or other similar unpreventable event.
- 2.2 The following are examples of circumstances which, when supported by relevant, corroborated evidence, may be considered as mitigating:
- 2.2.1 Personal problems/family or domestic crises/unexpected issues with childcare provision;
  - 2.2.2 Serious illness of a close relative;
  - 2.2.3 Planned medical operation, hospital appointments/tests (if advance notice is given);
  - 2.2.4 Religious observance, such as fasting (Ramadan) where independent evidence from a religious leader confirms the specific impact on the student;
  - 2.2.5 Accommodation issues outside a student's control.
- 2.3 Not all events which students believe have disrupted assessment performance will be considered as mitigating circumstances. Advice and support should be sought from the Student Support Centre where students are unsure whether their circumstances might be considered. Examples of situations which would **not normally be considered** include:
- 2.3.1 Short-term, minor illnesses – these should be covered by extension requests;
  - 2.3.2 Illness for which no contemporaneous evidence is available;
  - 2.3.3 Pregnancy, unless there are unexpected difficulties, significant impacts resulting from unplanned pregnancy, or significant related health issues supported by evidence;

- 2.3.4 Late submission of coursework;
  - 2.3.5 Pressures of academic work, such as multiple deadlines, time mismanagement, disorganisation, other normal academic programme commitments;
  - 2.3.6 Assessment or exam nerves, anxieties, low mood or stress, unless supported by diagnosis of a mental health condition;
  - 2.3.7 Paid employment commitments or workload;
  - 2.3.8 Students failing to effectively work together to complete group assessments;
  - 2.3.9 Lost or non-backed up work, or other computer failure;
  - 2.3.10 Financial problems, even a change of circumstance, other than cases of extreme hardship;
  - 2.3.11 Domestic events such as moving house, birthdays, weddings, or other family celebrations, holidays, where students have control over dates or can choose not to attend;
  - 2.3.12 Errors in misreading or mistaking assessment deadlines or exam dates;
  - 2.3.13 Submitting the incorrect assignment or version of assignments in error;
  - 2.3.14 Transport difficulties, unless there is independent documentary evidence of the breakdown/failure and the lack of suitable alternatives;
  - 2.3.15 Ignorance of any policy document, regulation or assessment arrangement, including following misinformation provided by another individual – it is the student’s responsibility to meet assessment deadlines and attend exams at the right date, time and location.
- 2.4 The above lists are indicative, not exhaustive, and claims will be treated on their own merit.

2.5 Students may not normally use any disability or illness that is catered for by the Student Wellbeing Centre’s Needs Assessment, or covered by a student’s individual PASS plan, as the basis for a claim. The only exception to this would be the unexpected emergence of an underlying or deterioration of a disability or illness immediately prior to or during an assessment which requires immediate support. A claim can be made in such circumstances but still requires supporting evidence to be submitted. It is expected that any future assessments after such a claim are then dealt with in accordance with University practice for the support of students with a disability or long term illness and the previous incident is therefore not to be used as the basis for future claims. Students should contact Student Wellbeing for further advice.

### 3 Making a Claim

- 3.1 Students are strongly advised to discuss any mitigating circumstances with an appropriate member of staff (i.e. Personal Tutor, Student Support Advisor) as soon as possible, and prior to making a claim.
- 3.2 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 can 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 can be made up to **ten working days** after the assessment event.
- 3.3 For assessments where an extension may be granted (e.g., written assignment) 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.
- 3.4 Students must make mitigating circumstances claims via OneUni.

- 3.5 Late claims will only be permitted if a student can provide robust evidence which confirms they were incapable of submitting a claim on time. If a student does not provide this evidence, they will be given one opportunity to submit further evidence, as per Section 6 of these Regulations.
- 3.6 A claim for mitigating circumstances cannot be used to avoid the application of a penalty for a proven allegation of an academic offence.

## **4 Evidence Requirements**

- 4.1 Mitigating circumstances claims must be supported by circumstance and time-relevant, independent, and corroborating documentary evidence which clearly demonstrates the impact on studies at the time of the submission dates.
- 4.2 Students are responsible for obtaining evidence in support of claims. The University cannot obtain evidence on a student's behalf.
- 4.3 Evidence must:
- i. be uploaded via the One Uni system alongside a claim;
  - ii. relate to the date(s) of the assessment or exam;
  - iii. relate to the specific circumstance(s) being claimed for;
  - iv. be provided by an independent, relevant party such as a medical or other professional;
  - v. demonstrate the impact on the student making the claim for the assessment period being claimed for.
- 4.4 Evidence must be provided in English and it is a student's responsibility to provide translations of any non-English documentation. Documents not in English or without translation will not be accepted as evidence. Translations must be certified as accurate by a Public Notary or translated by an accredited translator.
- 4.5 The University, upon review of a student's claim, may request additional evidence for clarification.
- 4.6 Examples of inappropriate evidence (not-exhaustive) include pictures or lists of medication; pictures of injuries or accidents; statements of support from relatives or friends; same-day, on-demand medical certificates issued by companies such as Zoomdoc, DocTap, etc.

## **5 Consideration by Mitigating Circumstances Panel**

- 5.1 In the first instance, the Mitigating Circumstances Panel shall determine the validity of claims, having regard to the nature of the claim and the authenticity, contemporaneity, and relevance to the claim, of the supporting evidence.
- 5.2 The Mitigating Circumstances Panel normally meets monthly to review claims.
- 5.3 Claims accepted as valid by the Mitigating Circumstances Panel shall be forwarded to the Board of Examiners to determine an appropriate outcome.
- 5.4 The Mitigating Circumstances Panel delegates authority to the Chair of the Panel (or nominees) to make decisions on the validity of claims and to reconsider claims on the Panel's behalf. This enables claims to be dealt with in a timely manner when a higher volume of claims has been submitted. The Chair of the Panel may refer cases which they review, for Panel decision. A log of decisions made by the Chair of the Panel will be provided to the Mitigating Circumstances Panel at its next meeting for endorsement.

- 5.5 Where claims are made by students enrolled on programmes subject to Fitness to Practise requirements, these claims will be forwarded to the relevant programme team. The programme team will consider whether the Fitness to Practise Regulations should be invoked based on the nature of the claim and any applicable guidance/requirements from PSRBs.

## **6 Reconsideration of Claims**

- 6.1 Where a claim for mitigating circumstances is not approved as valid by the University Mitigating Circumstances Panel or where a claim is made after the deadline and is not supported by relevant robust evidence, the student will have a maximum of 15 working days following notification of the outcome of their initial claim to provide further evidence.
- 6.2 Following consideration of any additional evidence, if the claim is not approved as valid or continues to be ruled as out of time, 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.
- 6.3 Where a claim is found valid but a student identifies they have inadvertently claimed against the incorrect module or assessment element, they shall have up to 10 working days following formal release of results to request that the module or assessment module claimed for be amended, as long as the circumstances remain time-relevant.

## **7 Decision on Outcome by Board of Examiners**

- 7.1 Claims accepted as valid by the Mitigating Circumstances Panel are forwarded to the relevant Board of Examiners which shall consider whether the circumstances have actually affected performance in assessment and will apply a decision concerning assessment.
- 7.2 The Board of Examiners will consider whether, on the basis of the assessment profile, it is reasonable to conclude that the circumstances have actually affected performance.
- 7.3 Where a student has an approved valid 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:
- 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.
  - 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 a claim.
  - iii. No such claim will be refused under any circumstances.
- 7.4 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.
- 7.5 The Board of Examiners will consider all recommendations made to it by a Fitness to Practise Panel concerning mitigating circumstances claims made by students.
- 7.6 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.

7.7 For valid claims made by **undergraduate and postgraduate taught students**, the Board of Examiners may apply the following:

- i. The student will 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 mitigation is a reassessment) in a manner approved by the Board of Examiners.
- 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.
- 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.
- 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.
- v. In very exceptional circumstances, where a final level undergraduate or postgraduate taught student is unable to undertake reassessment and evidence of this is validated 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.

7.8 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:

- i. The student shall be allowed extra time in which to complete their thesis or make amendments following initial examination. The relevant 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.
- 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.

7.9 Boards of Examiners must clearly record the rationale for each decision and ensure that decisions are compatible with comparable precedents.

7.10 Students dissatisfied with the decision of the Board of Examiners are permitted to make an Academic Appeal as per the Academic Appeal Regulations, provided the appeal is made no later than ten working days after communication of the Board of Examiners' decision on the claim.

## 8 Office of the Independent Adjudicator for Higher Education

7.11 A student dissatisfied with the Mitigating Circumstances Panel decision as to the validity of their claim has the right to submit a complaint to the Office of the Independent Adjudicator (OIA), an independent review body, for the outcome to be reviewed independently of the University.

- 7.12 The right to complaint to the OIA can normally only be exercised when the University's internal processes have been completed, and a completion of procedures letter has been issued.
- 7.13 An OIA Complaint Form must be completed, and this must be submitted to the OIA within 12 months of the date of the Completion of Procedures letter.
- 7.14 Guidance on making a complaint to the OIA can be found on the OIA's website.
- 7.15 Students may seek advice about OIA complaints from the Student Support Centre and the Students' Union Advice Centre.

## Appendix A: Examples of Acceptable Evidence

Mitigating Circumstance	Examples of Acceptable Evidence
Serious illness, personal injury or significant change, deterioration in, or contemporaneous emergence of a long-term condition or disability ( <i>normally accepted as mitigating</i> )	Medical certificate / hospital report / report from registered medical practitioner, specific about the nature of the illness or accident/incident and produced whilst the symptoms are still apparent. Letters stating that the student informed them that they were unwell will not be accepted.
The death of a close relative e.g., parent, grandparent, guardian, partner, sibling, child ( <i>normally accepted as mitigating</i> )	The death of a person with a demonstrably close relationship should be evidenced with a copy of the death certificate. If unable for legal reasons to provide a death certificate, legal notice of the death should be provided.
Being the victim of a crime ( <i>normally accepted as mitigating</i> )	Evidence from the police or evidence from a registered medical practitioner may be relevant. A police crime number should be provided.  Please note: The police cannot give out any information to the University, they can only confirm that a crime number is valid and confirm the date the incident occurred.
Jury service or involvement in a criminal case/witness that cannot be postponed ( <i>normally accepted as mitigating</i> )	Documentary evidence from the court or a solicitor, and/or evidence from the police or evidence from a registered medical practitioner may be relevant. A police crime number should be provided.  Please note: The police cannot give out any information to the University, they can only confirm that a crime number is valid and confirm the date the incident occurred.
Failure in provision of reasonable adjustments required by a student's PASS plan ( <i>normally accepted as mitigating</i> )	Usually supported by corroborating reports from relevant members of programme staff (i.e. Personal Tutor) and Student Wellbeing Services.
Failure, or inaccessibility of, programme-provided assessment/exam equipment ( <i>normally accepted as mitigating</i> )	Claims arising from University systems failure (for example, system-wide malfunctions) or a major disruption involving University facilities and services (for example, malfunction of technical equipment or inaccessibility of space leading to exam disruption), must be supported by corroborating reports from relevant members of staff.

Sporting excellence of national or international nature ( <i>normally accepted as mitigating</i> )	Formal correspondence by recognised body and/or reputable source publishing fixtures and/or referencing such call up or participation.
An overseas posting of a student who is a member of the military ( <i>normally accepted as mitigating</i> )	Evidence from employer (call up papers) detailing the change in working conditions and timescale of notice given to student. If applicable students should discuss interruption of studies with their personal tutor.
Personal problems/family or domestic crises/unexpected issues with childcare provision ( <i>may be considered as mitigating</i> )	Evidence from a qualified medical practitioner or counselling professional would be appropriate, including from the University counsellors. Please note that the Counselling service cannot automatically provide letters to support a claim.  The evidence must relate to the assessment dates and detail the impact on the student's ability to complete assessments.
Serious illness of a close relative ( <i>may be considered as mitigating</i> )	Corroborating medical certificate / hospital report / report from qualified medical practitioner. Correspondence from a family member is not appropriate evidence.
Planned medical operation, hospital appointments/tests (if advance notice is given), ( <i>may be considered as mitigating</i> )	Medical certificate / hospital report / report from registered medical practitioner, specific about the nature of the illness and timeframe. Students should consider requesting an extension in the first instance where applicable.
Religious observance, such as fasting (Ramadan) where independent evidence from a religious leader confirms the specific impact on the student ( <i>may be considered as mitigating</i> )	Independent evidence from a religious leader that provides confirmation of the impact of the religious observance on a student's ability to complete the assessment / exam.
Accommodation issues outside a student's control ( <i>may be considered as mitigating</i> )	This should be a corroborating statement from a professional person, e.g. counsellor, landlord/agent (which might include University Accommodation staff for example) setting out clear details, linked to the impact on the student's ability to complete the assessment / exam.

**Personal Tutor statements** can be submitted in support of claims. This, as with all evidence, should describe the impact of the circumstances on the student's ability to complete the relevant assessment or exam. However, a student should also evidence or at least explain their attempts to obtain the evidence relevant to their circumstances as per this annex. Personal Tutor statements should be provided via e-mail so they are clearly signed and dated, and the student should upload the '.msg' file as evidence so the statement can be verified.

**Examples of inappropriate evidence** (not-exhaustive) include pictures or lists of medication; pictures of injuries or accidents; statements of support from relatives or friends; same-day, on-demand medical certificates issued by companies such as Zoomdoc, DocTap, etc. and PASS Plans, unless being provided to evidence that an approved reasonable adjustment has not been implemented.

## Part N – Academic Appeals

### 1 General Principles

1.1 There are occasions when students might feel that they wish to dispute the decision of a Board of Examiners.



- 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).
- 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 appeals. Seeking an informal resolution does not take away the student's right to invoke the formal procedure.
- 1.4 There are 2 stages to the process in which a student may seek formally to resolve a dispute: an academic appeal and a request for an independent review. A student who instigates the academic appeal procedure should continue with their studies as normal, including studying for reassessment.
- 1.5 Challenges to academic judgement will not be permitted at any stage of the Academic Appeals process.
- 1.6 A third party may act as and represent the student, provided the student has given the Legal and Compliance Services Team written authority for that representative to act on their behalf.
- 1.6.i A student must inform the Legal and Compliance Services Team, in writing, at least five working days in advance of any meetings, appeal hearings or anticipated communication from a legal representative if they have engaged such representation.
- 1.6.ii The University's student contention processes are not legal processes, and it is therefore a student's decision as to whether they engage legal representation. Engagement of a legal representative alone is not considered reason enough to require the University to adjust its normal timescales or its meeting dates; the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation.
- 1.6.iii Students, when represented, are still expected to attend any appeal hearings requested under these Regulations and to speak on their own behalf, unless, owing to necessary reasonable adjustment for reasons such as disability, this is agreed by the University in advance, in writing. The student is responsible for ensuring their representative is appropriately briefed on the matter at hand and these Regulations. Any representation made by a legal representative under these Regulations shall be taken to be the student's response or contribution to the process.
- 1.6.iv Should a student opt for legal representation, they also retain the right to be supported at any meetings held under these Regulations, by a companion who fulfils the criteria of a companion as outlined in these Regulations.
- 1.6.v The University reserves the right to engage its own representation in such matters.

## **2 Appeal**

- 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, they may request an academic appeal.
- 2.2 A student may submit an academic appeal on the following grounds only:
- 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.
- 2.2.ii That there is evidence of prejudice or of bias.

- 2.2.iii That there was an error in the calculating or recording of the marks upon which the original decision was made.
- 2.3 The following will not be considered as grounds for an academic appeal:
  - 2.3.i Marginal failure to attain a higher degree classification.
  - 2.3.ii A challenge against the academic judgement of internal or external examiners.
  - 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 an academic appeal against the judgement of the Board.
  - 2.3.iv Claims for mitigating circumstances.
- 2.4 Save in exceptional and unforeseeable circumstances, an academic appeal must be made within 10 working days of notification of the decision of the Board of Examiners.
- 2.5 An academic appeal must be submitted via OneUni.
- 2.6 The student must provide all material and evidence that they wish to be considered in support of their academic appeal at the time that the academic appeal is made. Matters of contention not raised at the academic appeal stage cannot be introduced at the independent review stage.
- 2.7 The Legal and Compliance Services Team may decide that an academic appeal cannot be accepted if the circumstances and/or reasons put forward by the student are not relevant and/or applicable (e.g., the appeal is challenging academic judgement).
- 2.8 In cases where the student includes grounds that are not permitted under these Regulations, the Legal and Compliance Services Team will notify the student of the limitation to the stated grounds for their academic appeal. A member of the Legal and Compliance Services Team will appropriately inform the Chair of the Board of Examiners of the grounds that are not permitted. The Chair of the Board of Examiners will also be requested to disregard any reference to grounds that are not permitted under these Regulations.
- 2.9 A student may not seek an anonymous academic appeal.
- 2.10 Academic appeals 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:
  - 2.10.i Inform the Legal and Compliance Services Team in writing that the academic appeal may proceed directly to the independent review stage.
  - 2.10.ii Submit in writing to the Legal and Compliance Services Team the reasons why the academic appeal could not be completed within 20 working days. A member of the Legal and Compliance Services Team will then submit the academic appeal into the independent review process.
- 2.11 In conducting an academic appeal, 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.
- 2.12 In deciding the outcome of the academic appeal, 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.

- 2.13 The Chair of the Board of Examiners will notify the Legal and Compliance Services Team of the outcome of the academic appeal, giving reasons for the decision. This decision will be notified to the student in writing by a member of the Legal and Compliance Services Team via OneUni.
- 2.14 A student who has reasons to be dissatisfied with the outcome of an academic appeal may submit a request for an independent review.

### **3 Submission of an Independent Review**

- 3.1 A student may not submit an independent review unless an academic appeal has been concluded.
- 3.2 An independent review request must be submitted to the Legal and Compliance Services Team within 10 working days of the student's receipt of the letter notifying them of the outcome of the academic appeal. The independent review must be submitted via OneUni.
- 3.3 The only grounds for an independent review are:
- 3.3.i That there was a procedural irregularity in the academic appeal procedure.
  - 3.3.ii A consideration of whether the outcome was reasonable given all of the circumstances.
  - 3.3.iii New material evidence which the student was unable, for valid reasons, to provide earlier in the process.
- 3.4 An independent review will not reinvestigate the academic appeal but will instead focus on possible procedural irregularities and the reasonableness of the academic appeal outcome.

### **4 Lapsed Requests for an Independent Review**

- 4.1 Where the request for an independent review is deficient in terms of the grounds cited or the evidence submitted, a member of the Legal and Compliance Services Team will advise the student that the independent review may not proceed until such deficiencies have been remedied. The student will be given 10 working days to make a response to the Legal and Compliance Services Team.
- 4.2 If, after the 10 working days limit (or, if granted, an extended time limit) has expired, a member of the Legal and Compliance Services Team will inform the student that the request for an independent review has lapsed.

### **5 Independent Review Process**

- 5.1 Once the independent review has been submitted, an Independent Reviewer will be appointed by the Vice Chancellor.
- 5.2 The Independent Reviewer will, within 10 working days, determine whether or not the independent review will be upheld.
- 5.3 If the independent review is not upheld, the student will be issued with a Completion of Procedures letter.
- 5.4 Before they determine whether to uphold the independent review, the Independent Reviewer may seek further information or clarification from the Chair of the Board of Examiners on the decision taken in the academic appeal through the process of Referral Back.
- 5.5 The Chair of the Board of Examiners will make a response to the Referral Back within 10 working days.

- 5.6 Through Referral Back, the Chair of the Board of Examiners should respond to all queries and may propose a resolution. The Independent Reviewer will determine whether the response resolves the need for referral back.
- 5.7 In cases where the independent review is not upheld after Referral Back, the student will be issued with a Completion of Procedures letter.
- 5.8 In cases where the independent review is upheld after Referral Back and the Chair of the Board of Examiner's response is considered satisfactory, the student will be issued with the outcome and a Completion of Procedures letter.
- 5.9 In cases where the independent review is upheld and the independent reviewer does not consider the Chair of the Board of Examiner's response during Referral Back to be satisfactory, then the independent review will progress to an Academic Appeal Hearing.

## **6 Academic Appeal Hearing**

- 6.1 The Academic Appeal Hearing will normally take place within 20 working days following the decision of the Independent Review.
- 6.2 The Academic Appeal Board will comprise: the Independent Reviewer, 2 full time members of teaching staff of the University and a nominated Student Leader of the Students' Union.
- 6.3 No member of the Academic Appeal Board will have prior involvement in the case or be from the same School as the student.
- 6.4 The Chair of the Board of Examiners or nominee and the student will attend the Academic 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.
- 6.5 If, for valid reasons, the student is unable to attend an Academic Appeal Hearing, the University will reschedule the meeting on one occasion. If the student is unable to attend the rescheduled meeting, the Academic Appeal Hearing will take place on the rescheduled date as planned.
- 6.6 A member of the Legal and Compliance Services Team will provide the attendees of the Academic Appeal Hearing with the Assessment Regulations for the award and the full case documentation no later than 3 working days before the Hearing.
- 6.7 The Chair of the Academic Appeal Board will ensure that all parties are given fair and equal opportunities to present their case. The Academic Appeal Board will reach its decision in private.
- 6.8 The Academic Appeal Board will either uphold or not uphold the academic appeal and will make any such recommendations as it considers appropriate.
- 6.9 The decision of the Academic Appeal Board will be communicated in writing normally within 5 working days.
- 6.10 Where an academic appeal is not upheld, the original decision of the Board of Examiners will stand.
- 6.11 Where an academic appeal is upheld, the Board of Examiners will meet as soon as reasonably possible to reconsider the matter as recommended by the Academic Appeal Board.
- 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.

## **7 Frivolous and Vexatious Academic Appeals**

- 7.1 The University reserves the right to reject an academic appeal or request for an independent review as frivolous or vexatious for reasons including (this list is not exhaustive):

- 7.1.i Academic appeals or requests for an independent review that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
- 7.1.ii Insistence upon pursuing unmeritorious academic appeals or requests for an independent review and/or unrealistic outcomes.
- 7.1.iii Academic appeals or requests for an independent review that are designed to cause disruption.
- 7.2 A member of the Legal and Compliance Services Team will write to the student with a full explanation as to why their academic appeal or request for an independent review has been rejected.
- 7.3 If a student wishes to challenge the Legal and Compliance Services Team's decision, they must submit this in writing to the Head of Legal and Compliance Services who will review the evidence and will decide whether the challenge is upheld.
- 7.4 The decision of the Head of Legal and Compliance Services 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.
- 7.5 A frivolous or vexatious academic appeal or request for an independent review may be dealt with under the Student Misconduct Procedure.

## **8 Office of the Independent Adjudicator for Higher Education**

- 8.1 A student dissatisfied with the outcome of their academic 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.
- 8.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- 8.3 The student must first obtain a Completion of Procedures letter from the Legal and Compliance Services Team. 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.
- 8.4 Guidance on making an application to the OIA can be found on its website.
- 8.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

## Part O – Student Complaints

### 1 Principles of the Complaints Procedure

- 1.1 This procedure applies to students on all programmes of study at the University.
- 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.
- 1.3 This procedure is to be used for:
  - 1.3.i Concerns about the provision and delivery of academic programmes and related services.
  - 1.3.ii Complaints about a student’s experiences at the University, including engagement with academic, professional services and support staff.
- 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 academic appeal against the decision of the Board.
- 1.5 The formal procedure is underpinned by the following principles:
  - 1.5.i Informal resolution should have been attempted prior to invoking the formal procedure.
  - 1.5.ii Complaints will normally be made within 3 months of the event(s) being complained about.
  - 1.5.iii Complaints will be considered as originally set out and no further issues can be added to the complaint once submitted.
  - 1.5.iv At any stage, resolution is possible via mediation and mutual agreement.
  - 1.5.v Complaints will not be investigated by anyone who has a personal interest in the outcome.
  - 1.5.vi All parties will act in good faith.
  - 1.5.vii The Complaints Process will be transparent and open wherever possible.
- 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.
- 1.7 A third party may act as and represent the student, provided the student has given the Legal and Compliance Services Team written authority for that representative to act on their behalf.
  - 1.7.i A student must inform the Legal and Compliance Services Team, in writing, at least five working days in advance of any meetings or anticipated communication from a legal representative if they have engaged such representation.
  - 1.7.ii The University's student contention processes are not legal processes, and it is therefore a student’s decision as to whether they engage legal representation. Engagement of a legal representative alone is not considered reason enough to require the University to adjust its normal timescales or its meeting dates; the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation.

- 1.7.iii Students, when represented, are still expected to attend any appeal hearings requested under these Regulations and to speak on their own behalf, unless, owing to necessary reasonable adjustment for reasons such as disability, this is agreed by the University in advance, in writing. The student is responsible for ensuring their representative is appropriately briefed on the matter at hand and these Regulations. Any representation made by a legal representative under these Regulations shall be taken to be the student's response or contribution to the process.
  - 1.7.iv Should a student opt for legal representation, they also retain the right to be supported at any meetings held under these Regulations, by a companion who fulfils the criteria of a companion as outlined in these Regulations.
  - 1.7.v The University reserves the right to engage its own representation in such matters.
- 1.8 Where a complaint is submitted by a group of students, it is expected that a named individual will act as the group's lead and single point of contact who must communicate all decisions reached to the group.
  - 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. The companion is not allowed to contribute in the meeting unless they are acting as the student's representative.
  - 1.10 Anonymous complaints will only be admitted in exceptional circumstances. A complaint made anonymously will be referred to the Head of Legal and Compliance Services, who will consider:
    - 1.10.i The gravity of the issues.
    - 1.10.ii The credibility of the concern.
    - 1.10.iii The likelihood of confirmation from attributable sources.
  - 1.11 Students studying on University awards at Partner Institutions should use the Partner Institution's own procedures but have the right to pursue their complaint with the University if they remain dissatisfied with the outcome of the Partner Institution's procedures.

## **2 Informal Resolution**

- 2.1 Informal resolution should be attempted before a complaint is escalated to the formal procedure, as most issues can usually be resolved informally at a local level and without the need for formal intervention.
- 2.2 Informal complaints must be raised as soon as reasonably practicable and no more than one month after the event(s) being complained about.
- 2.3 Students should raise their issue at the earliest opportunity, either directly with those concerned, or ideally with their Personal Tutor or Programme Leader. Students should seek advice from the Student Support Centre or the Students' Union Advice Centre if they are unsure of how to proceed.
- 2.4 Only when such informal resolution has not been successful within a reasonable timescale should students escalate their complaint to the formal procedure.
- 2.5 The Legal and Compliance Services team reserves the right to redirect complaints submitted as formal, to a colleague for an attempt at informal resolution where informal resolution has not reasonably been attempted and it is believed an attempt at informal resolution would resolve the complaint.

## **3 Formal Procedure**

### **3.A Opening a Complaint**

- 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.
  - 3.A.1.i Complaints submitted after 3 months will not normally be investigated unless the student can provide a compelling reason as to why they were unable to raise the complaint in time, with appropriate documentary evidence.
  - 3.A.1.ii A decision will be made by the Legal and Compliance Services Team about whether to allow the complaint into the procedure.
- 3.A.2 Students are expected to have attempted the informal resolution stage before invoking the formal procedure.
- 3.A.3 A student who wishes to raise a formal complaint must complete the online Student Complaint Proforma via OneUni and provide all evidence they wish to rely on to substantiate their complaint.
- 3.A.4 Issues and evidence that were not introduced at the first stage of the formal complaints procedure will not normally be accepted for consideration at a subsequent stage of the procedure.
- 3.A.5 A member of the Legal and Compliance Services Team will be responsible for coordinating the procedure and will provide procedural advice to the student and staff involved.

### **3.B Head of School/Service Stage**

- 3.B.1 The Student Complaint Proforma will be assigned to the relevant Head of School/Service by a member of the Legal and Compliance Services Team for investigation.
- 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:
  - 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 resolution stage. In such a case, the Legal and Compliance Services Team will ask the Head of College or Service Director to nominate another Head of School/Service to undertake the investigation.
  - 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.
- 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 agreed remedial actions. Nominees must be senior members of staff without any connection to the case.
- 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 seek to reach a fair resolution of the issues which have been raised. The Head of School/Service will offer to meet the student.
- 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).
- 3.B.6 The Head of School/Service will normally conclude the investigation within 20 working days.
  - 3.B.6.i Where a Head of School/Service is unable to conclude the investigation within 20 working days, they will contact the Legal and Compliance Services Team to request an extension of up to 10 working days.



- 3.B.6.ii A member of the Legal and Compliance Services Team will inform the student of the extension.
- 3.B.7 The Head of School/Service will produce a report addressing all key aspects of the complaint and state whether the complaint is substantiated, in whole or in part.
- 3.B.8 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.
- 3.B.9 Where a complaint investigation has been undertaken by a colleague independent to School/Service from which the complaint originates, it is the responsibility of the independent investigator to inform the School/Service of the outcome.
- 3.B.10 On receipt of the completed report, a member of the Legal and Compliance Services Team will convey the outcome and any accompanying documentation to the student together with information regarding the next stages of the Student Complaints Procedure.
- 3.B.11 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.
  - 3.B.11.i 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.

## **4 Review Stage**

### **4.A Requesting a Review**

- 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.
- 4.A.2 A request for an independent review of a complaint must be submitted via OneUni within 10 working days of the student's receipt of the Complaint Outcome Report.
- 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.

### **4.B The Independent Reviewer**

- 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.
- 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.
- 4.B.3 The Independent Reviewer may make appropriate enquiries as they deem necessary.
- 4.B.4 If the Review concludes that the Head of School/Service's investigation was not defective and that the outcome was appropriate, a member of the Legal and Compliance Services Team will inform the student and issue a Completion of Procedures letter.
- 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 for the Independent Reviewer will be paused.

- 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.
- 4.B.7 On receipt of the Referral Back response, the remainder of the Independent Reviewer's 10 working days timeframe will resume. If the Independent Reviewer concludes that the student's assertions have now been adequately addressed by the Head of School/Service, a member of the Legal and Compliance Services Team will inform the student and provide them with a Completion of Procedures letter via OneUni. The Head of School/Service will also be notified via OneUni.
- 4.B.8 If the Independent Reviewer concludes that there are still substantive areas of dispute, the matter will proceed to a Complaints Hearing.

## **5 Complaints Hearing**

- 5.1 The Complaints Hearing will normally take place within 20 working days of the student's receipt of the Review outcome.
- 5.2 The Complaints Panel 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.
- 5.3 No member of the Complaints Panel shall be a member of the School/Service to which the complaint relates or have had any prior involvement or interest in the complaint.
- 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.
- 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.
- 5.6 A member of the Legal and Compliance Services Team will provide attendees of the Complaints Hearing with the full documentation related to the case, including documentary evidence, no fewer than 3 working days before the Hearing.
- 5.7 The Chair of the Complaints Panel will ensure that all parties are given fair and equal opportunities to present their case. The Complaints Panel shall reach its decision in private.
- 5.8 The Complaints Panel will either uphold or not uphold the complaint and will make any such recommendations as it considers appropriate.
- 5.9 The decision of the Complaint Panel will be communicated in writing, normally within 5 working days.
- 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.

## **6 Frivolous and Vexatious Complaints**

- 6.1 The University reserves the right to reject a complaint as frivolous or vexatious for reasons including (this list is not exhaustive):
- 6.1.i Complaints that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
  - 6.1.ii Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes.
  - 6.1.iii Complaints that are designed to cause disruption.

- 6.2 A member of the Legal and Compliance Services Team will write to the student with a full explanation as to why their case has been rejected.
- 6.3 If a student wishes to challenge the Legal and Compliance Services Team's decision, they must submit this in writing to the Head of Legal and Compliance Services who will review the evidence and will decide whether the challenge is upheld.
- 6.4 The decision of the Head of Legal and Compliance Services 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.
- 6.5 A frivolous or vexatious complaint may be dealt with under the Student Misconduct Procedure.

## **7 Office of the Independent Adjudicator for Higher Education**

- 7.1 A student dissatisfied with the outcome of the complaint 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.
- 7.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- 7.3 The student must first obtain a Completion of Procedures letter from the Legal and Compliance Services Team. 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.
- 7.4 Guidance on making an application to the OIA can be found on its website.
- 7.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

## Part P – Student Misconduct

### 1 Introduction

- 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.
- 1.2 The Regulations apply to behaviour both on and off campus (including online), provided that the person being reported is a student at the University.
- 1.3 The University cannot act where it does not hold appropriate authority, i.e., in the place of a private landlord or the Police.
- 1.4 The Legal and Compliance Services Team are the determining authority as to whether an allegation falls within scope of these Regulations and under which, if any, definition of student misconduct.
- 1.5 Students are expected to:
- 1.5.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.
  - 1.5.ii Respect the University's property, that of others and not take property belonging to another without permission.
  - 1.5.iii Act as responsible members of the local community and behave as respectful and considerate neighbours, not engaging in anti-social behaviour that could cause harm or distress to others.
  - 1.5.iv Comply with reasonable requests or instructions from members of University staff including, complying with a penalty or outcome as part of these Regulations.
  - 1.5.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.
  - 1.5.vi Conduct themselves appropriately in all forms of communication, including social media.
  - 1.5.vii Not engage in any conduct which constitutes sexual misconduct.
  - 1.5.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.
  - 1.5.ix Not engage in any conduct which adversely affects or puts at risk the safety, welfare or wellbeing of others including livestock.
  - 1.5.x Not damage University property or use it for unapproved purposes.
  - 1.5.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.

- 1.5.xii Not engage in any harassing, bullying, discriminatory or intimidating behaviour.
- 1.5.xiii Not engage in initiation, or similar events.
- 1.5.xiv Not possess, supply, or use illegal substances or illegal weapons.
- 1.5.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).
- 1.5.xvi Not perform actions or make declarations that are dishonest or intended to deceive the University.

## 2 Definition of Misconduct, Examples of Offences and Penalties Which May Apply

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:

- 2.1.i Actions that cause actual or potential distress or harm to others regardless of intention.
- 2.1.ii Actions that cause actual or potential damage to property intentionally or recklessly.
- 2.1.iii Actions that disrupt the normal or safety operations of the University including bringing the University into disrepute.
- 2.1.iv Actions that interfere with the work/study of others or impact on the University’s normal operations.
- 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.
- 2.1.vi Actions that prevent someone from the reasonable exercise of their right to freedom of expression.

2.2 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 Legal and Compliance Services Team.

2.3 Examples of the kinds of behaviour which constitute misconduct, including examples of sanctions dependent on the severity, are provided below. This is not an exhaustive list and the University may investigate any act that in its view constitutes misconduct.

Disciplinary Offence	Examples of Behaviour	Examples of Sanctions
Bullying	<ul style="list-style-type: none"> <li>• Cyber bullying</li> <li>• Deliberately ignoring or excluding others</li> <li>• Making offensive or inappropriate jokes or comment</li> <li>• Manipulative behaviour</li> <li>• Prejudicial bullying</li> <li>• Physical or psychological threats</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> </ul>

		<ul style="list-style-type: none"> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts)</li> <li>• No Contact Order/ Protection Order</li> </ul>
Harassment	<ul style="list-style-type: none"> <li>• Stalking (in person or online)</li> <li>• Stalking (in person or online)</li> <li>• Invading others' privacy or personal space</li> <li>• Misconduct motivated by hostility or prejudice based on a person's protected characteristics (Race, religion, sex, age, gender reassignment, disability, sexual orientation, pregnancy or marital status)</li> <li>• Repeatedly contacting another person (by phone, email, text or on social networking sites) against the wishes of the other person</li> <li>• Threats to hurt another person</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts)</li> <li>• No contact order/ Protection Order</li> </ul>
Sexual Harassment	<ul style="list-style-type: none"> <li>• Sharing private sexual materials of another person without consent</li> <li>• Kissing without consent</li> <li>• Touching inappropriately through clothes without consent</li> <li>• Inappropriately showing sexual organs to another person</li> <li>• Making unwanted remarks of a sexual nature</li> <li>• Promising resources or benefits in return for sexual favours</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts)</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> <li>• No contact order/ Protection Order</li> </ul>
Sexual Violence	<ul style="list-style-type: none"> <li>• Sexual intercourse or engaging in a sexual act without consent</li> <li>• Attempting to engage in sexual intercourse or engaging in a sexual act without consent</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final Warning</li> <li>• Restrictions/conditions</li> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable (i.e., removal of harmful social media posts)</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> <li>• No contact order/ Protection Order</li> </ul>
Physical Violence	<ul style="list-style-type: none"> <li>• Punching</li> <li>• Kicking</li> <li>• Slapping</li> <li>• Pulling hair</li> <li>• Biting</li> <li>• Pushing</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final Warning</li> <li>• Restrictions/Conditions</li> <li>• Written caution</li> </ul>

	<ul style="list-style-type: none"> <li>• Shoving</li> <li>• Burning</li> </ul>	<ul style="list-style-type: none"> <li>• Words of advice</li> <li>• Written apology</li> <li>• Acceptable behaviour contract</li> <li>• No contact order/ Protection Order</li> </ul>
Unauthorised Taking or Use of Property	<ul style="list-style-type: none"> <li>• Causing non-accidental damage to/defacing property belonging to or under the control of: <ul style="list-style-type: none"> <li>○ The University</li> <li>○ Students of the University</li> <li>○ Employees of the University</li> </ul> </li> <li>• Visitors to the University</li> <li>• Unauthorised entry onto or unauthorised use of University premises</li> <li>• Intentionally taking property belonging to another without permission, authority, or consent</li> <li>• Misuse of University property (for example computers and laboratory equipment)</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> <li>• A requirement to pay, in full or part, for any damage caused</li> </ul>
Causing a Health or Safety Concern	<ul style="list-style-type: none"> <li>• 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)</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> </ul>
Operational Obstruction	<ul style="list-style-type: none"> <li>• Acts/omissions/statements intended to deceive the University (including illegitimately recording attendance)</li> <li>• Disruption of the activities of the University (including academic, administrative, sporting and social) on University premises or elsewhere</li> <li>• Disruption of the functions, duties or activities of any student or employee of the University or any authorised visitor to the University</li> <li>• Failure to comply with a previously imposed penalty or reasonable instruction</li> <li>• Communication of information confidential to the University or to its members to anyone outside the University</li> <li>• 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</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> </ul>

	<p>impairs a student's ability to study on the basis of safeguarding</p> <ul style="list-style-type: none"> <li>• 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</li> <li>• Fraudulent documents</li> </ul>	
Reputational Damage	<ul style="list-style-type: none"> <li>• Behaviour which has damaged or could have caused damage to the reputation of the University</li> <li>• 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</li> <li>• Fraudulent documents</li> </ul>	<ul style="list-style-type: none"> <li>• Expulsion</li> <li>• Suspension</li> <li>• Exclusion</li> <li>• Final warning</li> <li>• Restrictions/conditions</li> <li>• A requirement to complete a remedial undertaking as may be determined is reasonable</li> <li>• Written caution</li> <li>• Words of advice</li> <li>• Written apology</li> </ul>

2.4 As part of the General Misconduct Process, one or more of the following outcomes may be applied to the reported person. In some circumstances it may be appropriate to apply a similar requirement to a reporting party or offer advice to a similar effect.

- 2.4.i No further action will be taken.
- 2.4.ii Advice will be given in regard to future conduct.
- 2.4.iii A No Contact Order 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).
- 2.4.iv A Protection Order will be issued, which may include 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.
- 2.4.v 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.
- 2.4.vi A requirement to submit an apology in writing to the other person(s) must be submitted to the Investigating Officer.
- 2.4.vii 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.
- 2.4.viii A requirement to complete a remedial undertaking as may be determined is reasonable, i.e., removal of harmful social media posts.
- 2.4.ix 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.



- 2.4.x A requirement to attend or complete relevant training or community-based activities, within a specified timeframe (e.g., anti-bullying and harassment training). Where there is a cost associated with the penalty, the Chair of the Panel will decide how it will be paid.
- 2.5 As part of the Gross Misconduct Process, one or more of the following outcomes may be applied to the reported person. In some circumstances it may be appropriate to apply a similar requirement to a reporting party or offer advice to a similar effect.
- 2.5.i 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.
- 2.5.ii 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).
- 2.5.iii 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).
- 2.5.iv Exclusion of the student from the whole University (including digital platforms) for a defined period.
- 2.5.v Suspension of the student's programme, in whole or in part, for a defined period.
- 2.5.vi Not permitting the student to re-enrol in a subsequent academic year (the student would be entitled to credit/exit award achieved within the current academic year).
- 2.5.vii Permanent expulsion from the University (with or without credit already achieved, and with or without the right to reapply at a later date).
- 2.6 Should these instructions not be complied with, then this may constitute student misconduct.

### **3 Reasonable Instructions and No Contact/Protection Orders**

- 3.1 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.
- 3.2 Reasonable Instructions 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.
- 3.3 A student who refuses to comply with Reasonable 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.
- 3.4 Exclusions from campus must not be issued via Reasonable Instructions. Should staff feel that this is necessary this request should be issued as a Protection Order by authorised staff.
- 3.5 The Legal and Compliance Services Team, Student Wellbeing and Chief Student Officer (or nominee) are authorised to issue No Contact/Protection Orders.
- 3.6 No Contact/Protection Orders are used to support the reporting and reported student in order to assist in the prevention of further misconduct occurring. The orders can be used as part of informal resolution or part of the formal misconduct process.
- 3.7 The No Contact/Protection Order should specify how long the order is in place for.

## 4 General Principles

- 4.1 The Vice Chancellor is responsible to the Board of Governors for the maintenance of student discipline within the University. The Vice Chancellor delegates this responsibility as set out in these Regulations.
- 4.2 The Head of Legal and Compliance Services is the final arbiter of the application and interpretation of these Regulations.
- 4.3 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) and University of Lincoln Accommodation has its own disciplinary policy and, when exhausted, the SU may refer students to the University's process.
- 4.4 The Legal and Compliance Services Team can refer misconduct cases to the Students Union or University of Lincoln Accommodation team. The ULSU and/or the Accommodation Team will decide if the matter should be resolved informally or via their formal misconduct processes.
- 4.5 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.
- 4.6 These Regulations fundamentally focus on re-education, rehabilitation and learning lessons.
- 4.7 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:
- 4.7.i The right for students to know the case against them.
  - 4.7.ii The right for students to be given an opportunity to respond.
  - 4.7.iii The right to confidentiality.
  - 4.7.iv The right to have their case considered by an impartial arbiter.
- 4.8 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.
- 4.9 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.
- 4.10 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.
- 4.11 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.
- 4.12 A student may choose to engage legal representation where an allegation, if proven, would constitute gross misconduct. A student must inform the Investigating Officer, in writing, at least

five working days in advance of any meeting or anticipated communication from a legal representative if they have engaged such representation.

- 4.13 The University's student contention processes are not legal processes, and it is therefore a student's decision as to whether they engage legal representation. Engagement of a legal representative alone is not considered reason enough to require the University to adjust its normal timescales or its meeting dates; the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation.
- 4.14 Students, when represented, are still expected to attend any meetings requested under these Regulations and to speak on their own behalf, unless, owing to necessary reasonable adjustment for reasons such as disability, this is agreed by the University in advance, in writing. The student is responsible for ensuring their representative is appropriately briefed on the matter at hand and these Regulations. Any representation made by a legal representative under these Regulations shall be taken to be the student's response or contribution to the process.
- 4.15 Should a student opt for legal representation, they also retain the right to be supported at any meetings held under these Regulations, by a companion who fulfils the criteria of a companion as outlined in these Regulations.
- 4.16 The University reserves the right to engage its own representation in such matters.
- 4.17 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.
- 4.18 During the application of these Regulations, the University may adjourn any meeting and reconvene at a later date (e.g., if evidence comes to light during a meeting which has not previously been considered).
- 4.19 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.
- 4.20 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.
- 4.21 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.
- 4.22 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 the Department of People, Performance and Culture.

## **5 Relationship with Other Regulations and Procedures**

- 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.
- 5.2 Where allegations of misconduct are brought against students enrolled on a programme with Fitness to Practise requirements, the Legal and Compliance Services Team 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.
- 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.
- 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 Legal and Compliance Services Team who will consider convening a Student Misconduct Panel.

## **6 Reports of Alleged Student Misconduct**

- 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.
- 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.
- 6.3 For an allegation of student misconduct to be considered under these Regulations, a report must be made on OneUni 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.
- 6.4 Where the evidence is not in English a translation must be provided by the reporting student. The University may independently verify this translation.
- 6.5 If a report is received after this time period has elapsed, then the Head of Legal and Compliance Services 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.
- 6.6 The University will not consider anonymous allegations under these Regulations.
- 6.7 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.
- 6.8 When an allegation is received, the Legal and Compliance Services Team will determine whether:
- 6.8.i The matter falls within scope of the Regulations as a matter of General Misconduct.
  - 6.8.ii The matter falls within scope of the Regulations as a matter of Gross Misconduct.
  - 6.8.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 the Department of People, Performance and Culture for guidance and support.

- 6.8.iv The Legal and Compliance Services Team may need to request additional information from the reporting person or from within the University in order to make the above decision.
- 6.9 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.
- 6.10 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).
- 6.11 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 Head of Legal and Compliance Services. The Head of Legal and Compliance Services will engage with the Academic Registrar or nominees comprising the Safeguarding Panel who will determine whether any action must be taken immediately.
- 6.12 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 Legal and Compliance Services Team will confidentially notify the Department of People, Performance and Culture 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, a 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.

## **7 General Misconduct**

- 7.1 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.
- 7.2 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.
- 7.3 The reported student will be invited to a meeting to discuss and respond to the allegations made.
- 7.4 The reporting person may be invited to a meeting with the Investigating Officer.
- 7.5 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.
- 7.6 At any stage of the facilitated resolution process, the Investigating Officer may determine, in consultation with the Head of Legal and Compliance Services or nominee, that a case should be re-classified as Gross Misconduct. The Investigating Officer will inform the reported student, in writing, of this decision and the basis for doing so.
- 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.

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

## **8 Gross Misconduct Formal Investigation**

8.1 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.

8.2 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.

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

8.3.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.

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

8.3.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.

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

8.4.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.

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

8.4.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.

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

8.4.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.

8.5 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.

8.6 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.

8.7 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.

- 8.8 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.
- 8.9 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.
- 8.10 At any stage of a gross misconduct investigation, the Investigating Officer may determine, in consultation with the Head of Legal and Compliance Services 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.

## **9 Student Misconduct Panel**

- 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 the Student Misconduct Panel 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).
- 9.2 On receipt of the Investigating Officer's report, the Legal and Compliance Services Team will convene a meeting of the Student Misconduct Panel within 15 working days.
- 9.3 The Student Misconduct Panel will comprise:
- 9.3.i The Academic Registrar, or nominee (Chair).
  - 9.3.ii College Directors of Education and Students, or nominee.
  - 9.3.iii A Student Leader nominated by the Students' Union, or nominee.
- 9.4 None of the reporting person, the reported student or the Investigating Officer attend the panel.
- 9.5 There will be an Officer taking minutes for the Panel. Who will record why each penalty has been chosen.
- 9.6 Quoracy for the Student Misconduct Panel will be 4 including the Chair.
- 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:
- 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.
  - 9.7.ii One or more of the allegations have been proven on the balance of probabilities.

- 9.8 If the Panel finds that one or more of the allegations have been proven, it may apply one or more of the penalties outlined in these regulations. 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.
- 9.9 Formal disciplinary outcomes will be retained by the Legal and Compliance Services Team for six years after the academic year within which a case concludes.
- 9.10 The decision of the Panel will be communicated to the student in writing within a maximum of 5 working days by the Officer to the Panel. The student will also be informed of their right to appeal.

## **10 Appeal Stage**

### **10.A Submission of an Appeal**

- 10.A.1 A student may appeal against an outcome imposed onto them by the Legal and Compliance Services Team as an outcome of facilitated resolution.
- 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.
- 10.A.3 Appeals must be submitted on OneUni 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.
- 10.A.4 An appeal may be lodged on the following grounds only:
- 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.
  - 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.
  - 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.
- 10.A.5 The appeal must include:
- P.10.A.5.i Identification of the penalty on which the appeal is made against.
  - P.10.A.5.ii Identification of the formal ground(s) of appeal.
  - P.10.A.5.iii A statement detailing why the appeal is being lodged.
  - P.10.A.5.iv Evidence to support the appeal.
- 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.
- 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.

### **10.B Lapsed Appeals**



- 10.B.1 Where the appeal is deficient in terms of the grounds cited or the evidence submitted, the Investigating 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 send a response.
- 10.B.2 If the 10 working days limit has expired, the Investigating Officer will notify the student in writing that the appeal has lapsed.

### **10.C Facilitated Resolution Outcome Appeals**

- 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.
- 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.
- 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.
- 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.
- 10.C.5 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter.

### **10.D Student Misconduct Panel Appeals**

- 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.
- 10.D.2 The Deputy Vice Chancellor will determine whether or not the appeal has validity within 10 working days.
- 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.
- 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.
- 10.D.4 The decision of the Deputy Vice Chancellor will be communicated to the student in writing within 5 working days.
- 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.
- 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.
- 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:
  - 10.D.7.i Overturn, amend or maintain the original decision regarding if allegations were found proven or not.
  - 10.D.7.ii Overturn, amend or maintain the original decision regarding penalties that the student had appealed against.
- 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.

- 10.D.9 The decision of the Student Misconduct Panel will be communicated in writing within 5 working days.
- 10.D.10 Students who remain dissatisfied with the outcome will be issued with a Completion of Procedures letter.

## **11 Exclusion Pending Completion of the Student Misconduct Process or a Criminal Justice Process**

- 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.
- 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).
- 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.
- 11.4 The power to exclude is used to:
- 11.4.i Protect a member or members of the University community or the public.
  - 11.4.ii Protect the property of the University.
  - 11.4.iii Ensure that the process of the investigation is not adversely affected by the presence of the student.
- 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.
- 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.

## **12 Misconduct that is also a Criminal Offence**

- 12.1 The following procedures apply where, if proved, the allegation of misconduct is likely to attract an immediate custodial sentence under criminal law.
- 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 person 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.

- 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.
- 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 Student Conduct and Investigations Officer will decide (seeking advice from the Police or other authority with the support of the Head of Legal and Compliance Services), 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.
- 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.

12.2 A student who is convicted of a serious criminal offence must immediately notify their Head of School who will liaise with the Legal and Compliance Services Team. 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.

### **13 Confidentiality, Communication and Record Keeping**

- 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.
- 13.2 Records of Student Misconduct cases will be kept by the Legal and Compliance Services Team 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.
- 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.
- 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.

### **14 Frivolous and Vexatious Allegations**

- 14.1 The University reserves the right to reject an allegation as frivolous or vexatious for reasons including (this list is not exhaustive):
  - 14.1.i Allegations that are unnecessarily obsessive, persistent, harassing, prolific, and/or repetitious.
  - 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.

14.2 The Legal and Compliance Services Team will write to the student with an explanation as to why their case has been rejected.

14.3 If a student wishes to challenge the Legal and Compliance Services Team's decision, they must submit this in writing to the Head of Legal and Compliance Services who will review the evidence and will decide whether the challenge is upheld.

14.4 The decision of the Head of Legal and Compliance Services 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.

14.5 A frivolous or vexatious complaint may be dealt with via a new allegation under these Regulations.

## **15 Office for the Independent Adjudicator for Higher Education**

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.

15.2 This right may only be exercised when the University's internal processes have been exhausted.

15.3 The student must first obtain a Completion of Procedures letter from the Legal and Compliance Services Team. 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.

15.4 Guidance on making an application to the OIA can be found on its website.

15.5 Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

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

### **1 Introduction**

- 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 Misconduct Regulations.
- 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 Misconduct Regulations.

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

#### **2.A First Complaint**

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

#### **2.B Second Complaint**

- 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.

#### **2.C Further Complaints**

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

#### **2.D Academic Registrar Procedure**

- 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.

- 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.
- 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.
- 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.
- 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 the Student Misconduct Regulations. The student(s) will have the option of admitting the offence and offering comments in writing.
- 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 the Student Misconduct Regulations. 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

### 1 Introduction

- 1.A The University has a responsibility to the public, employers and the professions, and must be satisfied that its students will be safe and suitable entrants to the given professions and are fit to practise.
- 1.B Fitness to practise helps students to become excellent professionals. Alongside education and training on professionalism and the standards expected of students on such programmes, universities must have a process to identify and deal with students whose fitness to practise may be impaired.

### 2 Impairment of Fitness to Practise

- 2.A The following are examples of how a student's fitness to practise may be impaired:
- 2.A.i Misconduct, being either personal and/or professional misconduct, including:
- alleged breaches of professional codes of conduct/practice;
  - cheating or plagiarism;
  - dishonesty or fraud;
  - drug or alcohol misuse;
  - persistent inappropriate behaviour;
  - aggressive, violent or threatening behaviour;
- 2.A.ii Lack of capability/competence/deficient professional performance
- 2.A.iii A conviction or caution for a criminal offence
- 2.A.iv Adverse physical or mental health; to include health concerns and insight or management of these
- 2.A.v Not possessing the necessary knowledge of English
- 2.A.vi A determination by a regulatory or licensing body (either in the UK or overseas) of impairment of fitness to practise (regardless of whether or what sanction was imposed)

### 3 Procedural Principles and Relationship with Other Regulations

- 3.A 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 relevant Regulations for the award concerned, with any variations to these Regulations necessary for meeting the standards of Professional, Statutory and/or Regulatory Bodies being approved by Academic Board.
- 3.B Students who fail to make satisfactory progress in academic studies will be considered by the relevant Board of Examiners which will 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 Head of School for consideration under this procedure.
- 3.C Students on professional programmes are subject to the University's Regulations regarding student conduct and academic offences.
- 3.D Where a report to the University is in scope of both the Fitness to Practise Regulations and the Student Misconduct Regulations:

- 3.D.i The Head of Legal and Compliance Services and the Head of School will agree whether the matter should be considered under the Fitness to Practise Regulations or the Student Misconduct Regulations in the first instance.
- 3.D.ii If the matter is initially considered under the Fitness to Practise Regulations, the case file, finding and outcome will be shared with the Legal and Compliance Services Team upon completion of the full procedure, and the Legal and Compliance Services Team will decide whether additional consideration under the Student Misconduct Regulations is necessary.
- 3.D.iii If the matter is initially considered under the Student Misconduct Regulations, the case file, finding and outcome will be shared with the Head of School upon completion of the full procedure, and the Head of School will decide whether additional consideration under the Fitness to Practise Regulations is necessary.
- 3.E Allegations of the commission of an academic offence made against students on professional programmes will 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 will inform the School Fitness to Practise Panel for it to consider the implications regarding the student's fitness to practise. It will remain the Board of Examiners' decision regarding the penalty applied for a proven academic offence, as recommended by the Academic Offences Committee.
- 3.F A decision for a report to be formally considered under one of the above set of Regulations initially, will not restrict preventative action being taken to safeguard individuals under one of the other sets of Regulations.
- 3.G 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.
- 3.H A student will not be permitted to graduate from the University, interrupt their studies, transfer programme within the University or to another provider, or withdraw from their studies, until any active proceedings under these Regulations are complete.
- 3.I Where a student does not engage with proceedings commenced under these Regulations, those proceedings will continue in absence of the student, to normal timescales and any decisions required will be made on the basis of the information available. The student will be notified of the outcome and retains the right to any appeal.
- 3.J 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 may be invoked.
- 3.K A Head of School may delegate their responsibility for the in-School stages of this procedure, normally to their Lead for Professionalism or other members of School Leadership. Similarly, they may nominate a suitably experienced individual to act in place of a Senior Tutor when named in this process. However, the principles of procedural fairness must continue to be applied, and the ability to delegate responsibilities should maintain appropriate segregation of duties and therefore not create single points of failure or conflicts of interest/bias within the process. Ultimately, a Head of School shall retain overall responsibility for the operation of the in-School elements of the process and it must be clear to a student what role an individual is fulfilling at each relevant stage of these proceedings where such a delegation is undertaken.

#### **4 Reporting Fitness to Practise Concerns**

- 4.A A concern about the conduct, competence or health of a student may be disclosed by a member of University or clinical staff, a peer, a patient/service user or a member of the general public.
- 4.B Disclosures must be made in writing using the Cause for Concern Proforma.



- 4.C The person making the disclosure must identify themselves. Anonymous concerns will not normally be considered, except where there is firm evidence of risk to patients and public safety or where the University would be brought into disrepute.
- 4.D It is recognised that concerns may be brought to a Head of School's attention directly. In this circumstance the Head of School (or nominee, hereafter) must ensure that a Cause for Concern Proforma is completed, fully documenting the nature of the concern and the details of the individual making the disclosure.

## **5 Initial Assessment of Fitness to Practise Concerns**

- 5.A A Senior Tutor (or nominee, hereafter – normally the Personal Tutor) will be responsible for acting when a concern is reported. The Senior Tutor will meet with the student to determine the category and level of concern according to the School's Concerns Threshold Framework. A range of evidence may be used in this determination and assistance may be sought from third parties.
- 5.B When reviewing such a concern, the Senior Tutor must consider whether the concern requires any referral to a named safeguarding contact as the University's Safeguarding Policy.
- 5.C If the Senior Tutor determines that there is no evidence of a concern, the process will be discontinued.
- 5.D The Senior Tutor may determine the matter is a low-level concern and will invoke the Low-Level Concerns Procedure at R.6 to agree remedial action.
- 5.E The Senior Tutor may determine the matter is a severe concern, and in this case will immediately inform the Head of School in order to invoke the Investigating Severe Concerns Procedure.

## **6 Low-Level Concerns Procedure**

- 6.A In the event of a low or moderate concern the Senior Tutor and student will develop a remedial action plan. Timescales for completion and dates for review will be mutually agreed, the plan signed by both the student and the University. If third-party action is required, agreement will be sought during the action plan formulation and the arrangements documented in the action plan.
- 6.B Progress towards completion of the action plan will normally be monitored at up to 2 subsequent review meetings, to take place at points in time determined by the Senior Tutor. Amendments to the action plan may be agreed at these meetings.
- 6.C Non-completion of an action plan within agreed timescales will escalate a concern to a severe level.

## **7 Investigating Severe Concerns**

- 7.A Upon referral from the Senior Tutor, the Head of School will determine whether temporary removal of the student from the programme or practice placement(s) is required in accordance with the Policy for Immediate Temporary Removal of a Student.
- 7.B The Head of School will promptly, and in any event within 5 working days, arrange for the matter to be investigated. The Head of School will appoint an Investigator who is not the student's Personal Tutor or involved in directly supporting the student, or directly involved in making decisions about their academic progress insofar as is practically possible. The Head of School will notify the student of the commencement of the investigation, setting out:
- 7.B.i The specifics of the allegation of impairment of fitness to practise;
  - 7.B.ii Any evidence obtained relating to the alleged impairment;

- 7.B.iii The professional code(s) relevant to the student;
  - 7.B.iv An outline of the investigative process and anticipated timescales, providing a copy of these Regulations;
  - 7.B.v The identity of the Investigator and the student's right to object to the individual appointed as Investigator on the basis of a lack of impartiality. The student will need to provide a rationale and, evidence the lack of impartiality. Such an objection needs to be made to the Head of School in writing within 5 working days of receipt of investigation notification. If the objection is upheld a new Investigator will be appointed by the Head of School;
  - 7.B.vi Any limitations or conditions placed upon the continuation of studies or supervised practice during the period of the investigation as determined via the Policy for Immediate Temporary Removal of a Student;
  - 7.B.vii The support available to the student from Student Wellbeing, the Student Support Centre, and the Students' Union Advice Centre;
  - 7.B.viii The student's right to be accompanied at any investigative interview(s) by a companion who will be a member of staff or student of the University or a staff member from the Students' Union Advice Centre. The companion may not talk on the student's behalf; they are there to provide support to the student, only. 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;
  - 7.B.ix The student's right to have a third party (i.e. professional union, or legal representation) who may act as and represent the student, provided the student has given the Investigator written authority for that representative to act on their behalf. A student must inform the Investigator, in writing, at least five working days in advance of any meeting or anticipated communication from a legal representative if they have engaged such representation. The University's student contention processes are not legal processes, and it is therefore a student's decision as to whether they engage legal representation. Engagement of a legal representative alone is not considered reason enough to require the University to adjust its normal timescales or its meeting dates; the University considers it has a reasonable duty to avoid undue delay. The University will not reimburse students who opt to engage legal representation. Students, when represented, are still expected to attend any meetings requested under these Regulations and to speak on their own behalf, unless, owing to necessary reasonable adjustment for reasons such as disability, this is agreed by the University in advance, in writing. The student is responsible for ensuring their representative is appropriately briefed on the matter at hand and these Regulations. Any representation made by a legal representative under these Regulations shall be taken to be the student's response or contribution to the process. Should a student opt for legal representation, they also retain the right to be supported at any meetings held under these Regulations, by a companion who fulfils the criteria of a companion as outlined in these Regulations. The University reserves the right to engage its own representation in such matters.
- 7.C The Investigator will complete the investigation within 20 working days of referral from the Head of School. Should the case be complex or exceptional circumstances require an extension to the timeframes, this must be communicated to the student and Head of School by the Investigator with an appropriate rationale, and a new timeframe set out.
- 7.D The Investigator may interview/request information from the Head of School and/or others connected with the case, including the student, as appropriate. At interviews the Investigator may be accompanied by an assistant whose sole role will be to prepare a written record of the

meeting. Factual information about the student's professional progress and any other relevant information may also be obtained by the Investigator.

- 7.E Once the Investigator is in a position to invite the student to interview, they will write to them via letter and email, and set out:
- 7.E.i The specifics of the allegation of impairment of fitness to practise;
  - 7.E.ii The evidence obtained relating to the alleged impairment;
  - 7.E.iii The professional code(s) relevant to the student;
  - 7.E.iv The date of the investigative interview, giving at least 5 working days' notice;
  - 7.E.v That the student should prepare a written response to the allegation along with any relevant supporting evidence (i.e. witness statements) for submission at the investigative interview, and that the student should confirm via this statement whether they admit, partly admit or deny the allegation of impairment of fitness to practise; students may not introduce evidence at any later stage of proceedings which was available to them during the investigation but not submitted for the Investigator to consider;
  - 7.E.vi Whether the student requires any support to effectively engage with the meeting;
  - 7.E.vii The support available to the student from Student Wellbeing, the Student Support Centre, and the Students' Union Advice Centre;
  - 7.E.viii The student's right to be accompanied at any investigative interview(s) by a companion who will be a member of staff or student of the University or a staff member from the Students' Union Advice Centre. The companion may not talk on the student's behalf; they are there to provide support to the student, only. 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;
  - 7.E.ix The student's right to have a third party (i.e. professional union, or legal representation) who may act as and represent the student, provided the student has given written authority for that representative to act on their behalf. The same rules apply as per R.7.B.
- 7.F The investigative interview will be conducted as follows:
- 7.F.i The Investigator will introduce those present;
  - 7.F.ii The Investigator will inform the student that a written record of the interview 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;
  - 7.F.iii 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;
  - 7.F.iv The Investigator will restate the specifics of the allegation of impairment of fitness to practise;
  - 7.F.v The student will be invited to respond to the allegations (to admit, partly admit, or deny), to explain or to extenuate the allegations or to mitigate any sanction and should submit their written statement and evidence, if prepared;

7.F.vi Both parties will have an opportunity to ask questions.

7.G If the student fails to attend the investigatory interview and the Investigator is satisfied that no sufficient notice and reason has been given by the student for non-attendance, the Investigator will continue to deal with the alleged impairment of fitness to practise in the student's absence.

7.H The Investigator will submit their findings and relevant documentation to the Head of School upon conclusion of their investigation. This will outline the process followed, the evidence gathered, and the Investigator's conclusions. The student will be issued with a copy of the findings and minutes by the Investigator and advised of the next steps of the process.

## 8 Investigation Outcome

8.A The Head of School will, no later than 5 working days after receipt of the report from the Investigator determine whether, in light of all the evidence:

- The student has no case to answer;
- The student has a case to answer but the matter falls below the threshold of requiring a School Fitness to Practise Panel, or;
- The student has a case to answer and the matter is sufficiently serious to warrant the convening of a School Fitness to Practise Panel to reach a final decision.

In reaching their determination, the Head of School may consult with members of the School's Senior Leadership Team, who are not involved in the process or responsible for supporting or making decisions about the student, if required.

8.B If the student has a case to answer but the Head of School determines 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:

- 8.B.i An oral caution in respect of the conduct that gave rise to the allegation;
- 8.B.ii Issue a warning with a written note 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;
- 8.B.iii Require that the student makes good the cost, in whole or in part, of any damage caused or replacement required;
- 8.B.iv Require the student to make an undertaking with regards their conduct. Undertakings are effective where a student acknowledges the impairment, has insight and shows they are willing to address any underlying issues. Undertakings may include but are not limited to:
- Preparing a written apology;
  - Preparing a written reflection on the incident(s) leading to the concern;
  - Agreeing to engage with appropriate support or assessment within a given timeframe, such as via Student Wellbeing, or via Occupational Health

The Head of School must set clear timescales for compliance with any penalties. If a student does not accept or comply with a penalty this will result in immediate referral to the School Fitness to Practise Panel.

8.C If the student has a case to answer and the matter is deemed sufficiently serious, the Head of School will, no later than 2 working days after consulting a member(s) of the School's Senior Leadership Team, ask that a School Fitness to Practise Panel is convened.

8.D The Head of School will notify the student by letter and email (copied to the student's Personal Tutor and the Investigator) of:

- 8.D.i The outcome of the investigation;
- 8.D.ii Whether the matter is to be referred to a School Fitness to Practise Panel or not, together with full details of the reason for referral/non-referral and procedures to be adopted;
- 8.D.iii Details of any penalty or penalties imposed;
- 8.D.iv The imposition, cessation, continuance, or alteration of any conditions/limitations placed on the student's studies.

The Head of School may provide written guidance to the Personal Tutor on the development of a supportive action plan for the student, if appropriate within the context of the case.

## **9 School Fitness to Practise Panel**

- 9.A A School Fitness to Practise Panel will, save in exceptional circumstances, be convened within 20 working days of the referral.
- 9.B The Panel will comprise:
  - 9.B.i A Chair (from a pool as agreed by the Head of College) who will be the Convenor and responsible for the Panel process;
  - 9.B.ii One academic staff representative from the professional programme on which the student is enrolled;
  - 9.B.iii One academic staff representative from another professional programme subject to these Regulations from within the University;
  - 9.B.iv One professional registered to practise with the relevant profession who contributes to teaching or placement provision but is not a member of the University;
  - 9.B.v A Student Leader nominated on behalf of the Students' Union.

The Chair will give appropriate consideration to diversity when convening a Panel.

The quorum for the School Fitness to Practise Panel will be 4 (of the above) but must include the Chair and a professional registered to practise with the relevant profession.

None of the Panel members will have had any previous connection or involvement with the case.

The student's Personal Tutor may not be a member of the Panel but can attend as the student's companion, withdrawing from the meeting during the Panel's deliberations.

At the discretion of the Chair, the Panel may also call upon other persons to provide advice on specific aspects of the case, in writing or in person. This may include Occupational Health representatives, a member of Student Wellbeing staff, or individuals with relevant legal expertise. Such individuals should not have prior knowledge of the student.

- 9.C There will be a Panel Secretary who will support the Chair with arranging the panel, ensuring these regulations are adhered to, and taking appropriate panel minutes.
- 9.D The case against the student will be presented by the Investigator (or nominee). The Investigator will withdraw from the meeting during the Panel's deliberations.
- 9.E The Chair (or the Panel Secretary) will notify the student, by University email and letter to term time address, of the Panel meeting, setting out:
  - 9.E.i The date and time of the proposed Panel meeting, ensuring 10 working days' notice is given for the student to prepare their case;

- 9.E.ii The identity of the Panel members;
  - 9.E.iii The specifics of the allegations, of impairment of fitness to practise, providing a copy of the Investigator's report and evidence;
  - 9.E.iv An invitation for the student to provide a written statement in response to the allegations and Investigator's report and deadline for submission; students may not introduce evidence at this stage of proceedings which was available to them during the investigation but not submitted for the Investigator to consider;
  - 9.E.v The Panel proceedings by way of provision of these Regulations;
  - 9.E.vi Whether the student requires any support to effectively engage with the Panel meeting;
  - 9.E.vii The guidance and support available to the student from Student Wellbeing, the Student Support Centre, and the Students' Union Advice Centre;
  - 9.E.viii The student's right to be accompanied at the Panel by a companion who will be a member of staff or student of the University or a staff member from the Students' Union Advice Centre. The companion may not talk on the student's behalf; they are there to provide support to the student, only. The student will confirm the name and status of the person accompanying them in writing to the Chair (or Panel Secretary) no fewer than 5 working days before the Panel meeting. The confirmation will set out the companion's relationship to the student and the reason for the person's attendance;
  - 9.E.ix The student's right to have a third party (i.e. professional union, or legal representation) who may act as and represent the student, provided the student has given written authority for that representative to act on their behalf. If engaging representation now, written authority must be given to the Chair. The same rules otherwise apply as per R.7.B.
- 9.F All information on which the student and Investigator intend to rely must be made available to the other party and to the Panel at least five working days before the date of the Panel.
- 9.G The student will be required to attend the meeting. 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.
- 9.H The Panel meeting will be held in private.
- 9.I The Panel meeting will proceed as follows:
- 9.I.i The student, their companion, the Investigator, and other staff as appropriate will be invited to join the Panel meeting;
  - 9.I.ii The Chair will confirm whether 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 Panel meeting;
  - 9.I.iii The Chair will introduce by name and explain the functions of the members of the Panel, the investigator and any others present;
  - 9.I.iv The Chair will explain the sequence of proceedings and the powers of the Panel;
  - 9.I.v The Chair will invite the Investigator to summarise the case on behalf of the University and provide relevant testimony (in the form of presentation of pivotal items of evidence or witness statements). The Panel and the student will then be entitled to ask questions of the Investigator;

- 9.I.vi The Chair will invite the student to summarise their case and provide relevant witness testimony (in the form of presentation of pivotal items of evidence or witness statements). The Panel and the investigating officer will then be entitled to ask questions of the student;
- 9.I.vii 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 these persons;
- 9.I.viii At each stage the Chair has discretion to allow reciprocal questioning by the various parties;
- 9.I.ix 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. 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.
- 9.J A 3-step approach (Finding of fact, Impairment of fitness to practise, and Imposition of sanction) will be adopted by the Panel in reaching its determination.

Step 1 - Finding of fact: The Panel will satisfy itself whether on the balance of probabilities (meaning, based on the evidence available, the occurrence of the event was more likely than not) the evidence adduced by the University supports a finding of fact.

Step 2 - Impairment of fitness to practise: In the event that the allegations are well founded the Panel will engage in a 2-step process to determine impairment of fitness to practise.

The Panel will first decide whether the finding of fact constitutes:

- i Misconduct, being either personal and/or professional misconduct, including:
  - alleged breaches of professional codes of conduct/practice;
  - cheating or plagiarism;
  - dishonesty or fraud;
  - drug or alcohol misuse;
  - persistent inappropriate behaviour;
  - aggressive, violent or threatening behaviour.
- ii. Lack of capability/competence/deficient professional performance;
- iii. A conviction or caution for a criminal offence;
- iv. Adverse physical or mental health; to include health concerns and insight or management of these;
- v. Not possessing the necessary knowledge of English;
- vi. A determination by a regulatory or licensing body (either in the UK or overseas) of impairment of fitness to practise (regardless of whether or what sanction was imposed).

The Panel must then determine whether, as a result, they find that the student's fitness to practise is impaired. 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 actual or potential for remedial action. Where a Professional Body's Standards dictate that a Panel considers specific factors when making a determination on impairment, these factors must also be considered and such deliberations recorded in the Panel minutes.

Step 3 - Imposition of sanction: In making its decision on sanction the Panel should consider a range of factors including:

- i. Patient/service user and public safety;
- ii. The fundamental tenets of professional practise;
- iii. The mitigating and aggravating factors of the case;
- iv. Any mitigating circumstances presented by the student;
- v. Public perception and the reputation of the University.

The Panel should consider all possible sanctions in turn and determine whether or not their application would be appropriate in the given circumstances.

Where a student's fitness to practise is not impaired, the Panel may apply either:

- i. No warning or sanction;
- ii. A warning.

Where a student's fitness to practise is impaired, the Panel may apply one or more of the following:

- i. No warning or sanction;
- ii. Permit the student to continue with the programme, requiring an undertaking. Undertakings are effective where a student acknowledges the impairment, has insight and shows they are willing to address any underlying issues;
- iii. Permit the student to continue, with specific conditions. Conditions are appropriate where there is significant concern about a student and the Panel is satisfied that such remedial or supervisory conditions will address such concerns. The student must meet any conditions set within the timeframes determined reasonable by the Panel. The Panel will specify who will monitor compliance with any condition(s) and how they will be monitored. The failure of a student to meet a condition set by the Panel will require the initiation of investigation of an allegation of impairment of Fitness to Practise;
- iv. Refer the student to Student Wellbeing or Student Support for support or assessment, as might be appropriate;
- v. 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;
- vi. Refer the matter to an appropriate authority such as the Police;
- vii. 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;
- viii. 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. Termination is appropriate if the Panel considers that the student's behaviour is fundamentally incompatible with continuing on their professional programme or subsequently practising the relevant profession.

9.K The Panel Secretary will produce minutes of the Panel meeting within 5 working days. The minutes must set out:



- Who attended;
- A chronological summary of the panel meeting proceedings and evidence considered;
- The Panel's deliberations, using the 3-step approach as a structure, and setting out why any given sanctions were applied, and not others.

- 9.L 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. Where a sanction short of termination is applied, the Chair will provide written guidance to the student's Personal Tutor and if appropriate, any other relevant individual designated by the School, on the development of a supportive action plan for the student, appropriate to the context of the case. The communication will include details of the appeal stage of the process should the student wish to invoke it.
- 9.M 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 will be reported by the Chair to the relevant Board of Examiners. The relevant professional or accrediting body will be informed as appropriate to their reporting requirements.
- 9.N 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 Legal and Compliance Services Team. An Officer will coordinate access within the bounds of reasonableness.

## 10 Appeals

- 10.A A student may lodge an appeal against a finding of the School Fitness to Practise Panel. An appeal must be lodged with the Legal and Compliance Services Team within 10 working days of the date of the notification of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from the Legal and Compliance Services Team) and must include:
- 10.A.i A precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged;
  - 10.A.ii Precise identification of the formal ground of appeal;
  - 10.A.iii A statement of the appellant's case;
  - 10.A.iv 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.
- 10.B An appeal may be lodged on the following grounds only:
- 10.B.i There is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel;
  - 10.B.ii There has been a procedural irregularity;
  - 10.B.iii There is evidence of prejudice or bias.
- 10.C On receipt of an appeal, an Officer will, within 5 working days, obtain the School Fitness to Practise Panel files.
- 10.D The Academic Registrar (or nominee) and an independent Head of School with programmes subject to these Regulations will review the appeal, Panel files and will determine whether the

reasons given by the student are sufficient for an appeal to proceed provided. These deliberations will be minuted by an Officer.

10.E If the Academic Registrar and Head of School do not consider the reasons to be sufficient, the appeal cannot proceed further, and the Legal and Compliance Services Team will issue an outcome letter setting out the reasons for the decision and they will issue a Completion of Procedures letter, advising the student of the right to complain to the Office of the Independent Adjudicator for Higher Education.

10.F If the Academic Registrar and the Head of School consider the reasons to be sufficient, the appeal will proceed to a hearing by the University Fitness to Practise Panel.

## **11 University Fitness to Practise Panel**

11.A Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor will appoint a member of the Senior Leadership Team to Chair the Panel.

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.

11.B The Panel will comprise:

11.B.i The Chair (appointed by the Vice Chancellor);

11.B.ii One senior academic from the College in which the student is/was enrolled;

11.B.iii One senior academic from another professional programme within the University;

11.B.iv One professional registered with the relevant profession who contributes to teaching or placement provision but is not a member of the University;

11.B.v A nominated Student Leader on behalf of the Students' Union.

The quorum for the University Fitness to Practise Panel will be 4 (of the above) but must include the Chair and a professional registered to practise with the relevant profession.

None of the Panel members will have had any previous connection or involvement with the case.

The Panel will have a Secretary who will normally be the Officer responsible for facilitating the appeal process.

11.C The Chair of the School Fitness to Practise Panel and the appellant will be required to attend the University Fitness to Practise Panel (hereafter the 'Hearing').

11.D The Secretary will 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 companion who will be a member of staff or student of the University or a staff member from the Students' Union Advice Centre. The student has the right to have a third party (i.e. professional union, or legal representation) who may act as and represent the student, provided the student has given written authority for that representative to act on their behalf. If engaging representation now, written authority must be given to the Chair. The same rules otherwise apply as per R.7.B.

11.E Both parties will have the right to call witnesses where the facts leading to the fitness to practise concern are disputed; the Secretary must be notified of any intended witnesses at least 7 working days before the date of the Hearing.

11.F Failure of the student to attend the Hearing without good cause (as determined by the Chair of the University Fitness to Practise Panel) will result in the consideration of the case in the appellant's absence.

- 11.G No fewer than 5 working days before the Hearing, the Secretary will circulate to the Panel, the appellant, and the Chair of the School Fitness to Practise Panel the following:
- 11.G.i The assessment Regulations for the scheme or award;
  - 11.G.ii The requirements of the relevant professional body/regulator including any code of conduct;
  - 11.G.iii Minutes of the School Fitness to Practise Panel and all documents considered by the Panel;
  - 11.G.iv Notification of any intended witnesses;
  - 11.G.v The appellant's form of appeal;
  - 11.G.vi Any documentary evidence submitted by either party.
- 11.H The hearing will proceed as follows:
- 11.H.i The appellant, their companion, the Chair of the School Fitness to Practise Panel will be invited to join the meeting;
  - 11.H.ii The Chair will confirm whether 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 meeting;
  - 11.H.iii The appellant will present their case first. Any witnesses for the appellant should be called to give evidence at this stage. The Panel and the Chair of the School Fitness to Practise Panel will be entitled to ask questions of the appellant and/or witnesses. The appellant's witnesses will then withdraw from the Hearing;
  - 11.H.iv The Chair of the School Fitness to Practise Panel will 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;
  - 11.H.v The Panel and the appellant will be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses. The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing;
  - 11.H.vi The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel;
  - 11.H.vii The appellant will summarise their case;
  - 11.H.viii Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing to allow the Panel to reach its decision in private.
- 11.I The Panel will, with reference to the evidence and relevant professional codes, may either uphold or not uphold the appeal. The Panel may make any recommendations it considers appropriate having reviewed the evidence and heard from all parties. This may include reducing or increasing any sanction imposed by the School Fitness to Practise Panel.
- 11.J The Panel Secretary will produce minutes of the Panel meeting within 5 working days. The minutes must set out:
- Who attended;
  - A chronological summary of the panel meeting proceedings and evidence considered;
  - The Panel's deliberations and rationale for its decision(s), including its rationale should it amend any sanctions applied to the student.

11.K 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. This will include issuing a Completion of Procedures letter, advising the student of the right to complain to the Office of the Independent Adjudicator for Higher Education.

11.L The decision of the Panel will be reported to the School Fitness to Practise Panel, the relevant Board of Examiners, and the relevant professional body/regulator as appropriate.

## **12 Monitoring, Evaluation and Review**

12.A Heads of School may make arrangements for the monitoring/overview of the process and outcomes under these procedures in a way which aligns with their relevant Professional or Regulatory Body's standards or best practice guidance (i.e. to identify and respond to trends).

12.B Annual monitoring and evaluation of these procedures is the responsibility of the Legal and Compliance Services Team, on the basis of information and data supplied by Colleges

12.C Heads of College will provide the Legal and Compliance Services Team with information annually on the following:

12.C.i The number of cases heard by School Fitness to Practise Panels.

12.C.ii The reasons for the submission of cases to the School Fitness to Practise Panels.

12.C.iii The outcomes of School Fitness to Practise Panels.

12.D The Legal and Compliance Services Team will submit an annual report to Academic Board, together with any recommendations for amendment to the procedures or other action

12.E 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.

## **13 Records of Proceedings**

13.A Records of any sanctions imposed upon students will be kept on their Student Record in accordance with Data Protection legislation.

## **14 The Office of the Independent Adjudicator for Higher Education**

14.A A student dissatisfied with the outcome of proceedings under these Regulations 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. This right may normally only be exercised when the University's internal processes have been exhausted.

14.B A complaint to the OIA must be made within 12 months of the date of the Completion of Procedures letter, using the OIA's prescribed form.

14.C Guidance on submitting a complaint to the OIA can be found on its website.

14.D Students may obtain assistance with OIA claims from the Student Support Centre and the Students' Union Advice Centre.

## **Part S – Audio Recordings of Meetings**

### **1 Audio Recordings of Meetings**

- 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, Procedures and Regulations (including recognised external oversight such as consideration by the Office of the Independent Adjudicator).
- 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.