

Please note that following Senate approval, these regulations will replace the current Student Discipline Regulations available at

<https://www.lancaster.ac.uk/strategic-planning-and-governance/publication-scheme/policies-and-procedures/#policies-and-procedures-for-conducting-hei-business>

from January 2019. All changes are to the way the University processes student discipline. There are no changes to what constitutes a breach of the regulations or the possible outcomes of the regulations. Students are not materially affected by these changes except that it is anticipated that it will decrease the time that it takes for some aspects of the processes to be completed.

## **Student Discipline Regulations**

### **(From January 2019)**

#### **1. Preface**

- 1.1 Lancaster University aims to provide fair and consistent treatment for all students, staff and visitors. It also has a duty to take reasonable steps to protect the University community from harm. To fulfil these, there is a necessary expectation on student conduct.
- 1.2 The University has the authority, as set out in its governing Charter (section 4, subsection (o)), to prescribe rules of discipline. Where a student falls short of expectation, and it is deemed sufficiently serious, the University will take disciplinary action that is primarily corrective, but also and as necessary, reasonably punitive.
- 1.3 The University formally splits student discipline into two broad areas: academic and non-academic. Academic discipline, and the related procedures and penalties, is detailed in the Manual of Academic Regulations and Procedures. These regulations detail non-academic discipline and the related procedures and penalties.

#### **2. Scope**

- 2.1 All students registered as Lancaster University students with the Bailrigg campus as their primary affiliation are within the scope of these regulations. Associate students and those registered through collaborative provision, will be subject to the non-academic discipline regulations (or equivalent documents) within their respective institution, as agreed through the legal memoranda between the University and its partner.
- 2.2 Where a Lancaster student studies for a period elsewhere, for example, on exchange or placement, for that period away the student is subject to the discipline arrangements of their host. However, the University retains the right to consider discipline-related issues which arise while the student is away.
- 2.3 Students are subject to these regulations regardless of location, for example off campus, however, it would not be the normal expectation of the University to consider a student under these regulations for acts or omissions taken during vacation periods, excepting those that have the potential to bring the University into disrepute, or have the potential to damage its relationship with its local communities.

### 3. Principles

- 3.1 In the process of maintaining non-academic discipline the University will abide by the following principles.
- 3.2 The University will take a sensitive approach and will ensure reasonable effort to maintain confidentiality.
- 3.3 As appropriate, in recognition of the University's duty of care and in consultation with Student Based Services, the University will support the alleged victim and the alleged perpetrator, as well as third parties where they are members of the University, such as those reporting possible breaches of these regulations.
- 3.4 The University encourages third party reporting particularly where there is the potential of harm to others. Where a third party reports, and provides contact information, they will be told when the case has been investigated and whether any action was taken. They will not, however, be given the details of these actions.
- 3.5 The University will not tolerate frivolous or malicious reporting. Students or staff suspected of doing this will be subject to investigation of a breach under these regulations or the relevant staff policy.
- 3.6 Reasonable effort will be made to communicate these regulations and all students are expected to be familiar with them. For the avoidance of doubt, ignorance of these regulations will not be deemed an acceptable excuse.
- 3.7 Depending on the individual's circumstances, actions and sanctions taken under these regulations can affect an international student's immigration status. Any detrimental effect upon a student's immigration status will not normally be considered as mitigating circumstances in either determining cautionary actions (see 6 below) or the outcome of procedures under these regulations.
- 3.8 Financial or similar consequences of the outcomes under these regulations will also not be considered as part of these processes. Such consequences will be the sole responsibility of the student.
- 3.9 Where there is an alleged breach of disciplinary regulations by a student who is studying on a professional/clinical programme that is subject to fitness to practise considerations and the alleged breach may call into question the student's fitness to practise, the fitness to practise procedures will be invoked. Where the breach is investigated and determined under the student disciplinary procedures and implications for fitness to practise emerge, the Board of Discipline will refer the case to the fitness to practise procedures, which will take account of any previous investigations and determinations.
- 3.10 Any person required to act in any capacity under these regulations is subject to an ongoing duty to declare any conflict of interest. Where a conflict of interest is established, that person will be excused from the process. This acts to ensure that processes and decisions remain free of bias and are in line with principles of natural justice.

#### 4. Breaches of the regulations

- 4.1 The expectation of the University is that all students conduct themselves appropriately and in accordance with all relevant regulations and policies. However, where a student does not, the University may consider this as a breach of the Student Discipline Regulations.
- 4.2 Acts or omissions that may be considered as breaches under these regulations include:
- 4.2.1 unacceptable behaviour towards students, staff or members of the public, including verbal or written abuse in any media; bullying of any kind, harassment as defined under the Equalities Act or sexual misconduct (see the Bullying, Harassment and Sexual Misconduct Policy);
  - 4.2.2 failure to respect the rights of others to freedom of speech (see Code of Practice on Freedom of Speech);
  - 4.2.3 misuse or unauthorised use of University property, facilities or name;
  - 4.2.4 disruption, interference or obstruction of the academic, administrative, sporting, social, cultural or other activities of the University;
  - 4.2.5 anti-social behaviour, including noise disruption (see, in particular, requirements in relation to the Exam Period);
  - 4.2.6 failure to disclose name and other relevant details to an officer or employee of the University in circumstance where to do so would be a reasonable expectation;
  - 4.2.7 acts or omissions that threaten the health or safety of themselves or others or which raise false alarm, including any interference with fire detectors, fire alarms or fire extinguishing equipment;
  - 4.2.8 fraud, deception or dishonesty, including intentionally withholding information in relation to University staff or students and/or the falsification of records;
  - 4.2.9 intentional or reckless damage to property, either that of the University or others;
  - 4.2.10 failure to declare a criminal conviction to the University, subject to the Rehabilitation of Offenders Act;
  - 4.2.11 possessing, consuming or supplying controlled substances;
  - 4.2.12 inappropriate behaviour relating to the excessive consumption of alcohol or other substances;
  - 4.2.13 any acts or omissions that bring or have the potential to bring the University into disrepute, or that damage or have the potential to damage its relationship with its local communities;
  - 4.2.14 any breaches under other agreements, codes, contracts, policies and procedures of the University (see section 8 below);
  - 4.2.15 any conduct that leads to a criminal investigation or constitutes a criminal offence (see 4.5 below);
  - 4.2.16 failure to comply with any previously imposed requirement or penalty under these regulations, including failure to attend a disciplinary meeting or hearing;
- 4.3 For the purposes of these regulations, acts and omissions can be considered major or minor; examples are provided in the accompanying student guidance notes. For the avoidance of doubt, multiple and/or repeated minor breaches may be considered to constitute a major breach.
- 4.4 Student positions of responsibility, for example student representatives or leaders of LUSU sanctioned clubs and societies, carry with them greater expectations, particularly in relation to honesty and providing an example to others. Students holding such positions will have

this taken into account in any disciplinary procedure. Examples of such positions are included within the student guidance notes.

- 4.5 Where matters involve or may involve criminal or similar proceedings the Chief Administrative Officer and Secretary (or nominee), as the officer with overall responsibility for these regulations, following relevant consultation, can suspend internal proceedings until such time as the criminal proceedings are complete. The Chief Administrative Officer and Secretary (or nominee) can also decide to take forward internal disciplinary procedures under these regulations where the University judges these would not impair criminal or similar investigations. Where an internal procedure is suspended, the University reserves the right to undertake a risk assessment (see section 6) and take any subsequent action it deems reasonable, necessary and proportionate.
- 4.6 Where criminal or similar proceedings are underway, students are obliged to keep the University informed of any progress and/or change of status regarding the case. The Chief Administrative Officer and Secretary (or nominee) will review the status and determine if any actions are required.
- 4.7 Should a student be convicted of a criminal offence, the University may choose to take action under these regulations where matters of concern to the University have not been addressed. In this case the conviction in a criminal court will be taken as conclusive evidence that the alleged offence has occurred and no further investigation will be required by the University.
- 4.8 A decision by authorities not to pursue a criminal conviction and/or an acquittal in court does not preclude the University from pursuing outstanding matters of concern to the University that have not been addressed.
- 4.9 A risk assessment (see section 5 below) will be undertaken in all cases of criminal conviction before a student is permitted to return to study or other conditions placed upon them are lifted.
- 4.10 It is recognised by the University that some of its students, e.g. those registered with overseas partner institutions, may be subject to additional rules as appropriate to local law, custom and practice. While it is the recognised expectation that most aspects of discipline will be managed through the local partner, the University, nonetheless, reserves the right to consider alleged breaches by any student under the scope of these regulations especially where there is risk to institutional reputation.
- 4.11 For the avoidance of doubt, all students present on the Bailrigg campus, including, for example, those registered with the International Study Centre, are subject to these regulations. Students studying at one of the University's collaborative partnerships, both nationally and internationally are subject to separate disciplinary regulations as agreed through the legal memoranda.

## 5. **Managing risk**

- 5.1 The University has a responsibility to manage the risks faced by its staff, students and visitors, to fulfil its duty of care to staff and students as well as manage any risk to its reputation. It does this through a process of risk assessment. A risk assessment can be

conducted for any alleged breaches, but the normal expectation would be that risk assessment would be limited to situations where:

- there is a risk of harm to self or others;
- there are safeguarding issues involved;
- there is a serious risk to the reputation or other aspect of the University;
- the incident involves the police or other authorities.

5.2 Risk assessments should be carried out in a timeframe appropriate to the perceived risk, with serious cases being dealt with as a matter of urgency. Where there is actual imminent threat action to remove this should be taken immediately.

5.3 The Director of Students, Education and Academic Services (or nominee) (or person with delegated authority) will determine if a risk assessment is required. The Director (or nominee) will produce a risk assessment including all relevant details, with support from the Strategic Planning and Governance Division and input from Student Based Services. This will be considered by a panel consisting of the Chief Administrative Officer and Secretary (or nominee) and the Students' Union President (or nominee) and supported by a member of the Strategic Planning and Governance Division. A member of Student Based Services may also be present. For the avoidance of doubt, the student will not attend this meeting, but have the right of appeal against its decisions (see 5.7 below).

5.4 The outcome of the risk assessment can include, but is not limited to, one or more of the following precautionary actions:

- no further action to be taken;
- requirement that the student comply with specific conditions, for example, not contacting another student;
- limiting the use of a particular building/service;
- involvement of support personnel from Student Based Services;
- relocation or alteration to accommodation contracts (for those students living in University accommodation);
- suspension of the assessment and/or reporting of academic work;
- referral to the consideration of a breach of discipline under these regulations at whichever level is deemed appropriate;
- temporary exclusion from the University, pending the outcome of relevant due process.

5.5 A precautionary action is taken to mitigate risk and should not be regarded as a penalty or an indication of a presumption of guilt. The University will take steps where possible to minimise impact.

5.6 The Director of Students, Education and Academic Services (or nominee) will communicate the outcomes of the risk assessment to the student. This may be done orally in the first instance for reasons of expediency. Written confirmation including the reasons for the decision and outlining the right of appeal and necessary grounds should be provided within five working days.

5.7 The student against whom the cautionary action has been taken may appeal against these by submitting a written request for an appeal with all relevant details to the Strategic Planning and Governance Division within five working days of the date of issue of the written confirmation.

5.8 The Director of Strategic Planning and Governance (or nominee) will make a prima facie decision on the appeal. The grounds for appeal will be:

- there is evidence that could not reasonably have been made previously available; or
- there is evidence of a material procedural irregularity; or
- there is evidence to demonstrate that the decision did not meet the rules of natural justice.

The Director (or nominee) will normally inform the student of its determination within five working days.

5.9 Should the appeal proceed, the Deputy Vice-Chancellor (or nominee), supported by the Strategic Planning and Governance Division, will consider the appeal and may take the following actions:

- uphold the original decision and confirm the terms of the outcome; or
- uphold the original decision but reduce or restrict the terms of the outcomes; or
- overturn the original decision and remove the terms of the outcome.

5.10 In cases where additional material provided by the student suggests that the level of risk is higher than previously assessed, the Deputy Vice-Chancellor (or nominee) may increase the terms of the outcome.

5.11 The student will be notified within ten working days of receipt of the appeal. It would not be normal practice for the Deputy Vice-Chancellor (or nominee) to meet with the student and appeals will be considered on the basis of submitted paperwork.

5.12 The student may ask for the terms of the outcomes to be reviewed while they are in place where there are clear changes in circumstance. Such a request should be made to the Deputy Vice-Chancellor (or nominee) with reasons and relevant details provided. The Deputy Vice-Chancellor (or nominee) will respond within ten days of the receipt of the request.

## 6. **Disciplinary procedures**

6.1 The University operates disciplinary procedures at three levels under these regulations all under delegated authority of Senate. These are:

1. fixed penalty procedures;
2. Summary jurisdiction of discipline;
3. University jurisdiction of discipline.

The accompanying guidance provides examples of the types of breaches for each of these including what constitutes major and minor breaches. The University reserves the right to take action at any level as appropriate to the seriousness of the alleged breach and to avoid conflicts of interest.

## **6.2 Fixed penalty procedures**

- 6.2.1 There are defined breaches of these regulations which result in an immediate fixed penalty fine. Details of fixed penalty fines are located in the relevant documents, for example, the Library Rules.
- 6.2.2 Students will receive written notification detailing the nature of the breach and outlining the right of appeal.
- 6.2.3 The student may appeal against a fixed penalty fine by submitting a written request with all relevant details to an appropriate College Principal or the officer named in the written notification. Appeals must be submitted within five working days of the date of the issue of the fixed penalty fine. The procedures for considering appeals will be as set out in the relevant documents, for example the Library Rules or the Computer User Agreement.

## **6.3 Summary Jurisdiction of Discipline**

- 6.3.1 Where a potential breach of discipline is deemed within the scope of these regulations, but not of such severity that it requires consideration by the Board of Discipline (see 6.4 below), it will be considered via summary jurisdiction by a Delegated Local Authority (DLA). A list of roles and persons holding delegated local authority and the scope of their delegation is listed in the attached schedule.
- 6.3.2 Where a DLA, or someone acting on their behalf (such as, in the case of the Colleges, an Assistant Dean), identifies that a student may have breached these regulations the following procedure will occur.
- 6.3.3 Where the breach is uncontested, i.e. the student readily admits to a University officer or staff member this will be reported to the DLA. The DLA may ask someone, such as an Assistant Dean, to hold a Disciplinary Meeting with the student or write to the student to confirm the breach and any associated penalty. Normally, this will be provided within five working days. Should the student disagree with the penalty they must inform the DLA within five working days of receipt.
- 6.3.4 Where the student does not agree the alleged breach or the subsequent penalty, or where an investigation is required, or where a more substantial penalty is being considered, the student will be required to meet formally with the DLA.
- 6.3.5 Investigations, if required, will be conducted by a designated investigator following University guidelines. In the case of an investigation in a Colleges, this could be undertaken by an Assistant Dean.
- 6.3.6 The DLA, having taken account of the student's academic schedule, will inform the student in writing of the date and time of the meeting. Students will be given at least 48 hours' notice of any meeting. The written summons will include details of the alleged breach, including key evidence and supporting documents to be considered, and refer to these regulations, the student guidance notes and detail the nature of the hearing and the possible outcomes. Additional materials considered non-key need not be provided in the first instance, but will be available to the student on request.

6.3.7 The DLA will formally meet with the student, detail the case and invite the student to comment. They will then discuss the case. The designated investigator and a note taker may be present, but others would not normally attend. Where the DLA wants another person there as an observer, such as for training purposes, this must be agreed by everyone present.

6.3.8 The DLA will determine an appropriate outcome and communicate this to the student either at the time or afterwards, for example where additional information is required. Students will normally be formally notified of the outcome in writing within five working days.

6.3.9 The DLA can impose the following penalties:

- a formal warning which will be taken into account in any subsequent procedure;
- a fine in line with published tariffs (which may be suspended in whole or in part);
- a requirement to pay for any damages or cleaning charges incurred;
- a ban from a communal area, including, for example, a College bar or University sports facility;
- in collaboration with Security, as required, confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
- a requirement to submit a written apology to those affected by the breach;
- any other penalty deemed commensurate with the breach so long as this does not exceed the authority of the DLA;
- any combination of the above.

The DLA can also:

- refer the student to the Board of Discipline for a higher stage of disciplinary action;
- refer the student to another process, for example, fitness to practise;
- refer the student to other bodies, such as the Accommodation Office, where the breach involves elements of a separately held licence agreement.

6.3.10 The student may appeal against a penalty by submitting a written request for an appeal with all relevant details to the Director of Strategic Planning and Governance (or nominee) within five working days of the date of issue of the written confirmation. A student cannot appeal a decision to refer.

6.3.11 The Director (or nominee) will make a prima facie decision on the appeal. The grounds for appeal will be:

- there is evidence that could not reasonably have been made previously available;  
or
- there is evidence of a material procedural irregularity; or
- there is evidence that the judgement did not follow the principle of natural justice.

The Director (or nominee) will normally inform the student of its determination within five working days.



6.3.12 Should the appeal proceed, the Board of Discipline will consider the appeal and may take the following actions:

- uphold the original decision and confirm the terms of the outcome; or
- uphold the original decision but reduce or restrict the terms of the outcomes; or
- overturn the original decision and remove the terms of the outcome.

6.3.13 The student and the DLA will be notified of the outcome in writing within ten working days of receipt of the appeal. It is not normal practice for the Board of Discipline to meet with the student for these cases and appeals will be considered on the basis of submitted paperwork.

6.3.14 A record of the outcome will be held within the Strategic Planning and Governance Division and will be checked in the event of further breaches.

#### **6.4 University Discipline**

6.4.1 Where a potential breach of discipline is deemed severe within the scope of these regulations, it will be considered by the Board of Discipline. A potential breach will be deemed severe where either: (1) it is deemed so by the Chief Administrative Officer and Secretary (or nominee); or (2) a student is referred to the Board of Discipline by a DLA (for serious and/or multiple offences). In these events the following procedure will occur.

6.4.2 Where the breach is uncontested, i.e. the student readily admits it to a University officer or staff member, a record will be agreed by both parties and reported to the Board of Discipline. Exercising discretion, the Chair of the Board, normally represented by the Clerk to the Board, supply the student with written confirmation of the breach and any associated penalty normally within five working days. Should the student disagree with the penalty they must inform the Clerk to the Board within five working days of receipt of written confirmation.

6.4.3 Where the student does not agree the alleged breach or the subsequent penalty, or where an investigation is required, or where the matter has been referred by a DLA, or where a more substantial penalty is being considered, for example where the breach is a repeat/multiple offence, the student will be required to meet with the Board of Discipline.

6.4.4 Investigations will be conducted by an Investigator following the University guidelines. Investigations will normally be undertaken within ten working days of the breach, although this may take longer where a case is complex.

6.4.5 Having taken account of the student's academic schedule, the student will be informed, in writing, of the date, time and location of the meeting. Students will be given at least one week's notice of any meeting. The written summons will contain details of the alleged breach, including key evidence and supporting documents to be considered, and refer to the guidelines detailing the nature of the hearing and the possible outcomes. The student will be invited to submit evidence

- 6.4.6 The student will be required to attend the Board of Discipline. Failure to attend without acceptable reasons may result in an additional disciplinary charge under 4.2.16 of these regulations. In this circumstance, a Board can, at its discretion, consider a matter without the student being present, based on the submitted evidence and the Investigator's report, and make a determination.
- 6.4.7 A Board of Discipline will be convened from an approved pool of members, approved by Senate, for no less than one and no more than three academic years. Membership of the pool will be approved in such a way to include at least one new member each year. A panel convened to hear a case must consist of:
- a Chair appointed by Senate;
  - one member of staff not previously involved in the case allocated from a list appointed by Senate;
  - one student not previously involved in the case appointed by the Students' Union President.
- 6.4.8 All materials relating to the University Exclusion Hearing will be distributed to all attending normally no later than seven days in advance of the hearing.
- 6.4.9 In the hearing the Investigator will present the case against the student including setting out the specific charge(s) and the student will be allowed to answer the charge and to provide any information by way of mitigation. Further details of the operation of the hearing are provided in the student guidance notes. Neither the Investigator nor the student will remain present for the deliberations of the Panel.
- 6.4.10 The Board will determine an appropriate outcome and communicate this to the student, normally via communication by the Clerk. Where the outcome cannot be given immediately, the University will aim to notify the student of the outcome within five working days, although this may take longer if time is required to gather and consider additional information.
- 6.4.11 The penalties which may be imposed either singularly or in combination are:
- a formal warning which will be taken into account in any subsequent procedure;
  - a fine in line with published tariffs (which may be suspended in whole or in part);
  - a requirement to pay for any damages or cleaning charges incurred;
  - a ban from University residences or from a particular part of the University or a facility associated with the breach for a specified period;
  - confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
  - a requirement to submit a written apology to those affected by the breach;
  - a requirement to undertake relevant training and/or development;
  - exclusion either permanently or for a period of time from the University;
  - any other penalty deemed appropriate and commensurate with the breach.

The Board of Discipline may also refer the student to the other procedures as appropriate (for example Standing Academic Committee or Fitness to Practise). The Board of Discipline may also deem it appropriate to communicate the outcome of

the disciplinary process to other parties in the University, where relevant, for example, the student's department.

6.4.12 The student may appeal against the outcome by submitting a written request for an appeal with all relevant details to the Director of Strategic Planning and Governance (or nominee) within ten working days of the date of issue of the written confirmation.

6.4.13 The Director (or nominee) will make a prima facie decision on the appeal. The grounds for appeal will be:

- there is evidence that could not reasonably have been made previously available; or
- there is evidence of a material procedural irregularity; or
- there is evidence that the judgement was did not meet natural justice.

The Strategic Planning and Governance Division will normally inform the student of its determination in writing within five working days.

6.4.14 Should the appeal proceed an Appeals panel consisting of the Vice-Chancellor or senior management nominee not previously involved in the process, one member of staff appointed by the Vice-Chancellor and one student appointed by the Students' Union President, supported by the Strategic Planning and Governance Division, will consider the appeal.

6.4.15 Processes for the arrangement of an appeal hearing will follow those for the Board of Discipline (as above) except that the case will be presented by the Chair of the Board of Discipline. At the discretion of the Appeals Panel Chair, depending on the nature if the appeal, the Investigator may be invited to attend the appeal and either present materials or respond to questions.

6.4.16 The Panel will take one of the following actions:

- uphold the original decision and confirm the terms of the outcome;
- uphold the original decision but reduce or restrict the terms of the outcomes;
- overturn the original decision and either agree new terms of the outcome or remove them altogether.

6.4.17 Where possible the student will be informed immediately of the decision. Formal notification in writing will follow within ten working days of the appeal. Formal notification will include a completion of procedures letter to allow the student access to the Office of the Independent Adjudicator.

6.4.18 A record of the outcome will be held within the Strategic Planning and Governance Division.

6.5 The following general procedural principles apply, as appropriate, to all procedures described above.

- 6.5.1 Reports of possible breaches of these regulations may be reported by other students, staff or external sources such as visitors, members of the public or people in position of authority (for example the police).
- 6.5.2 The University reserves the right not to pursue a reported breach in the light of insufficient evidence.
- 6.5.3 The University expects disciplinary matters to be considered promptly and would expect procedures to begin within thirty days of an alleged incident. However, the University retains the right to consider cases under these regulations at a later time, particularly where they are of a serious nature.
- 6.5.4 These proceedings are internal University processes that, while subject to law, are not legal proceedings per se. They are designed to establish fact and are inquisitorial rather than adversarial in nature. Information is determined through investigation and questioning, not cross-examination. Those involved will be provided with guidance and, as appropriate, training.
- 6.5.5 Guidance on the specific operational arrangements for each type of hearing will be made available to all those involved.
- 6.5.6 Fine tariffs will be common across the University and published on an annual basis.
- 6.5.7 The standard of proof used within these regulations is the balance of probability and not the criminal requirement of proof beyond reasonable doubt.
- 6.5.8 Students may be accompanied to a meeting. For a university-level hearing, the University will encourage the student to consider the support services provided by the Students' Union. It is the normal expectation that students will speak for themselves, and that those who accompany them will be there for support. However, where a student wants to be represented, including legal representation, this is acceptable. Any representation must be made known in good time prior to the meeting. The person chairing the meeting reserves the right to refuse to allow the accompanying person where there is a clear conflict of interest (for example where the person accompanying is also subject to these regulations for the same or a related breach).
- 6.5.9 The University does not encourage the use of family members as either companion or representative as experience has demonstrated that this can detrimentally affect the dynamics of the meeting.
- 6.5.10 Normal practice for the University is that witness evidence will be considered through written witness statements. Exceptionally, and at the discretion of the Chair, a specified number of witnesses (normally no more than two) may be allowed to appear in person.
- 6.5.11 Admissibility of evidence will be determined by the officer considering the case at each level, seeking the advice of the Strategic Planning and Governance Division as required.

- 6.5.12 The University will make reasonable adjustment to these procedures to meet student needs, particularly those associated with protected characteristics under the Equality Act and for cases which involve issues of bullying, harassment and sexual misconduct.
- 6.5.13 Where a possible breach involves multiple students, the DLA and/or investigator considering the case may determine if the students will be considered individually or collectively.
- 6.5.14 The University reserves the right to hold formally constituted groups (for example LUSU recognised clubs and societies) collectively responsible for the group's actions or omissions under these regulations.
- 6.5.15 Procedures under these regulations may affect a student's ability to graduate. In such cases the student will be notified of this potential outcome.
- 6.5.16 Failure, without good cause, to appear on the due date and time when summoned to a hearing will attract an automatic fine (see 6.2.1 above).
- 6.5.17 Failure by a student to attend a scheduled meeting will not stop the meeting proceeding. Student cases can be considered *in absentia*.
- 6.5.18 Intercalation or withdrawal from the University will not necessarily stop procedures under these regulations. Where the University determines that it is in its interests, the interests of other student or those of the public, to proceed, it reserves the right to do so.
- 6.5.19 Guidance on investigation, and templates as required, will be provided to University staff members prior to any investigation.
- 6.5.20 The University reserves the right to adjust documented procedures to suit individual case requirements or changes in legislation.
- 6.5.21 The University will not normally, but retains the right, to appoint legal representation in relation to any element of the procedures under these regulations. The student involved will be informed if legal representation is to be used including details of the nature of the involvement.
- 6.5.22 Any student dissatisfied with the University's procedures should consult the University's Student Complaints Procedures. Disagreement with the outcome of the disciplinary procedure does not constitute a ground for a complaint.
- 6.5.23 All students completing a University-level aspect of this procedure with a penalty imposed can be supplied with a completion of procedures letter, via the Strategic Planning and Governance Division, providing them with information necessary to access the Office of the Independent Adjudicator. Students do not need to complete every stage to receive the letter, but the University must be satisfied that all its internal procedures are complete before a letter will be supplied.

## 7. **Responsible officers under these regulations**

7.1 All members of the University community should be aware of these regulations and its contents. Any suspicion of a breach of these regulations should be reported immediately to one of the officers listed below.

7.2 The following University officers have specified responsibilities:

The Chief Administrative Officer & Secretary has overall responsibility for these regulations.

### 7.2.1 *Board of Discipline*

The Board of Discipline is appointed by the Senate subject to standard committee requirements. The Board has delegated authority for taking any discipline action required within the University. This authority is further delegated to Delegated Local Authorities (see below) for those specific cases heard through summary jurisdiction.

### 7.2.2 *Delegated Local Authority (including College Deans)*

A delegated local authority (DLA) is a person holding delegated authority from the Senate to determine disciplinary cases via summary jurisdiction. DLAs have limited powers (see 6.3.9 above) but can refer students to other process if a more serious finding, up to and including permanent exclusion, is being sought.

Within the Colleges, each College has a College Dean, who is a member of the University appointed by the governing body of the College and acts as the College's DLA. College Deans have delegated authority for investigating possible breaches of these regulations and for taking any disciplinary action required within the College not considered major. Where the breach within the College is considered major, as detailed in section 6 above and the related guidance, the College Dean will pass responsibility to the Board of Discipline.

### 7.2.3 *Assistant Deans*

Each College will have Assistant Deans appointed by the College to support the work of the College Deanery. While fulfilling the role of an Assistant Dean, an individual, even if a student, is considered an officer of the University with agreed delegated authority.

### 7.2.4 *Investigators*

Where it is deemed necessary by the Director of Students, Education and Academic Services (or nominee), or DLA, that a case be investigated an Investigator will be appointed. An investigator will have been trained and will be supported by central services and will undertake an investigation of the case. This will include gathering statements, facts and other aspects of evidence about the case from those involved or those who witnessed. In the light of the evidence, and in consultation with the Director (or nominee), the Investigator will help to determine which breaches of the student discipline or other procedures may have occurred and how these should be considered (summary justice, board of discipline, etc.). In gathering evidence the

Investigator will maintain an impartial view of the case and will make no judgement on its outcome.

#### *7.2.5 Strategic Planning and Governance Division*

The Strategic Planning and Governance Division provides the professional support, including advice, for the implementation and operation of these regulations.

7.3 For the avoidance of doubt, the roles of each of the officers above can be performed by a nominee or by someone of greater relevant authority within the institution.

### **8. Interactions with other regulations, policies and documents**

8.1 These regulations detail the approach to student non-academic discipline at the University. Along with academic discipline, as detailed in the Manual for Academic Regulations and Procedures, the University also has other related regulations, policies and documents that are applicable to students and that specify requirements under particular areas of the University's activity. These include:

- Bullying, Harassment and Sexual Misconduct Policy;
- Code of Conduct on Protests;
- Code of Practice on Freedom of Speech;
- College Rules;
- complaints procedures;
- Computer User Agreement;
- Data Protection Regulations;
- Equality, Diversity and Inclusion Plan;
- finance requirements;
- Fitness to Practise;
- Fitness to Study;
- Health and Safety Regulations;
- insurance arrangements;
- Intellectual Property Policy;
- laboratory rules;
- Library Rules;
- misconduct in examinations policy;
- quiet during the University Examinations period statement;
- smoke-free workplace and Public Place Policy;
- University accommodation tenancy agreement;
- vehicle regulations;
- visa requirements.

Breaches of these policies could lead to consideration of a disciplinary breach under these regulations.

8.2 In the event where an action or omission by a student could potentially be considered under more than one process, the University will determine how best to proceed in the best interests of the student, of expediency and of natural justice. Procedures may be combined, run in parallel or run in series.

9. **Review of the regulations and management of associated data**

- 9.1 The Chief Administrative Officer and Secretary, supported by the Directors of Strategic Planning and Governance and Students Education and Academic Services, will be responsible for the oversight and management of these regulations.
- 9.2 A report of the operation of these regulations, as well as any minor modifications to them and approval of fine levels will be taken to the body holding the relevant delegated authority from Senate for consideration and approval on an annual basis. Major modifications will require the approval of Senate.
- 9.3 Data relating to these regulations, including outcomes of student discipline processes will be held centrally and will be subject to the constraints of the Data Protection Act.
- 9.4 Details of disciplinary offences may be made available for consideration in the following circumstances *inter alia*:
- where a student is subject to another disciplinary process of any kind;
  - where a student is seeking mitigation or is appealing an academic decision;
  - other student-based processes, for example, fitness to study or fitness to practise;
  - external procedures where details are materially relevant, for example, cases involving the Office of the Independent Adjudicator.
- 9.5 Suitably anonymised data will be considered periodically by relevant committees including the Colleges and Student Experience Committee, and can be used to support the development of related procedures and structures within the University.