



UNIVERSITY OF  
**LINCOLN**

# **University General Regulations**

**2019/2020**

These University General Regulations supersede all previous University Regulations which are hereby revoked.

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
- Taught Postgraduate Regulations
- Research Degrees 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.

1 August 2019

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## PART A – REGULATIONS GOVERNING ACADEMIC OFFENCES

### A1 Academic Offences

1.1 Every student is entitled to receive, in a programme or course handbook, guidance on the relevant discipline conventions governing such matters as sound scholarship, originality of expression, citation, attribution, referencing, bibliography, acceptability of quotation, plagiarism, collusion and cheating in examinations.

1.2 The following are examples of academic offences in respect of assessment:

- (i) **Collusion:** A student colludes when they submit work for assessment done in collaboration with another person as entirely their own work, or collaborates with another student to complete work which is submitted as that other student's work. Collusion does not apply in the case of the submission of group projects, or assessments that are intended to be produced collaboratively.
- (ii) **Misleading material:** Inclusion of data which has been invented or obtained by unfair means or an academic offence; or re-submission in whole or in part, without proper acknowledgement, of any work by the student for which credit has already been claimed as part of the same or another award. It is also an academic offence to solicit via an illicit source - including the internet – and/or to use material which could provide an unfair advantage in respect of work to be submitted for assessment; an example of this would be offering to pay another person to provide material or otherwise to assist in producing work for assessment.
- (iii) **Plagiarism:** Plagiarism is the passing off of another person's thoughts, ideas, writings or images as one's own. A student commits plagiarism when they incorporate in their own work substantial unacknowledged portions of another person's material, or attempts to pass off such work as original through its inclusion. In this context, substantial means more than trivial or minimal.
- (iv) **Cheating:** Any irregular behaviour during examinations such as the unauthorised possession of notes; the copying of another candidate's work; the use of programmable calculators and other equipment when this has been forbidden; the unauthorised obtaining of examination papers.
- (v) **Misconduct in Research:** The fabrication or falsification of data; misrepresentation of data and/or interests and or involvement, or the failure to follow accepted procedures or to exercise due care in carrying out responsibilities for avoiding unreasonable risk or harm to research subjects or participants or the environment. This would also include improper handling of privileged or private information on individuals collected during the research.

The above list is not exhaustive.

1.3 The commission of an academic offence removes any right to reassessment conferred by Scheme and/or Award Regulations.

## Academic Offences and Extenuating Circumstances

- 1.4 Regulation P13 of the University General Regulations states: 'A claim for extenuating circumstances shall not be available to a student as a means to avoid an application of these Regulations to allegations of having committed an academic offence in relation to assessment.' There is provision in these Regulations for the situation where an academic offence is alleged against a student who is claiming that their performance has been affected by extenuating circumstances.

### Procedure

- 1.5 Allegations of the commission of academic offences may be dealt with either by a summary procedure or by a full investigatory procedure.

### Intent

- 1.6 The University applies the principle of strict liability to academic offences – this means that a student's intentions will not be treated as relevant when judging whether or not they have committed an offence. For example, if a student submits for marking an essay which contains, without the necessary acknowledgement, substantial material produced by another person, they may be judged to be guilty of plagiarism even if they assert that the lack of proper acknowledgement was mistaken or inadvertent.

## A2 University Academic Offences Committee

- 2.1 No person previously involved in either the allegation or its investigation shall take part in the proceedings of the University Academic Offences Committee when discussing the alleged academic offence or, if proved, the penalty to be applied. After a finding that a student has committed an academic offence the Committee shall consider the penalty to recommend to the appropriate Board of Examiners.
- 2.2 After a finding that a student has committed an academic offence, the University Academic Offences Committee shall recommend a penalty having taken into consideration all the evidence presented and the following:
- (i) **Premeditation:** A planned act shall normally be considered more serious than an impulsive action.
  - (ii) **Continuity:** The commission of an academic offence on more than one occasion may be dealt with more severely than a single act.
  - (iii) **Scale and Extent:** Extensive use of academic misconduct may be dealt with more severely than a lesser amount.
  - (iv) **Theft of Materials:** Where the academic offence involves the theft of another person's assessed work it may be dealt with more severely.
  - (v) **Other Students:** Where the academic offence adversely affects other students it may be dealt with more severely.
- 2.3 After consideration of (i) – (v) the University Academic Offences Committee shall make recommendations as it thinks fit to the appropriate Board of

Examiners. The recommendations shall include whether or not to restore the right to reassessment as specified in Scheme and/or Award Regulations; and the imposition of one of the penalties below. Where the Committee recommends no restoration of the right to reassessment, it may also make a recommendation that credit for the module should nonetheless be awarded.

- 2.4
- (a) To take no further action.
  - (b) To warn the student against any future academic offence, but impose no other penalty.
  - (c) To record a mark of zero for the piece of assessed work or examination only.
  - (d) To record a mark of zero for every assessment item within the module.
  - (e) To record a mark of zero for every assessment item within all modules taken during the semester concerned.
  - (f) To record a mark of zero for every assessment item within all modules during the academic level concerned.
  - (g) Record a mark of zero for every assessment item within all modules during the academic level concerned. Allow neither re-enrolment nor reassessment.
  - (h) For undergraduate students, to reduce by a single class the final award to be conferred at the conclusion of the programme of study. As examples of this penalty, a student whose initial calculation indicates an upper second class honours degree should instead have conferred on them a lower second class honours degree; or a student whose initial calculation indicates a third class honours degree should instead have conferred on them an unclassified degree. Where the original mark awarded for the piece of assessed work or examination was at a fail level, if the student has reassessment opportunities available, a resit for that piece of work or examination will be offered, with the standard consequences for the overall mark for the module. Where the original mark awarded for the piece of assessed work or examination was at a pass level, this will be reduced to zero. If the student has reassessment opportunities available, a resit for that piece of work or examination will be offered and, if passed, shall not of itself result in a capped mark for the relevant module (but a resit in any other component of the module shall be subject to the standard capping process). In all cases, the final overall module mark shall be used for the initial honours calculation and the resulting award reduced by a single class as above. Such reductions shall not result in an award below an unclassified degree. A student's entitlement to intermediate awards on the basis of credit accumulated prior to the level at which the offence was committed shall not be adversely affected.

In addition, a student found to have committed an academic offence may also be subject to action under the University's Student Conduct and Disciplinary Regulations and/or the University's Fitness to Practise Regulations.

### **A3 Appeals Against a Decision of the Academic Offences Committee**

- 3.1 The only grounds on which a student may appeal against a decision of the University Academic Offences Committee that they have committed an academic offence or the penalty imposed by a Board of Examiners are those grounds specified in Section B2.

## **ACADEMIC OFFENCES: ADDITIONAL INFORMATION**

### **1 Academic Offences in Relation to Assessment**

- 1.1 This section applies to the commission by students of academic offences in respect of assessments for a University award. The commission of an academic offence removes the right to re-assessment after initial failure and may result in failure of an award.
- 1.2 Examples of academic offences are cited at A1.2 of the University General Regulations.

### **2 Procedure**

- 2.1 Allegations of the commission of academic offences may be dealt with either by a summary procedure or by a full investigatory procedure.
- 2.2 Where appropriate, allegations of misconduct in research made against 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 University Academic Offences Regulations. The Academic Offences Committee shall decide, for each individual case referred to it, whether it is competent to examine the evidence and determine whether or not the allegation is proven, or whether the case should be referred for consideration under the UKRIO procedure.

#### **2.2 Summary Procedure**

- 2.2.1 Subject to 2.1.2 below, the summary procedure is available in cases where an allegation of an academic offence has been made against a student at Level One or Level Two of an undergraduate (including Foundation degree and Higher National) programme, or a student undertaking postgraduate activity which is not part of a full Master's level programme, and which constitutes no more than 60 M level credits.
- 2.2.2 The summary procedure shall not be available in any case where the allegation relates in any way to misconduct in an examination, or to the use of material from an illicit source (such as a customised 'ghost-writing' service), or where a previous allegation against the student has been upheld.
- 2.2.3 Where a member of the academic staff suspects a student to whom the summary procedure is available of having committed an academic offence, then the Head of School<sup>1</sup> shall be promptly notified of this and provided with evidence of the grounds on which the suspicion is held.
- 2.2.4 Where the Head of School considers that there are grounds for pursuing an alleged academic offence, then they shall write to the student advising them of the right to have the matter dealt with under the summary or the full investigatory procedure and inviting the student to an interview under the summary procedure.

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<sup>1</sup> Head of School also refers to Deputy Head of School or Head of Department

- 2.2.5 If the student chooses to attend an interview<sup>2</sup> with the Head of School, then the Head of School shall explain the basis of the allegation to the student.
- 2.2.6 If the student provides a satisfactory explanation of the allegation, then the Head of School (or equivalent) shall dismiss the allegation.
- 2.2.7 If the student admits the allegation, then the Head of School may dispose of the matter by imposing a maximum penalty of awarding a fail mark of zero per cent for the submitted work which will subsequently be presented at the Board of Examiners. In determining eligibility to reassessment opportunities, the relevant piece of work will not be excluded from the Board of Examiners' deliberations. Any subsequent approved reassessment entitlement will be undertaken at the next available opportunity as deemed by the Board of Examiners.
- 2.2.8 If the student neither admits the allegation nor offers a satisfactory explanation, then the matter will be dealt with under the full investigatory procedure.
- 2.2.9 At partner institutions, the summary procedure shall be conducted by the senior academic staff member with responsibility for higher education.

### **2.3 Full Investigatory Procedure**

- 2.3.1 It is a principle of the full investigatory procedure that a member of staff involved in one of its stages is disqualified from participation in a later stage.
- 2.3.2 Where an academic offence has been alleged and the summary procedure is not available to a student or the student elects to have the matter dealt with by a full investigation, then the following procedure shall apply:
- (i) **Coursework** Where a member of staff suspects that an academic offence has been committed in relation to coursework, they shall immediately inform the relevant Head of School and present the relevant evidence. Where it is suspected that a student has made use of material from an illicit source (such as customised 'ghost-writing' service), the evidence may include examples of other work previously produced by the student and any related comparative analysis.
  - (ii) **Examinations** When an invigilator believes a candidate has committed an academic offence in an examination they shall confiscate the candidate's examination answer book and endorse it appropriately, and shall confiscate any other relevant evidence. The candidate shall be allowed to proceed with the examination, having been issued with a new examination answer book, unless the student continues with the conduct which raised the suspicion of the academic offence. On conclusion of the examination the invigilator shall submit an incident report to Registry (Student Administration). A spreadsheet of all reported incidents will be forwarded to the relevant Colleges.

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<sup>2</sup> See also Section M – Audio Recordings of Meeting

### 3 Investigatory Interview

- 3.1 Where an academic offence is alleged, with sufficient supporting evidence, the Head of School or nominee shall arrange for the student to be interviewed promptly by an appropriate member of staff.
- 3.2 The interview shall be arranged as quickly as possible. The interview shall be conducted by one member of staff, accompanied by one further staff member whose sole role is to take minutes of the interview. Neither member of staff shall be the member of staff making the allegation. The student, at their discretion, may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 3.3 The allegation will be explained in full and the student will be allowed to give their account, and to provide any defence.<sup>3</sup>
- 3.4 (i) Where appropriate, the interviewer may adjourn the interview to allow further enquiries to be made, such as where the student has introduced information, relating to a defence or explanation that needs to be substantiated.
- (ii) Where the allegation is one of using misleading material from an illicit source (such as a customised 'ghost-writing' service), the student may be invited to attend a *viva-voce* examination to answer questions about the work or the techniques used and to demonstrate their authorship of the relevant work. In such an event, the examiner will be a specialist in the relevant subject/discipline from within the student's School (who has had no prior involvement in the matter), nominated by the Head of School. The nature of the viva is to investigate whether the work has been produced from the student's own efforts and it should be conducted in this manner. It should not be an examination of the work as would be necessary for the awarding of a grade. A note-taker will also be present; and the student may be accompanied as set out in section 3.2 above. A student's companion will not be allowed to make any material contribution to the dialogue between the examiner and the student (in the event of any dispute about this aspect, the decision of the examiner shall be final).
- (iii) The outcomes of the further enquiries and/or examination shall be communicated to the student and the interview shall then be resumed as soon as possible.
- 3.5 The minutes of the interview shall be prepared promptly following the interview and submitted to the Head of School or nominee and the student. Where the Head of School or nominee considers that no *prima facie* case has been established no further action shall be taken and they shall notify the student accordingly.

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<sup>3</sup> See also Section M – Audio Recordings of Meetings

- 3.6 A copy of the minutes shall be provided to the student. The student, on the receipt of the minutes of the investigatory interview, shall be allowed to submit any further defence or explanation to the Chair of the University Academic Offences Committee.
- 3.7 Where there appears to be a *prima facie* case of the commission of an academic offence the Head of School or nominee shall, without undue delay, forward all papers to the Chair of the University Academic Offences Committee who shall be responsible for briefing the Committee, and providing members with the minutes of the investigatory interview(s) and any other relevant materials. Where such a *prima facie* case has been established the student shall be notified in writing by the Head of School or nominee.
- 3.8 If, after being given reasonable notice and opportunity to attend an investigatory interview, the student does not attend, the Head of School or nominee shall determine whether a *prima facie* case exists based on the evidence available. The Head of School shall then apply sections 3.5 or 3.7 above, as appropriate.
- 3.9 If a *prima facie* case has been forwarded the allegation and the evidence shall be placed before the University Academic Offences Committee, who shall determine whether the alleged academic offence has been committed.

#### **4 University Academic Offences Committee**

Regulations pertaining to the Academic Offences Committee are cited at A2 of the University General Regulations.

## **PART B – DECISIONS OF BOARDS OF EXAMINERS: REVIEW AND APPEAL**

For the purposes of Part B and for the Appeal Hearing procedure, a reference to a Board of Examiners shall apply also to the College Research Degrees Board, Academic Offences Committee, the University Extenuating Circumstances Panel and the Independent Assessor (specifically relating to degree apprenticeships).

### **General**

On behalf of the University, Boards of Examiners exercise the power to make academic judgments about the attainment of students, their right to progress and their entitlement to have conferred the awards for which they are candidates. The decisions of Boards of Examiners reflect the collective academic experience of the University's teaching staff and the external examiners appointed to the boards. Boards of Examiners take seriously the responsibility to uphold the academic standards of the University.

There are occasions when a student might feel that they wish to dispute the decision of a Board of Examiners. However, challenges to academic judgement will not be permitted at any stage of the Academic Review and Appeal process. Students are encouraged to raise concerns informally with individuals such as tutors, programme leaders, Academic Officers and staff in Student Services. Frequently matters can be resolved quickly and satisfactorily in this way. When a student is seeking to resolve a dispute informally, those dealing with the student should inform the student about the procedures for review and appeal. Seeking an informal resolution does not take away the student's right to invoke the formal procedure.

Under these regulations, there are two stages to the process in which a student may seek formally to resolve a dispute: by a Review and an Appeal. A student who instigates the Review and Appeal procedures should continue with their studies as normal, including studying for reassessment.

### **B1 Review**

- 1.1 Review is a formal means by which a student may call into question the decision of a Board of Examiners. A student may not lodge an Appeal under section B2 unless a Review has been concluded.
- 1.2 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 his or her case, then a request may be made by the student that the Chair of the Board of Examiners reviews the Board's decision.
- 1.3 Save in exceptional and unforeseeable circumstances, a request for a Review must be made within ten working days of a student being formally notified of a decision of a Board of Examiners. The formal Review request must be lodged on the form provided (available from Secretariat). The form requires the student to set out the reasons for requesting a Review and the remedy they are seeking. The reasons put forward by the student should explain why they believe that had the Board of Examiners been aware of the circumstances set out in the request it would have made a different decision.

- 1.4 The student must provide all material and evidence that they wish to be considered in support of their Review request at the time that the Review request is made. Matters of contention not raised at the Review stage cannot be introduced at the Appeal stage should the student remain dissatisfied following the outcome of the Review.
- 1.5 An Academic Appeals Officer may decide that a Review Request cannot be accepted if the circumstances and/or reasons put forward by the student are not relevant and/or applicable (e.g. the request is challenging academic judgement).
- 1.6 A student may not seek an anonymous Review.
- 1.7 A third party may represent the student provided the student gives the University written authority to discuss their personal affairs with that person. A friend, family member or Students' Union representative may, for example, act as a third party. The student will need to ensure that the representative is thoroughly briefed, kept fully informed and is readily accessible. The University will not correspond with both the student and the representative.
- 1.8 A claim for extenuating circumstances cannot normally be made or considered following publication of results by a Board of Examiners. Such claims may only be made in very sensitive and compelling circumstances which the student will need to fully evidence to the Extenuating Circumstances Panel. If the Extenuating Circumstances Panel decides that the reasons put forward by the student regarding why they are making a late claim are compelling and that the claim itself is valid the Chair of the Board of Examiners will be advised that the claim is valid and forwarded the Review Request. Review Requests based solely on a claim of extenuating circumstances that are found not valid by the Extenuating Circumstances Panel will not be progressed further. The student will be notified of the Extenuating Circumstances Panel's decision and advised of their right to submit further evidence within fifteen working days to the Extenuating Circumstances Panel.
- 1.9 Reviews should normally be completed within 20 working days. In exceptional circumstances it may not be possible to complete the Review within this timeframe. In such a case, at the end of the 20 working day period the Chair of the Board of Examiners must either:
  - (i) inform the Academic Appeals Officer in writing that the Review may proceed directly to the Appeal stage, or
  - (ii) submit in writing to the Academic Appeals Officer the reasons why the Review could not be completed within the 20 working day time limit to agree an extension of no more than 15 working days.

If a Review has not been completed and the outcome communicated to the Academic Appeals Officer following an extension of no more than 15 working days, the student will have the right to proceed directly to the Appeal stage.

In conducting a Review, the Chair of the Board of Examiners has the discretion to make enquiries of such persons, including the student, tutors, programme leaders and unit co-ordinators as he or she deems necessary.

- 1.10 In deciding the outcome of the Review, including the nature of the resolution to be offered to the student, the Chair of the Board of Examiners shall take into account 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.
- 1.11 The Chair of the Board of Examiners shall notify the Academic Appeals Officer of the outcome of the Review, giving reasons for the decision. This decision shall be notified to the student in writing by the Academic Appeals Officer. The decision shall also be notified to the Board of Examiners.
- 1.12 A student who is dissatisfied with the outcome of a Review may apply to lodge an Appeal.

## **B2 Appeal**

- 2.1 Only a student who is dissatisfied with the outcome of a completed Review may apply to lodge an appeal except where the Review has not been completed within the timescale stipulated in B1.9.
- 2.2 A student may lodge an Appeal on the following grounds only:
- (a) 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.
  - (b) that there is evidence of prejudice or of bias.
  - (c) that there was an error in the calculating or recording of the marks upon which the original decision was made.

The following shall not be considered as grounds for Appeal:

- (i) the retrospective reporting of extenuating circumstances (if appropriate, this should be dealt with at the Review stage).
  - (ii) marginal failure to attain a higher degree classification.
  - (iii) an appeal against the academic judgement of internal or external examiners.
  - (iv) retrospective complaints against the standard of tutoring etc. These must be made before the results of Boards of Examiner deliberations and cannot be used to lever an appeal against the judgement of the Board.
- 2.3 Disagreement with a mark or a grade cannot itself constitute grounds for appeal.
- 2.4 Where a Review has not been completed within the timescales set out in B1.9 above, the Academic Appeals Officer will advise the student in writing of their right to lodge an Appeal as provided under B2.6. The Appeal will then proceed in the prescribed manner.

- 2.5 Anonymous appeals are not permitted. See B1.7 regarding third party representation.
- 2.6 An appeal must be lodged with the Academic Appeals Officer within ten working days of the student's receipt of the letter notifying them of the outcome of the Review. The appeal must be lodged on the form provided (available from Secretariat) and must include:
- (a) a precise identification of the decision(s) of the Board of Examiners against which the appeal is lodged;
  - (b) a precise identification of the formal grounds of appeal (i.e. B2.2 above);
  - (c) a statement of the appellant's case;
  - (d) evidence establishing that an appeal is warranted. Whenever possible, such evidence must be in documentary form, provided either when the appeal is lodged or, only if it is not available at the time, as soon as possible thereafter. Students may not introduce at the appeal stage any evidence that was available to them but had not been previously submitted at the Review stage.

### **B3 Lapsed Appeals**

- 3.1 Where the appeal is defective or deficient in terms of the grounds cited or the evidence submitted, the Academic Appeals Officer shall write to the student advising that the appeal may not proceed until such deficiencies or defects have been remedied. The student will have 20 working days to make a response to the Academic Appeals Officer that adequately resolves such deficiencies or defects.
- 3.2 Where there are circumstances beyond the control of the appellant which prevent them from making a full response within 20 working days, the appellant must provide evidence of those circumstances to the Academic Appeals Officer in order to request an extension of the time limit.
- 3.3 If, after the 20 working day time limit (or, if granted, the extended time limit) has expired:
- (a) the appeal does not conform with the permitted grounds as specified in B2.2,  
or
  - (b) the requirements specified in B2.6 are not met the Academic Appeals Officer shall write to the student to advise that the appeal has lapsed and will not be considered further.
- 3.4 An appellant whose request for an extension is not granted by the Academic Appeals Officer may request that the Chair of Academic Board or nominee reconsiders that decision. The Chair of Academic Board or nominee shall satisfy themselves that the decision of the Academic Appeals Officer was fair and reasonable.

## **B4 Determination of the Appeal**

- 4.1 Once the documents specified in B2.6 have been supplied, the Chair of the Appeal Board shall be appointed by the Vice Chancellor. The Academic Appeals Officer shall invite the Chair of the Board of Examiners to submit any additional information or evidence in support of the Review decision.
- 4.2 When appointed, the Chair of the Appeal Board will, within 10 working days, satisfy himself or herself that the formal requirements for the lodging of an Appeal have been met. This does not include a review of the substantive case.
- 4.3 If, following scrutiny of the records and evidence relating to the Review and Appeal, the Chair considers that the formal requirements for lodging an Appeal and/or the grounds for Appeal have not been satisfied, the Appeal will not be considered further. The Academic Appeals Officer shall advise the student of this in writing.
- 4.4 In making their decision as to whether the formal requirements for lodging an Appeal and/or the grounds for Appeal have been satisfied, the Chair of the Appeal Board may seek further information or clarification from the Chair of the Board of Examiners through the process of Referral Back.

## **B5 Referral Back**

- 5.1 In referring the matter back to the Chair of the Board of Examiners, the Chair of the Appeal Board may require such questions to be answered as they deem fit, including whether the case may be resolved.
- 5.2 The Chair of the Board of Examiners shall make a response to the Chair of the Appeal Board within 10 working days. If the response includes a proposed resolution the Chair of the Appeal Board may put this to the appellant for decision on the basis that the resolution will constitute full and final settlement of the case. Alternatively, the Chair of the Appeal Board may consider the information received from the Chair of the Board of Examiners and decide whether the formal requirements for lodging an Appeal have been met. If they have not been met, the appellant shall be issued with a Completion of Procedures letter. If they have been met, the Academic Appeals Officer shall offer to arrange a formal hearing of the appeal.
- 5.3 The Chair of the Appeal Board will be assisted by the University Secretary and the Academic Appeals Officers in matters of procedure and practice.

## **B6 Arrangements for an Appeal Hearing**

- 6.1 Where there are sufficient grounds for an Appeal the Academic Appeals Officer shall arrange an Appeal Hearing which shall normally be held:
  - (a) within 20 working days of the appellant being notified that the Chair of the Appeal Board does not consider that their case will be resolved by referral back to the Chair of the Board of Examiners; or
  - (b) within 20 working days of the appellant notifying the Academic Appeals Officer that referral back has not produced an outcome that is satisfactory to them.
- 6.2 The procedures for an Appeal Hearing are detailed on page 17.

## **B7 Frivolous and Vexatious Review Requests and Appeals**

- 7.1 The University reserves the right to consider a Review or Appeal frivolous or vexatious as set out below; this list is not exhaustive:
- (a) Reviews or Appeals that are obsessive, persistent, harassing, prolific, and/or repetitious;
  - (b) Insistence upon pursuing unmeritorious Reviews or Appeals and/or unrealistic outcomes beyond all reason;
  - (c) Insistence upon pursuing meritorious Reviews or Appeals in an unreasonable manner;
  - (d) Reviews or Appeals that are designed to cause disruption or annoyance.
- 7.2 The Academic Appeals Officer shall decide whether a Review or Appeal is frivolous or vexatious taking into account all the circumstances of the case.
- 7.3 The Academic Appeals Officer shall write to the student with a full explanation as to why they are no longer prepared to engage with the student in relation to their case.
- 7.4 If a student wishes to challenge the Academic Appeal Officer's decision they must submit this in writing to the University Secretary who shall review the information on the file, including any representations from the student, and decide whether the challenge is upheld or not.
- 7.5 The decision of the University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student. If the student remains dissatisfied with the University's final decision then they may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- 7.6 A student who has submitted a frivolous or vexatious Review or Appeal may be referred to the Head of School Stage of the Student Conduct and Disciplinary Procedures. Students whose programme of study leads to professional registration may be referred to the first formal stage of the Fitness to Practise Regulations.

## **B8 Confidentiality of Review Requests and Appeal**

If information within a Review Request or Appeal is to be kept strictly confidential and/or should not be circulated to identified individuals, it is the responsibility of the student to make this clear to the Academic Appeals Officer on submission of the forms. The University will endeavour to restrict the circulation of personal details in accordance with data protection legislation. In some circumstances, a request for strict confidentiality may make it difficult for the University to assist students with the management of their case.

## THE APPEAL HEARING

1. The Appeal Board shall comprise:
  - (a) a Chair who shall be the Vice Chancellor or nominee;
  - (b) two full-time members of teaching staff of the University drawn from a panel established for this purpose by Academic Board;
  - (c) a student of the University nominated by the President of the Students' Union.

The Appeal Board shall have a Secretary.

2. No member of the Appeal Board shall be a member of the subject or award team, School/College, or the Board of Examiners for the award to which the appeal relates or be a student member of the award.

The Secretary of the Appeal Board shall be the Academic Appeals Officer or other nominee of the Appeal Board Chair.

3. The Chair of the Board of Examiners may be required by the Appeal Board to attend or nominate a representative. The appellant shall attend the Appeal Hearing.

The Secretary shall give the appellant and the Chair of the Board of Examiners or nominee, if they are required to attend, reasonable notice of the hearing.

4. The appellant and the Chair of the Board of Examiners shall have the right to submit any further documentary evidence to the Appeal Board via its Secretary.

5. In reasonable time before the hearing of the Appeal the Secretary shall circulate to the Appeal Board, the appellant, the Chair of the Board of Examiners (or nominee) and to any other person the Secretary deems appropriate the following documents:

- (a) the assessment regulations for the scheme or award;
- (b) the appellant's form of Appeal;
- (c) any documentary evidence.

The Appeal Board shall have access to relevant minutes of the Board of Examiners and to the appellant's assessment and examination marks.

6. The appellant shall have the right to nominate a 'friend' who shall be a member of staff or student of the University, an officer of the Students' Union or a member of staff from the institution which is delivering the student's programme, and who may speak on the student's behalf.
7. Both the appellant and the Chair of the Board of Examiners shall have the right to call witnesses.

8. The appellant shall have the right to opt for an 'open' or 'closed' hearing. The appellant shall be invited by the Secretary to indicate which they wish to opt for and must make his or her wishes known at least seven days before the hearing.

#### **Proceedings at an Appeal Hearing<sup>4</sup>**

9. If the appellant has opted for an 'open' hearing the Appeal Board shall incorporate the following:
  - (a) The appellant shall present their case first. If the appellant is accompanied by a friend, the friend may present the case on the appellant's behalf. If the appellant wishes to call any witnesses they should be called to give evidence at this stage.
  - (b) The Appeal Board and the Chair of the Board of Examiners shall then be entitled to ask questions of the appellant and/or friend and any witnesses.
  - (c) Any witnesses of the appellant shall normally at this stage withdraw.
  - (d) The Chair of the Board of Examiners (or nominee) shall next present the case of the Board of Examiners. If the Chair of the Board of Examiners wishes to call any witnesses they should be called to give evidence at this stage.
  - (e) The Appeal Board and the appellant (and/or friend) shall then be entitled to ask questions of the Chair of the Board of Examiners (or nominee) and any witnesses.
  - (f) Any witnesses of the Chair of the Board of Examiners should normally at this stage withdraw.
  - (g) The Chair of the Board of Examiners (or nominee) should next summarise the case of the Board of Examiners.
  - (h) The appellant and/or friend should then summarise the case of the appellant.
  - (i) The Appeal Board shall then reach its decision in private.
10. If the appellant has opted for a 'closed' hearing the procedure to be followed shall incorporate the following:
  - (a) The appellant shall present their case first not in the presence of the Chair of the Board of Examiners. If the appellant is accompanied by a friend the friend may present the case on the appellant's behalf. If the appellant wishes to call any witnesses they should be called to give evidence at this stage.

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<sup>4</sup> See also Section M – Audio Recordings of Meetings

- (b) The Appeal Board shall then be entitled to ask questions of the appellant and/or friend and any witnesses.
  - (c) The appellant, friend and witnesses shall at this stage withdraw.
  - (d) The Chair of the Board of Examiners (or nominee) shall next present the case of the Board of Examiners. If the Chair of the Board of Examiners wishes to call any witnesses they should be called to give evidence at this stage.
  - (e) The Appeal Board shall then be entitled to ask questions of the Chair of the Board of Examiners (or nominee) and any witnesses.
  - (f) The Chair of the Board of Examiners (or nominee) and witnesses shall at this stage withdraw.
  - (g) The Appeal Board shall then reach its decision in private. The Appeal Board may call back the appellant or Chair of the Board of Examiners (or nominee) or witnesses to clarify the evidence at this stage.
11. If both the appellant and the Chair of the Board of Examiners (or nominee) are in agreement at the outset of an 'open' hearing, the hearing can be conducted as a 'closed' hearing. Once a hearing has commenced on either an 'open' or 'closed' basis it must continue in that mode except in the most exceptional circumstances and with the full agreement of the appellant, Chair of the Board of Examiners (or nominee) and the Appeal Board.
  12. The Appeal Board shall either uphold or not uphold the appeal and, in addition, make any such recommendations as it considers appropriate. The decision of the Appeal Board shall be announced orally to the appellant and the Chair of the Board of Examiners (or nominee) at the conclusion of the hearing and be communicated in writing normally within 10 working days to them and be reported to the next meeting of Academic Board. Neither the appellant nor the Chair of the Board of Examiners (or nominee) shall comment to the Appeal Board when its decision is announced.

### **Consequences of an Appeal Hearing**

13. If an appeal is not upheld the original decision of the Board of Examiners shall stand.
14. If an appeal is upheld the Board of Examiners shall meet as soon as reasonably possible to reconsider the matter as recommended by the Appeal Board. The Board of Examiners shall report its findings to Academic Board.
15. If the Board of Examiners upholds its original decision the matter shall be referred to Academic Board for final decision solely on the basis of written submission from the Appeal Board and the Board of Examiners. No person who has been involved in the appeal hearing or who is a member of the Board of Examiners shall take any part in the proceedings of Academic Board in relation to this adjudication.
16. If an appeal is upheld at this stage, the University may reimburse the student or their 'friend' (if applicable) for reasonable and proportional incidental expenses incurred in attending the Appeal Board meeting. Students who

remain dissatisfied with the outcome shall be issued with a completion of procedures letter and referred to the Office of the Independent Adjudicator for Higher Education.

### **Confidentiality**

17. Those involved in Appeal Hearings shall be impartial and, with the exception of the decision reached, shall treat all aspects of the case as confidential.

### **Attendance at meetings**

18. If, for good reason, a student or their friend (if applicable) is unable to attend an Appeal Hearing at an agreed time and place, the University shall reconvene the meeting on one occasion. If a student or their friend (if applicable) is unable to attend the rescheduled meeting, the Appeal Hearing may take place *in absentia*.

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

19. 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.
20. This right may normally only be exercised when the University's internal processes have been exhausted.
21. The student must first obtain a Completion of Procedures letter from Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA and this must be made within twelve months of the date of the Completion of Procedures letter.
22. Guidance on making an application to the OIA can be found on its website: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.
23. Students may obtain assistance with OIA claims from the Student Support Centre and the SU Independent Advice Centre.

## **PART C – STUDENT CONDUCT AND DISCIPLINARY REGULATIONS<sup>5</sup>**

### **C1 Preface**

- 1.1 The University of Lincoln is a community and, as members of this community, students are expected to adhere to the University's regulations and policies, 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.
- 1.2 The University greatly values its relationship with the local community and students are actively encouraged to engage and participate in community life and become good citizens. This involves behaving respectfully towards neighbours and other members of the community and not engaging in anti-social behaviour that can cause harm or distress to others. This principle applies equally to students resident in University accommodation.
- 1.3 In cases where an allegation of misconduct may pose a risk to students, staff or members of the public, these regulations will be used to assess and manage such risk. This may include excluding a student from all or parts of the University's campuses and withdrawal of access to all or parts of the University's facilities.

### **C2 Relationship and Interface with Other Regulations and Procedures**

- 2.1 Allegations of misconduct brought against a student household in relation to noise complaints and anti-social behaviour will be managed via the Noise Complaints and Anti-Social Behaviour in the Local Community process in appendix A.
- 2.2 Where the allegation of misconduct relates to an academic matter it will be managed under Part A of the University General Regulations.
- 2.3 Allegations of misconduct made by a student against a member of staff will be managed via the Student Complaints Procedure (Part E of the University General Regulations).
- 2.4 Allegations of misconduct made against students enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling within the School of Pharmacy shall be dealt with under these regulations in the first instance. The outcome of the case will be communicated to the School Fitness to Practise Panel which will decide whether further action under the Fitness to Practise Regulations is required.

### **C3 Definition of Misconduct**

- 3.1 The University's definition of misconduct involves actions which fall into one (or more) of the categories below:

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<sup>5</sup> University of Nottingham registered medical students will be subject to these procedures up to the end of Stage 1.

- (a) actions that cause actual or potential distress or harm to others (regardless of intention)
- (b) actions that disrupt the normal operations of the University and/or safe use of the University (including, where applicable, bringing the University into disrepute)
- (c) actions that cause actual or potential damage to property
- (d) actions that interfere with the work/study of others or impact on the University's normal operations.

Examples of alleged offences are cited below; this is not an exhaustive list. Some alleged offences may overlap categories.

3.2 Actions that cause actual or potential distress or harm to others (regardless of intention)<sup>6</sup>:

- Verbal abuse or intimidation
- Excessive and unacceptable levels of noise in residences on campus or in the local community
- Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
- Assault or causing physical harm
- Sexual misconduct
- Violent, disorderly, threatening, offensive or indecent behaviour or language
- Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
- Theft, fraud, deception or dishonesty or deliberate falsification of records including fraud or deceit in relation to attendance registers where students are found to sign on behalf of other students or defacing registers (including inappropriate or offensive material)
- Action likely to cause injury or impair safety on University premises
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon including imitation or replicas (except in cases where, for example, the use of weapons is part of a Students' Union society and appropriate and documented safeguards have been put in place)

3.3 Actions that cause actual or potential damage to property:

- Causing minor damage to property, including defacement (intentionally or recklessly)

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<sup>6</sup> Students may choose to use the online tools available to report incidents of sexual violence or hate crime (<https://studentservices.lincoln.ac.uk/student-support-home/hate-crime/> or <https://studentservices.lincoln.ac.uk/sexual-misconduct/>)

- Causing serious and/or deliberate damage to property, including defacement (intentionally or recklessly)

3.4 Actions that disrupt the normal operations of the University and/or safe use of the University (including, where applicable, bringing the University into disrepute):

- Excessive and unacceptable levels of noise in residences on campus or in the local community
- Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere
- Obstruction of, or improper interference with, the functions, duties or activities of any student, staff member or other employee of the University or any authorised visitor to the University
- Misuse or unauthorised use of University premises or items of property; or any data held in University records to which a student has obtained access
- Failure to co-operate with the University, its officers or employees in the investigation of an allegation of misconduct, and/or in any subsequent disciplinary proceedings (applicable to students against whom an allegation is made)
- The clandestine recording of any proceedings made without the informed consent of all participants and which may have breached the personal privacy rights of those participants (see Part M of these regulations)
- Action likely to cause injury or impair safety on University premises
- Assault or causing physical harm
- Violent, disorderly, threatening, offensive or indecent behaviour or language
- Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
- Theft, fraud, deception or dishonesty or deliberate falsification of records
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon including imitation or replicas

3.5 Actions that interfere with the work/study of others or impact on the University's normal operations:

- Failure to comply with the University's policies and regulations, including Health and Safety
- Action likely to cause injury or impair safety on University premises
- Refusal to respond to reasonable requests by relevant University staff (e.g. refusing to confirm identity to a member of staff discharging their normal duties)
- Excessive and unacceptable levels of noise in residences on campus or in the local community

- Anti-social behaviour which causes harm or distress to others and/or reputational damage and/or damages the University's relationship with the local community
- Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere
- Misuse or unauthorised use of University premises or items of property; or any data held in University records to which a student has obtained access
- Failure to co-operate with the University, its officers or employees in the investigation of an allegation of misconduct, and/or in any subsequent disciplinary proceedings
- The clandestine recording of any proceedings made without the informed consent of all participants and which may have breached the personal privacy rights of those participants
- Obstruction of, or improper interference with, the functions, duties or activities of any student, staff member or other employee of the University or any authorised visitor to the University
- Violent, disorderly, threatening, offensive or indecent behaviour or language
- Bullying, harassment, intimidation or defamation (including via social networking platforms) and including racial or sexual harassment of any person
- Possession and/or intent to supply controlled drugs
- Possession of an offensive weapon including imitation or replicas
- Trespassing

### 3.6 Other examples of misconduct:

- Failure to disclose to the relevant School office a conviction of a serious criminal offence sustained while enrolled as a student;
- Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
  - (a) took place on University premises, or
  - (b) affected or concerned other members of the University community, or
  - (c) damages the good name of the University, or
  - (d) itself constitutes misconduct within the terms of these regulations, or
  - (e) is an offence of dishonesty, where the student holds an office of responsibility in the University (e.g. a student representative)
- Prevention of another's freedom of speech
- Failure to comply with a previously imposed penalty made under these regulations

## **C4 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 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 Students' Union (SU) has its own disciplinary policy for its members and, when exhausted, the SU may refer students directly into Stage 2 of the University's process; evidence which formed part of the SU investigation will be collated as part of the process.
- 4.3 The University will not normally investigate anonymous allegations. If a complainant has legitimate concerns about their identity being disclosed as part of a disciplinary investigation they should advise Secretariat on submission of the allegation so that the University can consider what, if any, steps can be taken to safeguard the right of the complainant as well as the student(s) against whom the allegations are being made.
- 4.4 These regulations seek to operate in a fair and reasonable manner in relation to all parties who are subject to them. The disciplinary regulations are not a formal legal process and the criminal law does not apply. The standard of proof required under these regulations is the balance of probabilities (i.e. it is more likely than not that the alleged misconduct occurred).
- 4.5 The regulations adhere to the principles of natural justice: the right for students to know the case against them, to be given an opportunity to defend themselves, to confidentiality and to have their case considered by an impartial arbiter.
- 4.6 Allegations of misconduct relating to behaviour by a group of students may be reported as a single allegation through C6.1. However, consistent with a student's rights to confidentiality and a fair process, the University will ensure that the situation of each student is investigated and determined on its own merits and that each student is entitled to attend individual meetings with the Investigating Officer. In such cases, the Student Misconduct Panel will consider the outcomes from all of the investigations to ensure fairness and equality of treatment.
- 4.7 The student may be accompanied to any investigative meeting, but not represented, by a companion who may be a fellow student, a member of staff or a representative of the Students' Union. The companion is there to provide moral support; students are expected to speak on their own behalf. A companion will only be permitted to speak on the student's behalf at a meeting at the authorised officer's discretion; if the companion acts outside of these parameters the meeting will be suspended and they will be asked to leave. If the student is unable to continue the meeting without the companion, it will continue in the student's absence based on the documentation provided and any verbal representations made up to that point.
- 4.8 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.

- 4.9 Where there are insufficient grounds or evidence, the University reserves the right to discontinue an investigation into an allegation against the behaviour of a student. There is no right of appeal against this action.
- 4.10 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).
- 4.11 For students enrolled on online programmes, the University will not require the attendance by the student of any meeting convened under these regulations but will use its best endeavours to enable the student to participate via telephone or video conference. If the student is not able to attend the meeting after five days' notice has been given, the University may hold the meeting in their absence having invited the student to submit written comments for consideration. Proceedings will not be invalidated because the student is unable to attend.
- 4.12 The University will normally only investigate misconduct allegations which occur on University owned or operated premises and facilities but may also investigate allegations which occur off its campuses if it is deemed that a student's action (or inaction) may impact on the complainant or the wider University community (e.g. an allegation of bullying and harassment between students in private property). However, the University cannot act in the place of a private landlord or the police.
- 4.13 Resolution through mediation may be attempted at any point during the Stage 1 and Stage 2 stages. At Stage 2, successful mediation, which effectively disposes of the allegation(s), may result in the cessation of formal action. Mediation can also run alongside the Stage 2 processes and may still result in a report by the Investigating Officer being submitted to the Student Misconduct Panel.

#### **C5 Stage 1: Informal and/or Immediate Action**

- 5.1 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. These may include requiring any student to withdraw from any room or area or to cease to take part in any activity. A student who refuses to comply with such instructions will be liable to disciplinary action in accordance with the formal procedures. It is open to a student who believes that such instructions have been issued unfairly to initiate action under the Student Complaints Procedure (Part E of these Regulations).
- 5.2 Informal action may also take the form of mediation (with the consent of all parties) where it is felt that mediation may repair relationships between students or between students and staff. This action can be facilitated through the Student Support Centre.

## **C6 Stage 2: Central Procedure (Formal)**

### **Receipt of Allegation(s)**

- 6.1 A formal allegation of misconduct against a student must be made on the prescribed form (available from Secretariat) and submitted to Secretariat together with all evidence that the complainant wishes to provide in support of the allegation. A Student Misconduct Officer (SMO) will be allocated from within Secretariat who will be responsible for co-ordinating the case and facilitating the process.
- 6.2 Within three working days, the Student Misconduct Officer will liaise with the [Investigating Officer drawn from a pool or appointed IO]. The IO will have had no previous involvement with the case and will be unknown to the complainant and the student against whom an allegation of misconduct is alleged. Within ten working days of appointment, the IO will determine whether the allegation(s) falls within the remit of the regulations; additional information from the complainant may be requested. If it does not fall within the regulations, the SMO will inform the complainant in writing and provide reasons why the matter will not be dealt with.

### **Investigation**

- 6.3 If the allegation(s) fall within the remit of the regulations, the IO will, as appropriate, discuss the level of risk with the Academic Registrar and determine whether any action must be taken immediately under C8. The IO will then write to the student(s) involved to notify them of the investigation and will normally:
- (a) Inform the student of the nature of the allegation(s) (with reference to C3), the purpose of the investigation and provide them with a copy of these regulations.
  - (b) Inform the student that if they fail to engage with the investigation, including attending any meetings when requested, the investigation may continue in their absence.
  - (c) Copy the communication to the student's Head of School so that they are made aware that an investigation is in process.
- 6.4 The investigation may include the gathering of written, oral and other information from relevant sources. The IO will normally conclude an investigation within twenty working days from the point of writing to the student under 6.3.
- 6.5 The IO may request to meet with a student on more than one occasion during the investigation and will:
- (a) Inform the student of the purpose of any such meeting in advance and advise that the meeting is the student's opportunity to be heard as there is no hearing included in the process.
  - (b) Give the student at least five working days' notice of any such meetings.

- (c) Inform the student of their right to be accompanied by a companion as detailed in C4.7 and that they may seek advice from the Student Support Centre, the SU Independent Advice Centre and/or Student Wellbeing.
  - (d) The student will be provided with details of the allegation and, as far as possible and within the context of data protection, the documentation submitted regarding the allegation.
- 6.6 Meetings will include the IO, a member of staff whose sole responsibility will be to take notes, the student and, if relevant, their companion. A copy of the notes will be provided to the student.
- 6.7 Where appropriate, the IO may invite the student to provide a written response to the allegation and to present any supporting information. In these circumstances, the student will normally be given ten working days' notice of the relevant meeting.
- 6.8 The IO may invite witnesses, as identified by the complainant, the student against whom the allegation has been made or 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 to participate in the student disciplinary 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.
- 6.9 At the conclusion of the investigation, the IO will write a report and submit it, together with copies of information collated as part of the process (e.g. meeting notes), to the SMO. The 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).

### **Student Misconduct Panel**

- 6.10 On receipt of the IO's report, the SMO will convene a meeting of the Student Misconduct Panel within fifteen working days. Both the complainant and the student against whom misconduct is alleged will be informed in writing that the Student Misconduct Panel will meet to consider the case and invited to submit any further written representations (including extenuating circumstances).
- 6.11 The Student Misconduct Panel will comprise:
- (a) The University Registrar/Secretary, or nominee [Chair]
  - (b) College Directors of Education and Students, or nominee
  - (c) A Student Leader nominated by the Students' Union, or nominee

- 6.12 The SMO will act as Secretary to the Panel.
- 6.13 Quoracy for the Student Misconduct Panel will be four including the Chair.
- 6.14 Where possible, the Panel's composition will remain static to ensure consistency in approach and application of the regulations and associated penalties. However, this may not always be achievable and suitable nominees may be substituted where appropriate (e.g. if a Panel member has had previous involvement with the case).
- 6.15 The Panel will consider the report submitted by the IO (and any accompanying information) and any further representations from the students concerned. The Panel may determine:
- (a) 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;
  - (b) One or more of the allegations have been proven on the balance of probabilities.
- 6.16 If the Panel finds that one or more of the allegations have been proven, it may apply one or more of the following penalties. In doing so, the Panel will take into consideration precedent, intention (or lack of) and any extenuating circumstances submitted by the student.
- (a) A written caution which means that no penalty is imposed but if the student is found guilty of a further offence within the next twelve months they will be dealt with for both offences.
  - (b) A formal written warning.
  - (c) A requirement to apologise to the complainant, in writing (or in person if the complainant agrees).
  - (d) A requirement to attend or complete relevant training or community-based activities, as determined by the Panel and within a specified timeframe (e.g. anti-bullying and harassment training). Where there is a cost associated with the penalty, the Panel will decide how it will be paid.
  - (e) A requirement to enter into a behavioural contract with the University in which the student undertakes to behave in a respectful and inclusive manner for the duration of their studies. This will complement the University's other policies and regulations and engagement will be monitored by the student's Personal Tutor or Supervisor.
  - (f) A requirement to pay for any damage to property.
  - (g) 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 informed.

- (h) A requirement for the student to cease all contact (physical, online etc) with a named individual(s) for a defined period (which may be until the student leaves the University)
  - (i) Exclusion of the student from the whole University (including digital platforms) for a defined period
  - (j) Suspension of the student's programme of studies, in whole or in part, for a defined period
  - (k) Permanent expulsion from the University (with or without credit already achieved)
- 6.17 A disciplinary outcome will remain on the student's file for the duration of their studies and one year after they cease to be a student.
- 6.18 The decision of the Panel will be communicated to the student in writing within three working days by the SMO. The student will also be informed of their right to appeal.

### **C7 Stage 3: Appeal Stage<sup>7</sup>**

- 7.1 A student may appeal against a finding of a proven allegation and/or the penalty imposed by the Student Misconduct Panel. Appeals must be submitted, on the pro-forma available from Secretariat, within ten working days of written confirmation of the Student Misconduct Panel's decision.
- 7.2 An appeal may be lodged on the following grounds only:
- (i) there is new evidence available which could not reasonably have been brought to the attention of the IO during the investigation or prior to the meeting of the Student Misconduct Panel; the student must clearly explain why the evidence has not been previously submitted;
  - (ii) there has been a procedural irregularity in the disciplinary process;
  - (iii) there is evidence of prejudice or bias by the IO or the Student Misconduct Panel; the evidence must be submitted with the appeal.
- 7.3 The appeal must include:
- (a) identification of whether the appeal is made against the proven allegation finding, the penalty imposed by the Student Misconduct Panel or both;
  - (b) identification of the formal ground(s) of appeal C7.2 (i), (ii) or (iii);
  - (c) a statement of the appellant's case detailing why the appeal is being lodged;
  - (d) evidence to support the appeal.

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<sup>7</sup> International students will be subject to Home Office rules regarding Tier 4 visa status.

- 7.4 The penalty applied by the Student Misconduct Panel shall be deferred pending the outcome of the appeal except in cases where there may be a risk to staff, students or members of the public.
- 7.5 On receipt of an appeal, and within ten working days, a Deputy Vice Chancellor will consider all of the documentation submitted to the Student Misconduct Panel and whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed and the SMO will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 7.6 If the Deputy Vice Chancellor consider the reasons to be sufficient, the appeal will be referred back to the Student Misconduct Panel for further consideration; the Deputy Vice Chancellor will provide written guidance around what the Panel should focus on as part of its deliberations. The Panel will conclude consideration of the matter within ten working days. If the appeal's reasons relate to C7.2 (iii) and the Student Misconduct Panel, a new Panel will be convened within ten working days to consider the evidence and make a final decision.
- 7.7 The Student Misconduct Panel may allow the appeal in whole or in part and may overturn or amend its original decision; or may dismiss the appeal and uphold its original decision.
- 7.8 If the Student Misconduct Panel finds against the student, the SMO will issue a 'Completion of Procedures' letter (see C12).

## **C8 Exclusion Pending Completion of the Disciplinary Process or a Trial**

- 8.1 A student who is the subject of an allegation of misconduct, against whom a criminal charge is pending or who is the subject of police investigation may be excluded by the Academic Registrar pending the outcome of the disciplinary process or the trial. Where the Academic Registrar is unable to exercise this power, the Vice Chancellor will nominate another appropriate individual.
- 8.2 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 person or persons.
- 8.3 Where an allegation of misconduct is made against a student which involves conduct or behaviour in University-owned accommodation, the alleged perpetrator may be relocated between residences or excluded completely from the residences (see further C8.9).
- 8.4 The power to exclude is used to:
- (a) protect a member or members of the University community or the public;  
or

- (b) protect the property of the University or of a member or members of the University community; or
  - (c) ensure that the process of the investigation is not adversely affected by the presence of the student.
- 8.5 The power will be used only where the Academic Registrar is of the opinion that it is necessary to take such action. Written reasons for the decision shall be given to the student within five working days.
- 8.6 A student who has been excluded shall have the right to make representations to the Academic Registrar within two working days. The representations may be made in person or in writing.
- 8.7 The Academic Registrar will review the exclusion within five working days and every ten 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.
- 8.8 A student who has been comprehensively excluded for more than three 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.
- 8.9 A requirement that a student relocates within or between University residences, or into other appropriate accommodation, means that the student shall vacate any accommodation they are currently occupying in a property owned and managed by the University by a specified date. If a student is required to relocate they will cease to be liable for any further rental charges relating to the vacated accommodation and become liable for all the rental charges relating to the new accommodation, as from the date they relocate. The University will endeavour to ensure that the new charges in the University owned and managed accommodation are not significantly higher than the original rent; where this is unavoidable, the student will be given the option of securing their own new accommodation (with the University's assistance).
- 8.10 If the student is exonerated following completion of the disciplinary process, they may be eligible to return to the previously vacated accommodation if appropriate. Students may reclaim any reasonable charges associated with the move (evidenced with receipts) from the University.

## **C9 Misconduct that is also a Criminal Offence**

- 9.1 The following procedures apply where, if proved, the allegation of misconduct would also constitute an offence under the criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved.
- (a) Where the alleged criminal offence is considered not to be serious, action may be initiated under these disciplinary procedures. If the matter is reported to the police, such action may be deferred pending any police investigation or prosecution.
  - (b) In the case of serious offences which have been made known to the University by the alleged victim, alleged perpetrator or other third parties (e.g. the police), no action other than temporary exclusion may

be taken until the matter is either prosecuted or a decision not to prosecute been taken. The Investigating Officer will decide, 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.

- (c) Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these procedures.
- (d) The University will normally refer all offences relating controlled drugs to the police.

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

## **C10 Confidentiality, Communication and Record Keeping**

- C10.1 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 student against whom an allegation has been made and the complainant also have an obligation to maintain confidentiality of information which is the subject of investigation.
- C10.2 Records of student disciplinary processes and outcomes will be kept by Secretariat in alignment with the University's records management policies. The University may decide to refer to a student's disciplinary record in response to a request for a reference but will take into consideration the seriousness of the disciplinary record, the nature of the position which is the subject of the reference request and the passage of time.
- C10.3 The University will share information about a student disciplinary matter with third parties (e.g. the Student Loans Company, the Students' Union or the police) where they have a legitimate interest.
- C10.4 Complainants will not be automatically entitled to know the outcome of any disciplinary proceedings brought against a student. The University will determine the extent of the information that can be shared with the complainant (if any) taking into consideration the relevant data protection legislation and the desire for complainants to understand how their allegations have been investigated and adjudicated upon.

## **C11 Annual Reporting to Academic Board**

- C11.1 Secretariat will prepare a report for Academic Board annually on the number and nature of cases investigated and referred to the Student Misconduct Panel in the previous academic year. The report will also identify any general issues.

## **C12 Office of the Independent Adjudicator for Higher Education**

- C12.1 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.
- C12.2 This right may normally only be exercised when the University's internal processes have been exhausted.
- C12.3 The student must first obtain a Completion of Procedures letter from Secretariat. An OIA Scheme Application Form must be completed to make a submission to the OIA and this must be made within twelve months of the date of the Completion of Procedures letter.
- C12.4 Guidance on making an application to the OIA can be found on its website: <https://www.oiahe.org.uk/students/how-to-complain-to-us/>.
- C12.5 Students may obtain assistance with OIA claims from the Student Support Centre and the SU Independent Advice Centre.

## **APPENDIX A – NOISE COMPLAINTS AND ANTI-SOCIAL BEHAVIOUR IN THE LOCAL COMMUNITY**

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 two or more complaints against a student household, and/or where the occupants/tenants have failed to interact with the University or respond to requests to cease disturbances, will result in direct referral to the Academic Registrar for investigation under the Student Conduct and Disciplinary Regulations.

The Academic Registrar (or nominee) shall be responsible for the investigation of allegations of misconduct brought against a student household (in relation to noise complaints and anti-social behaviour) and shall have the power, subject to these Regulations, to impose penalties as detailed in section C6.16.

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

#### **First Complaint**

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:

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

#### **Second Complaint**

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.

#### **Further Complaints**

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

### ***Academic Registrar Procedure***

- 1.1 The Academic Registrar (or nominee) shall 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 shall have the power, subject to these Regulations, to impose penalties.
- 1.2 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) shall 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.
- 1.3 Where the Academic Registrar (or nominee) considers that the complaint provides grounds for formal consideration, they shall 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.
- 1.4 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 an officer of the Students' Union.
- 1.5 Where the Academic Registrar (or nominee) decides that there are grounds for action they shall write to the occupants of the student household giving details of the alleged offence and invite the student household to say whether they admit to the offence and whether they wish to offer any comments, including any mitigation. The student household must be notified that if they do admit the offence the Academic Registrar (or nominee) will have authority to determine the proceedings and to impose a penalty in accordance with section C6.16 of the Student Conduct and Disciplinary Regulations. The student(s) shall have the option of admitting the offence and offering comments in writing.
- 1.6 Where the student household admits the offence, the Academic Registrar (or nominee) shall consider any comments offered by the student household and then determine the appropriate penalty in accordance with section C6.16. The student household shall 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 D (1) - FITNESS TO PRACTISE REGULATIONS**

### **FOR PHARMACY ONLY<sup>8</sup>**

#### **D1 Introduction**

- 1.1 Where successful completion of an academic award also leads directly to professional qualification, statutory registration and eligibility to practise, the University has a responsibility to the public, to employers and the professions and must be satisfied that the student will be a safe and suitable entrant to the given profession and is fit to practise.
- 1.2 There are myriad reasons why difficulties relating to progress and performance may arise during a student's programme of study, including while on placement. These may be personal or health issues or relate to competency and capability or learning opportunities.
- 1.3 These Regulations set out the procedures adopted by the University in order to discharge its responsibilities, and to ensure consistency across a range of programmes leading to professional qualification. This is supplemented by programme specific policies which reflect the detailed external regulatory requirements of a particular professional practice area.
- 1.4 The successful completion of a professionally recognised and accredited programme leading to admission to a professional body/regulator requires students' adherence to the Regulations and procedures of the University and also to the requirements of the relevant professional body/regulator.
- 1.5 Students are expected to behave in a manner consistent with the University Regulations and procedures and the code of conduct of the relevant professional body/regulator.

#### **D2 Interface with Student Progression, Disciplinary and Academic Offences Regulations**

- 2.1 Academic failure, including the failure of practice-based assessments, may lead to the termination of a student's registration on a programme for a professional qualification. The assessment of academic achievement is dealt with under the University's Assessment Regulations, with professional variations to these Regulations being agreed by Academic Board. A list of relevant programmes is cited in Appendix A at the end of these regulations.
- 2.2 Students who fail to make satisfactory progress in academic studies shall be considered by the relevant Board of Examiners which shall determine the appropriate course of action. If, during deliberations, concerns arise regarding the student's suitability to practise professionally on the grounds of health or conduct, the student will be referred to the School Fitness to Practise Panel.

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<sup>8</sup> Programmes offered through the School of Health and Social Care are contained in Part D (2)

- 2.3 Students on professional programmes are subject to the usual University procedures regarding discipline and academic offences, in addition to Fitness to Practise procedures.
- 2.4 Allegations of misconduct (as defined in the Student Conduct and Disciplinary Regulations) against students on professional programmes shall be dealt with under the Student Conduct and Disciplinary Regulations in the first instance. At Stage 1 of the formal process the Head of School shall determine whether the allegation of misconduct is serious enough to bring into question the student's fitness to practise. If so, the allegation will be referred to the School Fitness to Practise Panel for investigation.
- 2.5 Allegations of the commission of an academic offence made against students on professional programmes shall be dealt with under the appropriate Academic Offences procedure as laid down in the University Regulations. If the academic offence is found proven by the Academic Offences Committee, the Committee shall inform the School Fitness to Practise Panel for it to consider the implications regarding the student's fitness to practise. It shall remain the Board of Examiners' decision regarding the penalty applied for a proven academic offence, as recommended by the Academic Offences Committee.
- 2.6 A student may be referred to the School Fitness to Practise Panel following a leave of absence when a fitness to practise issue has arisen or continues to give cause for concern. A report from the student's healthcare practitioner will be required to assist in determining whether the student is ready to resume their studies.

### **D3 Operating Principles**

- 3.1 Programmes subject to these Regulations require confirmation at various stages of admission and training that a student is, and remains, fit to practise. Programme specific Fitness to Practise policies set out the operating guidelines for individual programmes as well as the requirements of the relevant professional body/regulator.
- 3.2 These regulations also apply to serious concerns raised in relation to a student's performance on placement.
- 3.3 Where circumstances which may affect a student's fitness to practise are brought to the attention of the Head of School or to the University in general, by members of staff, work-based placement staff or other relevant individuals, the following procedures will apply:
  - 3.3.1 Informal resolution;
  - 3.3.2 Referral of the case to be dealt with under the Student Conduct and Disciplinary Regulations where the matter is considered to be one of misconduct which has no implications for fitness to practise;
  - 3.3.3 Formal consideration by the School Fitness to Practise Panel where an informal resolution is not achieved;
- 3.4 In investigating an allegation the Head of School (or appropriate Senior Academic) may request evidence from interested parties, which may include external agencies and/or members of the public.

## **D4 Informal Resolution**

- 4.1 It is expected that attempts will initially be made to resolve issues through informal mutual agreement between the student, academic tutor, placement supervisor, and Head of School. Assistance may be sought from Occupational Health, Student Services and/or other relevant parties. Written records of every meeting with the student should be maintained throughout.
- 4.2 Where concerns are raised regarding a student's practise, including on placement, the following should be undertaken:
- (a) The student should be informed as soon as reasonably practical of the nature of the concerns regarding their practise through a face to face meeting (as a supervision session if the student is on placement or via their academic tutor or other academic as appropriate). The student must be given an opportunity to respond to the concerns raised.
- 4.3 Informal outcomes may include:
- (a) No action required;
  - (b) Verbal warning;
  - (c) Notice of improvement.
- 4.4 A record of any agreement reached through informal discussion shall be signed by both parties to confirm their agreement with the outcome and maintained by both the student and the University.<sup>9</sup>
- 4.5 Where a notice of improvement is issued or action plan is required, objectives and timescales for completion and dates for review will be mutually agreed.
- 4.6 Progress will be monitored on a regular basis, normally through review meetings during which progress and completion of the notice of improvement or action plan will be considered. Exceptionally, a further action plan may be agreed between the parties which will be monitored and reviewed. The student will normally be referred to the School Fitness to Practise Panel if they fail to fulfil the notice of improvement requirements or action plan objectives within the agreed timescale.

## **D5 Formal Process**

### **Stage 1: School Fitness to Practise Panel**

- 5.1 Following investigation, the Head of School (or appropriate Senior Academic) will ask the Head of College to convene a meeting of the School Fitness to Practise Panel to consider issues relating to health matters, professional, behavioural or other issues that give rise to concerns regarding a student's fitness to practise.

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<sup>9</sup> See also Section M – Audio Recordings of Meetings

- 5.2 The Head of School (or appropriate Senior Academic) shall also notify the student in writing when a referral is made to the School Fitness to Practise Panel and set out the reasons for the referral.
- 5.3 The School Fitness to Practise Panel shall comprise:
- (a) a Chair who shall be the Head of College (or nominee);
  - (b) one academic staff representative from the professional programme on which the student is enrolled;
  - (c) one academic staff representative from another professional programme within the University;
  - (d) one practice/service representative (where appropriate or as required by the relevant professional body/regulator);
  - (e) one professional body/regulator representative (where appropriate);
  - (f) a student or sabbatical officer of the University nominated by the President of the Students' Union.

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

- 5.4 The student and Head of School (or appropriate senior academic) will be given reasonable notice of the meeting date and, where possible, a minimum of ten working days. The student will be invited to attend or to make written submissions to the Panel in absentia. The student and the Head of School (or appropriate senior academic) shall have the right to submit any further documentary evidence to the Panel via the Chair. All such evidence must be submitted to the Chair at least seven working days prior to the date of the Panel meeting. The student may be accompanied to the Panel by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 5.5 No fewer than five working days before the Panel meeting, the Chair shall circulate to the Panel, the student and the Head of School (or appropriate Senior Academic) the following documents:
- (a) The written results of the Head of School's investigation;
  - (b) Any evidentiary documentation submitted by the student;
  - (c) The relevant professional body/regulator's code of conduct.

### **Proceedings at the School Fitness to Practise Panel<sup>10</sup>**

- 5.6 The Head of School (or appropriate Senior Academic) shall summarise the case on behalf of the University. The Panel and the student shall then be entitled to ask questions of the Head of School (or appropriate Senior Academic).
- 5.7 The student shall then summarise their case. The Panel and the Head of School (or appropriate Senior Academic) shall be entitled to ask questions of the student.

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<sup>10</sup> See also Section M – Audio Recordings of Meetings

- 5.8 The student and Head of School (or appropriate Senior Academic) shall withdraw from the meeting to enable the Panel to reach its decision in private.

### **Powers of the School Fitness to Practise Panel**

- 5.9 Following consideration of the case, the School Fitness to Practise Panel may:
- (a) determine there is no case to answer;
  - (b) permit the student to continue with the programme of study but with additional supervision and/or reporting requirements;
  - (c) suspend the student from their studies for a specified time or until the occurrence of a specified event, the time period to be agreed by the Panel. Suspension will normally take effect immediately; students wishing to collect documentation or access University systems in support of any appeal against the decision of the Panel must contact Secretariat. A Secretariat Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf;
  - (d) 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;
  - (e) 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 (refer to 5.9(c) regarding appeals);
  - (f) where, following investigation, the Panel considers the matter to be one of misconduct but without fitness to practise implications it shall refer the case to be considered under Stage 1 of the Student Conduct and Disciplinary Regulations.
- 5.10 The finding of the School Fitness to Practise Panel, the reasons for its decision and a determination of whether the student may continue on their programme of study pending the outcome of any appeal will be communicated to the student within five working days of the meeting. The communication will include details of the appeal stage of the process should the student wish to invoke it.
- 5.11 Except where there has been a finding that there is no case to answer or a referral to Stage 1 of the Student Conduct and Disciplinary Regulations, decisions of the School Fitness to Practise Panel shall be reported, by the School Fitness to Practise Panel's Chair to the relevant Board of Examiners. The relevant professional or accrediting body shall be informed as appropriate to their reporting requirements.

### **Appeals**

- 5.12 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:
- (i) there is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel;
  - (ii) there has been a procedural irregularity;
  - (iii) there is evidence of prejudice or bias.

- 5.13 An appeal must be lodged with the Fitness to Practise Appeals Officer in Secretariat within ten working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from Secretariat) and must include:
- (a) a precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged;
  - (b) a precise identification of the formal grounds of appeal;
  - (c) a statement of the appellant's case;
  - (d) evidence establishing that an appeal is warranted. Wherever possible, such evidence must be in documentary form. If the appeal is lodged on ground 5.12 (i) 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.
- 5.14 On receipt of an appeal, the University Registrar and a Head of School (or equivalent) from another College will consider whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed further and the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 5.15 If the University Registrar and the Head of School (or equivalent) consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.

## **D6 Formal Process**

### **Stage 2: Appeal to the University Fitness to Practise Panel**

- 6.1 Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor shall appoint a Deputy Vice Chancellor as Chair of the University Fitness to Practise Panel.
- 6.2 The Panel shall comprise:
- (a) the Chair appointed by the Vice Chancellor;
  - (b) one senior academic from the College in which the student is enrolled;
  - (c) one senior academic from another College;
  - (d) one practice/service representative (where appropriate or as required by the relevant professional body/regulator);
  - (e) one professional body/regulator representative (where appropriate);
  - (f) a student or sabbatical officer of the University nominated by the President of the Students' Union.

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

The Panel shall have a Secretary who shall normally be the Fitness to Practise Appeals Officer.

- 6.3 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.

### **Proceedings at the University Fitness to Practise Panel<sup>11</sup>**

- 6.4 The Chair of the School Fitness to Practise Panel and the appellant shall be required to attend the University Fitness to Practise Panel (hereafter the 'Hearing'). Failure of the student to attend the Hearing without good cause (as determined by the Chair of the University Fitness to Practise Panel) shall result in the consideration of the case in the appellant's absence.

The Secretary shall give the appellant and the Chair of the School Fitness to Practise Panel reasonable notice of the Hearing and, where possible, a minimum of ten working days. The student may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.

- 6.5 Both parties shall have the right to submit any further documentary evidence to the Hearing via the Secretary. All such evidence must be submitted at least seven working days before the date of the Hearing.
- 6.6 Both parties shall have the right to call witnesses; the Secretary must be notified of any intended witnesses at least seven working days before the date of the Hearing.
- 6.7 No fewer than five working days before the Hearing, the Secretary shall circulate to the Panel, the appellant and the Chair of the School Fitness to Practise Panel the following:
- (a) the assessment regulations for the scheme or award;
  - (b) the requirements of the relevant professional body/regulator including any code of conduct;
  - (c) minutes of the School Fitness to Practise Panel and any documents considered by the Panel;
  - (d) notification of any intended witnesses;
  - (e) the appellant's form of appeal;
  - (f) any documentary evidence submitted by either party.
- 6.8 At the Hearing, the appellant shall present their case first. Any witnesses for the appellant should be called to give evidence at this stage.
- 6.9 The Panel and the Chair of the School Fitness to Practise Panel shall be entitled to ask questions of the appellant and/or witnesses.
- 6.10 The appellant's witnesses will then withdraw from the Hearing.

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<sup>11</sup> See also Section M – Audio Recordings of Meetings

- 6.11 The Chair of the School Fitness to Practise Panel shall present the case for the School Fitness to Practise Panel. Any witnesses for the Chair of the School Fitness to Practise Panel should be called to give evidence at this stage.
- 6.12 The Panel and the appellant shall be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses.
- 6.13 The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing.
- 6.14 The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel.
- 6.15 The appellant will next summarise their case.
- 6.16 Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing.
- 6.17 The Panel will reach its decision in private and must refer to the appropriate code of professional practice in reaching its decision.

### **Powers of the University Fitness to Practise Panel**

- 6.18 The Panel shall either uphold or not uphold the appeal and, in addition, make any recommendations as it considers appropriate. This may include increasing any sanction imposed by the School Fitness to Practise Panel.
- 6.19 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 five working days of the Hearing. The decision of the Panel is final.
- 6.20 The decision of the Panel shall be reported to the School Fitness to Practise Panel, the relevant Board of Examiners and the relevant professional body/regulator as appropriate.

### **D7 Monitoring, Evaluation and Review**

- 7.1 Monitoring and evaluation of these procedures is the responsibility of the Fitness to Practise Appeals Officer, on the basis of information and data supplied by Colleges.
- 7.2 Heads of College will provide the Fitness to Practise Appeals Officer with information annually on the following:
  - (a) the number of cases heard by School Fitness to Practise Panels;
  - (b) the reasons for the submission of cases to the School Fitness to Practise Panels;
  - (c) the outcomes of School Fitness to Practise Panels.
- 7.3 The Fitness to Practise Appeals Officer will submit an annual report to Academic Board, together with any recommendations for amendment to the procedures or other action.

## **D8 Records of Proceedings**

- 8.1 Records of any sanctions imposed upon students shall be kept on their personal files held by the University in accordance with Data Protection legislation.
- 8.2 The University reserves the right to amend the Fitness to Practise regulations in light of changes to government policy or changes to professional body/regulator requirements.

## **D9 Attendance at School and University Panels**

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

### **Important: the Office of the Independent Adjudicator for Higher Education (HE)**

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

Full information about OIA procedures is available from the University of Lincoln's Advice Service, Students' Union, the University Secretary or the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

## **APPENDIX A**

### **Programmes subject to these Fitness to Practise Regulations**

Master of Pharmacy

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

## **PART D (2) – CAUSE FOR CONCERN AND FITNESS TO PRACTISE REGULATIONS**

### **FOR STUDENTS ENROLLED ON PROGRAMMES WITHIN THE UNIVERSITY'S SCHOOL OF HEALTH AND SOCIAL CARE LEADING TO THE OPPORTUNITY TO REGISTER WITH A STATUTORY REGULATORY BODY**

#### **General**

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

In the event of a severe/critical level of concern, an allegation of impairment of fitness to practise will be formulated by the School's Senior Leadership Team (SSLT).<sup>12</sup> A team nominee will subsequently refer the matter to the Head of School who will instigate the formal Fitness to Practise Process.

A student's fitness to practise may be alleged to be impaired by reason of:

- (i) Personal and professional misconduct, including alleged breaches of professional codes of conduct
- (ii) Lack of capability/competence/deficient professional performance
- (iii) A conviction or caution for a criminal offence
- (iv) Physical or mental ill-health
- (v) A determination by a regulatory or licensing body of impairment of fitness to practise

These regulations inform students, University staff and practice partners of the Fitness to Practise Process invoked by the University of Lincoln when a severe/critical concern is upheld by the SSLT.

The protection of the public is paramount whilst students are undertaking a programme of study potentially leading to professional registration with a regulatory body. These regulations will support students, University and placement staff in providing a clear statement of action when impairment of fitness to practise is alleged.

It details the following:

- The process of investigation of an allegation of impairment of fitness to practise
- The composition, conduct and powers of a School Fitness to Practise Panel
- The process in the event of an appeal to the University Fitness to Practise Panel

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<sup>12</sup> The School's Senior Leadership Team comprises the Head of School and Deputy Heads of School.

If a student has omitted (accidentally or deliberately) to disclose a DBS check, Occupational Health check or a changed disciplinary status (from any work environment) in accordance with the programme offer, the Fitness to Proceed process will be invoked.

### **Introduction**

- 1.1 Where an academic award potentially leads to statutory registration with a regulatory body, the University has a responsibility to ensure that the student is safe and suitable to enter the profession.
- 1.2 These regulations set out the procedure adopted by the University to discharge its responsibilities and to ensure consistency across a range of programmes potentially leading to statutory registration.
- 1.3 The successful completion of a professionally recognised and accredited programme requires students' adherence to the regulations and procedures of the University and the requirements of a statutory regulator.
- 1.4 Students are expected to behave and practice in a manner consistent with University regulations and procedures and the code of conduct of their regulatory body.

### **Interface with Student Progression and Academic Offences Regulations**

- 2.1 Academic failure, including the failure of practice based assessments, may lead to the termination of a student's registration on a programme for a professional qualification. The assessment of academic achievement is dealt with under the University's Assessment Regulations, with professional variations to these Regulations being agreed by Academic Board. A list of relevant programmes is cited at the end of these regulations.
- 2.2 Students who fail to make satisfactory progress in academic studies will be considered by the relevant Board of Examiners which shall determine the appropriate course of action. If, during deliberations concerns about fitness to practise arise, the student will be referred to a School Fitness to Practise Panel.
- 2.3 Allegations of an academic offence made against a student on a professional programme will be dealt with under the appropriate Academic Offences procedure laid down in the University regulations. If an academic offence is found proven by the Academic Offences Committee, the Committee will also refer the matter for consideration by a School Fitness to Practise Panel. It shall remain the Board of Examiners' decision regarding the penalty applied for a proven academic offence, as recommended by the Academic Offences Committee.
- 2.4 A student will be referred to a School Fitness to Practise Panel following a leave of absence when a fitness to practise issue has arisen or continues to give cause for concern (severe/critical level).

### **Operating Principles**

- 3.1 At various stages of a student's admission and training, programmes subject to these Regulations require confirmation that the student is, and remains, fit

to practise. Programme specific policies, that take account of regulatory requirements, set out the operating guidelines for individual programmes.

- 3.2 When a concern is raised that a student's conduct, competence or health deviates from programme standards, the Cause for Concern Process will be invoked to assure patient and public safety and to provide the student with support.
- 3.3 A concern that is categorised as severe/critical will lead to an allegation of impairment of fitness to practise by the SSLT which will instigate the Fitness to Practise Process.
- 3.4 In the event of a severe/critical concern, the SSLT will determine whether temporary removal of the student from the programme is required in accordance with the 'Policy for Immediate Temporary Removal of a Student'.
- 3.5 Subsequent to the Cause for Concern Process (see below) and a fitness to practise investigatory interview, the SSLT will determine whether the allegation is sufficiently serious to bring into question the student's fitness to practise. If so, the student will be deemed to have a case to answer and referred to the Convenor of the School Fitness to Practise Panel.
- 3.6 Subsequent to the Cause for Concern Process and a fitness to practise investigatory interview, the SSLT will decide whether to request the Academic Registrar to exercise their power of exclusion, in accordance with Part C8 of the Student Conduct and Disciplinary Regulations, pending completion of the fitness to practise process.

#### **Cause for Concern Process**

- 4.1 Concern about the conduct, competence or health of a student may be raised by a member of University or clinical staff, a peer, a patient/service user or a member of the general public.
- 4.2 When a concern is raised it is expected that the person making the disclosure will identify themselves and will record their concern in a signed document.
- 4.3 In exceptional circumstances the discloser's identity will be permitted to remain confidential; where there is a risk to the personal safety of the discloser or a third party.
- 4.4 In exceptional circumstances concerns raised anonymously will be considered; where there is evidence of risk to patients and public safety or where the University will be brought into disrepute.
- 4.5 The Personal Tutor (or nominee) will be responsible for taking action when a concern is raised. The Personal Tutor will meet with their tutee to determine the category and level of concern according to the Concerns Threshold Framework. A range of evidence may be used in this determination and assistance may be sought from third parties.
- 4.6 If the Personal Tutor determines that there is no evidence of concern, the Cause for Concern Process will be discontinued.

- 4.7 In the event of a low or moderate/significant concern the Personal Tutor and student will develop an action plan. Timescales for completion and dates for review will be mutually agreed. If third-party action is required, agreement will be sought during the action plan formulation and the arrangements documented in the action plan.
- 4.8 Progress towards completion of the action plan will be monitored at up to two review meetings. Amendments to the action plan may be agreed at the meetings.
- 4.9 Non-completion of an action plan will escalate a concern to a severe/critical level.
- 4.10 A concern categorised as severe/critical according to the Concerns Threshold Framework will be referred to the SSLT by the Personal Tutor. A quorum of two SSLT members is required at a meeting to determine whether to uphold a severe/critical level of concern.
- 4.11 The SSLT may, exceptionally, request the development or continuation of or amendment to an action plan and direct the Personal Tutor accordingly. In the event that the severe/critical level of concern is upheld, an allegation of impairment of fitness to practise will be formulated and referred to the fitness to practise process.

### **Investigation of an Allegation of Impairment of Fitness to Practise**

- 5.1 The Head of School will promptly, and in any event within five working days, arrange for the matter to be investigated and notify the student by letter and email of the following:

- details of the allegation
- the Student Code
- the identity of the investigating officer
- any limitations or conditions placed upon the continuance of studies or supervised practice during the period of the investigation
- support available to the student
- the anticipated timeframe of the investigation.

The student will be invited to respond to the allegation in writing and to clarify whether they admit or deny the allegation of impairment of fitness to practise.

- 5.2 The student may register an objection to the appointment of the investigating officer on the basis of the lack of impartiality. The student will need to provide a rationale and, where appropriate, evidence of the lack of impartiality. Such an objection needs to be made to the Convenor of the School Fitness to Practise Panel within five working days of receipt of the letter and email from the Head of School. If the objection is upheld a new investigating officer will be appointed.
- 5.3 The investigating officer may request information from the Head of School and/or others connected with the case as appropriate. Factual information about the student's professional progress and any other relevant information should also be provided.

- 5.4 The investigating officer will interview relevant individuals including the student. At such interviews the investigating officer will be accompanied by an assistant whose sole role will be to prepare a written record of the meeting.
- 5.5 The investigating officer will ensure that the student is advised of appropriate support mechanisms.
- 5.6 The student may be required to attend the University Occupational Health Service in order to obtain a medical opinion about an allegation of impairment of fitness to practise due to ill-health or a health-related condition. In these circumstances the student will be required to provide consent for the disclosure of the medical report.

### **Fitness to Practise Investigation Interview**

- 6.1 The student will be normally given five working days' notice of the time and venue of the investigation interview by email and will be required to confirm attendance by email.
- 6.2 The notice of investigation email will advise the student that they may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 6.3 The student will be provided with relevant evidence/documentation in advance of the interview and given sufficient time to read the material.
- 6.4 On commencement of the interview, the investigator will introduce those present and inform the student that a written record will be taken and a copy provided to the student. The student will be informed that they will be required to check the accuracy of the record, sign and return it to the investigator.
- 6.5 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.
- 6.6 If the student fails to attend the investigatory interview and the investigator is satisfied that the student has been given reasonable notice, the investigator will continue to deal with the alleged impairment of fitness to practise in the student's absence.
- 6.7 The interview will be conducted as follows:
  - the interviewer will provide details of the allegations
  - the student will be invited to respond to the allegations
  - the student will be asked if they admit to or deny the allegations
  - both parties will have an opportunity to ask questions
  - the student will be invited to make a statement to explain or to extenuate the allegations or to mitigate any sanction
  - the student will be asked if any special circumstances apply

- 6.8 Save in exceptional circumstances, the investigating officer will, no later than twenty working days after the referral, make a written report of the investigation to the Head of School.
- 6.9 The Head of School will, no later than five working days after receipt of the report from the investigating officer, consult in partnership with a member(s) of the SSLT and will determine whether, in light of all the evidence, the student has a case to answer and shall be referred to the Convenor of the School Fitness to Practise Panel.
- 6.10 If the student has a case to answer and the matter is sufficiently serious, the Head of School will, no later than two working days after the meeting of the SSLT, submit a summary report and relevant documentation to the Convenor of the School Fitness to Practise Panel.
- 6.11 If the student has a case to answer but the matter falls below the threshold of requiring a School Fitness to Practise Panel, the Head of School may impose one or more of the following penalties:
- (i) an oral caution in respect of the conduct that gave rise to the allegation;
  - (ii) a formal oral reprimand; a written note will be retained on the student's file;
  - (iii) a written warning; a copy of the warning will be retained on the student's file. The warning may stipulate that further instances of the conduct that gave rise to the allegation may result in direct referral to the School Fitness to Practise Panel;
  - (iv) a requirement to make good the cost, in whole or in part, of any damage caused or replacement required.
- 6.12 If issued with a penalty under section 6.11, the student must undertake to fulfil any conditions imposed by the Head of School.
- 6.13 In addition, and when appropriate, the SSLT will provide written guidance to the Personal Tutor on the development of a supportive action plan for the student.
- 6.14 If a student refuses to accept a penalty issued under section 6.11, the matter will be referred directly to the School Fitness to Practise Panel for final decision.
- 6.15 If the student has no case to answer, the SSLT will provide written guidance to the Personal Tutor on the development of a supportive action plan for the student.
- 6.16 The Head of School will notify the student by letter and email of:
- the outcome of the investigation;
  - whether the matter is to be referred to a School Fitness to Practise; Panel together with full details of the reason for referral and procedures to be adopted;
  - details of any penalty or penalties imposed under section 6.11;

- the imposition, cessation, continuance or alteration of any conditions/limitations placed on the student's studies.

6.17 The Head of School will notify the Personal Tutor and the investigating officer by email of the case to answer decision.

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

- 7.1 A School Fitness to Practise Panel will, save in exceptional circumstances, be convened within twenty working days of the referral.
- 7.2 The University's case will be presented by the investigating officer or nominee.
- 7.3 At the discretion of the Convenor, the Panel may also call upon other persons to provide advice on specific aspects of the case in writing or in person.
- 7.4 The Convenor will notify the student, by letter and email, of the identity of Panel members, the date and time of the proposed hearing and will make available evidence detailed in the investigating officer's report.
- 7.5 The correspondence notifying the student of the hearing will include details of University support services available to the student.
- 7.6 All correspondence will be posted to the student's term-time University email and postal address. It is the student's responsibility to ensure that the School has their correct contact details.
- 7.7 The student will be allowed at least ten working days in which to prepare their case.
- 7.8 All information on which the student and investigator or nominee intend to rely must be made available to the other party and to the Panel at least five working days before the date of the hearing. This includes a written, signed and dated statement from each party addressing the allegations and any written witness statements germane to the case.
- 7.9 The student will be required to attend the meeting in person. If the student fails to attend without a reasonable explanation, the Panel will consider the case in the student's absence. The Chair of the Panel will have discretion as to what constitutes a reasonable explanation.
- 7.10 The student is entitled to be accompanied at the hearing by a friend who shall be a member of staff or student of the University or an officer of the Students' Union. The student shall confirm the name and status of the person accompanying them in writing to the Convenor no fewer than five working days before the hearing. The information will include the person's relationship to the student and the reason for the person's attendance.
- 7.11 The hearing will be held in private.

## **Composition of the School Fitness to Practise Panel**

- 8.1 The quorum for the School Fitness to Practise Panel will be four including the Convenor, who will be a member of all Panels in order to provide uniformity of standards and experience.
- 8.2 The Panel shall comprise:
- a Chair who shall be the Convenor (nominated by the Head of College)
  - one academic staff representative from the professional programme on which the student is enrolled
  - one academic staff representative from another professional programme within the University
  - one professional registered with the relevant profession who contributes to teaching or placement provision but is not a member of the University
  - a student or sabbatical officer of the University nominated by the President of the Students' Union
- 8.3 None of the Panel members shall have had any previous connection or involvement with the case.
- 8.4 The student's Personal Tutor may not be a member of the Panel but can attend in a supportive capacity to the student, withdrawing from the Panel's deliberations.

## **Procedure for the Conduct of the Hearing**

- 9.1 Prior to the hearing the Secretary to the Panel will ensure that the student has copies of all documents circulated to members of the Panel and is aware of the procedure to be followed.
- 9.2 Failure of the student to attend the hearing without good cause (as determined by the Chair of the Panel) will result in consideration of the case in the student's absence.
- 9.3 The Chair will ask if any Panel member has been personally involved in the student's case at any prior stage and, if so, will ask them to withdraw from the hearing.
- 9.4 The student, the friend (as defined under section 7.10), the investigator and other staff as appropriate will be invited to join the Panel.
- 9.5 The Chair will introduce by name and explain the functions of the members of the Panel, the investigator and any others present.
- 9.6 The Chair will explain the sequence of proceedings and the powers of the Panel as set out in section 10.
- 9.7 The Chair will invite the investigating officer to summarise the case on behalf of the University and provide relevant witness testimony (in the form of

witness statements). The Panel and the student will then be entitled to ask questions of the investigating officer.

- 9.8 The Chair will invite the student to summarise their case and provide relevant witness testimony (in the form of witness statements). The Panel and the investigating officer will then be entitled to ask questions of the student.
- 9.9 The Chair will invite any other person(s) called upon by the Chair to attend the meeting (as referred to in section 7.3) to make a brief statement. The Panel, the investigating officer and the student will then be entitled to ask questions of the witness.
- 9.10 At each stage the Chair has discretion to allow reciprocal questioning by the various parties.
- 9.11 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.
- 9.12 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.
- 9.13 A three stage approach will be adopted by the Panel in reaching its determination.
- Stage 1 – Finding of fact
  - Stage 2 – Impairment of fitness to practise
  - Stage 3 – Imposition of sanction
- 9.14 Finding of fact: The Panel shall satisfy itself that, on the balance of probabilities, the evidence adduced by the University supports a finding of fact.
- 9.15 Impairment of fitness to practise: In the event that the allegations are well founded the Panel shall engage in a two-step process to determine impairment of fitness to practise.

The Panel shall first decide whether there has been:

- Personal and professional misconduct, including alleged breaches of professional codes of conduct
- Lack of capability/competence/deficient professional performance
- A conviction or caution for a criminal offence
- Physical or mental ill-health
- A determination by a regulatory or licensing body of impairment of fitness to practise

The Panel must then determine whether, as a result, 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 conduct, testimonials and evidence of remedial action.

9.16 Imposition of sanction: In making its decision on sanction the Panel shall consider a range of factors including:

- patient/service user and public safety
- the fundamental tenets of professional practise
- the mitigating and aggravating factors of the case
- any extenuating circumstances presented by the student
- public perception and the reputation of the University.

### **Powers of the School Fitness to Practise Panel**

10.1 Following consideration of the case, the Panel may:

- determine that there is no case to answer
- permit the student to continue with the programme of study but with additional supervision and/or reporting requirements
- 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
- 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
- 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
- refer the matter to an appropriate authority such as the Police.

10.2 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 Secretariat. A Secretariat Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf.

10.3 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 five working days of the hearing. The communication will include details of the appeal stage of the process should the student wish to invoke it.

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

## **Appeals**

- 11.1 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:
- there is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel
  - there has been a procedural irregularity
  - there is evidence of prejudice or bias.
- 11.2 An appeal must be lodged with the Fitness to Practise Appeals Officer in Secretariat within ten working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from Secretariat) and must include:
- a precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged
  - a precise identification of the formal grounds of appeal
  - a statement of the appellant's case
  - 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.
- 11.3 On receipt of an appeal, the University Registrar and Head of School (or equivalent) from another College will consider whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed further and the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 11.4 If the University Registrar and the Head of School (or equivalent) consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.

### **Appeal to the University Fitness to Practise Panel**

- 12.1 Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor shall appoint a Deputy Vice Chancellor as Chair of the University Fitness to Practise Panel.
- 12.2 The Panel shall comprise:
- the Chair (appointed by the Vice Chancellor)
  - one senior academic from the College in which the student enrolled
  - one senior academic from another professional programme within the University

- one professional registered with the relevant profession who contributes to teaching or placement provision but is not a member of the University
- a sabbatical officer of the Students' Union

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

The Panel shall have a Secretary who shall normally be the Fitness to Practise Appeals Officer.

- 12.3 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.

### **Proceedings at the University Fitness to Practise Panel<sup>13</sup>**

- 13.1 The Chair of the School Fitness to Practise Panel and the appellant shall be required to attend the University Fitness to Practise Panel (hereafter the 'Hearing'). Failure of the student to attend the Hearing without good cause (as determined by the Chair of the University Fitness to Practise Panel) shall result in the consideration of the case in the appellant's absence.

The Secretary shall give the appellant and the Chair of the School Fitness to Practise Panel reasonable notice of the Hearing and, where possible, a minimum of ten working days. The notice of investigation email will advise the student that they may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.

- 13.2 Both parties shall have the right to call witnesses; the Secretary must be notified of any intended witnesses at least seven working days before the date of the Hearing.

- 13.3 No fewer than five working days before the Hearing, the Secretary shall circulate to the Panel, the appellant and the Chair of the School Fitness to Practise Panel the following:

- the assessment regulations for the scheme or award;
- the requirements of the relevant professional body/regulator including any code of conduct;
- minutes of the School Fitness to Practise Panel and any documents considered by the Panel;
- notification of any intended witnesses;
- the appellant's form of appeal;
- any documentary evidence submitted by either party.

- 13.4 At the Hearing, the appellant shall present their case first. Any witnesses for the appellant should be called to give evidence at this stage.

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<sup>13</sup> See also Part M of the University General Regulations: Audio Recordings of Meetings

- 13.5 The Panel and the Chair of the School Fitness to Practise Panel shall be entitled to ask questions of the appellant and/or witnesses.
- 13.6 The appellant's witnesses will then withdraw from the Hearing.
- 13.7 The Chair of the School Fitness to Practise Panel shall present the case for the School Fitness to Practise Panel. Any witnesses for the Chair of the School Fitness to Practise Panel should be called to give evidence at this stage.
- 13.8 The Panel and the appellant shall be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses.
- 13.9 The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing.
- 13.10 The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel.
- 13.11 The appellant will next summarise their case.
- 13.12 Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing.
- 13.13 The Panel will reach its decision in private and must refer to the appropriate code of professional practice in reaching its decision.

#### **Powers of the University Fitness to Practise Panel**

- 14.1 The Panel shall either uphold or not uphold the appeal and, in addition, make any recommendations as it considers appropriate. This may include increasing any sanction imposed by the School Fitness to Practise Panel.
- 14.2 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 five working days of the Hearing. The decision of the Panel is final.
- 14.3 The decision of the Panel shall be reported to the School Fitness to Practise Panel, the relevant Board of Examiners and the relevant professional body/regulator as appropriate.

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

- 15.1 Monitoring and evaluation of these procedures is the responsibility of the Fitness to Practise Appeals Officer, on the basis of information and data supplied by Colleges.
- 15.2 Heads of College will provide the Fitness to Practise Appeals Officer with information annually on the following:
  - the number of cases heard by School Fitness to Practise Panels.
  - the reasons for the submission of cases to the School Fitness to Practise Panels.
  - the outcomes of School Fitness to Practise Panels.

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

### **Records of Proceedings**

- 16.1 Records of any sanctions imposed upon students shall be kept on their personal files held by the University in accordance with Data Protection legislation.
- 16.2 The University reserves the right to amend the Fitness to Practise Regulations in light of changes to government policy, professional body/regulator requirements or changes to University policy.

### **Attendance at School and University Panels**

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

### **Important: The Office of the Independent Adjudicator for Higher Education (HE)**

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

Full information about OIA procedures is available from the University of Lincoln's Advice Service, Students' Union, the University Secretary or the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

### **Programmes subject to these University Fitness to Practise Regulations**

BSc (Hons) Midwifery  
BSc (Hons) Nursing (Registered Nurse - Adult)  
BSc (Hons) Nursing (Registered Nurse - Child)  
BSc (Hons) Nursing (Registered Nurse - Mental Health)  
BSc (Hons) Paramedic Science  
Dip HE Trainee Nursing Associate  
MSc Nursing (Pre-registration - Adult)  
MSc Nursing (Pre-registration - Child)  
MSc Nursing (Pre-registration - Mental Health)  
MSc Occupational Therapy (Pre-registration)  
MSc Physiotherapy (Pre-registration)  
MSc Social Work

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

## **PART E – STUDENT COMPLAINTS PROCEDURE**

### **E1 Purpose**

The purpose of this procedure is to provide a formal means through which students can channel any complaint they may have about the services provided by the University, and through which the University can resolve such complaints in a fair, open and timely manner.

### **E2 Principles and Conduct of the Complaints Procedure**

The Complaints Procedure will be conducted according to the principles of natural justice, and with the objective of achieving fair and proportionate outcomes. The procedure is underpinned by the following principles:

- that complaints will be made as soon as possible, and will not be raised a long time after the event(s) to which they refer;
- that complaints will remain as originally set out; and will not accrete further complaints as proceedings develop;
- that all complaints are dealt with in a transparent and timely fashion, and that at any stage resolution is possible via mediation and mutual agreement;
- that complaints will not be investigated by anyone who has a personal interest in the outcome;
- that all parties will act in good faith and with the aim of achieving a mutually agreed outcome. All parties will recognise that complaints may or may not be upheld – staff will readily acknowledge errors which have occurred, and students will not wilfully refuse to be satisfied with the resolution offered;
- that staff and students who are subject to a complaint, or who are responsible for a service complained about, will be informed of this and invited to comment at an early stage;
- that appropriate consideration is given to the interests of both complainant and those complained about, with investigations and hearings paying due regard to the right to privacy of those involved. (However, staff and students about whom a complaint has been made will normally have the right to know who is making the complaint);
- that all of the documentation and evidence submitted and generated as part of the initial investigation or subsequent independent review shall be provided to the student.

### **E3 Scope of the Procedure**

- 3.1 This procedure applies to students studying at the University, or through delivery of the University's awards at Partner Colleges or other locations, or through flexible and distance delivery.
- 3.2 For the purpose of this procedure, the term 'student' includes those who have recently left the University. Within the first three months of graduating (at the point where the student is conferred the award at the Graduation Ceremony) or withdrawing from University programmes (at the point where the student has been recorded by the University as having withdrawn), students shall have the opportunity to pursue a complaint through the complaints procedure.

- 3.3 This procedure is to be used for:
- (i) concerns about the provision and delivery of academic programmes and related services;
  - (ii) complaints about a student's experiences at the University, including relationships with academic, administrative or support services staff.
- 3.4 It is not to be used for representations against decisions of Boards of Examiners (governed by the Academic Review and Appeal Procedure) or allegations of misconduct by students (governed by the Student Conduct and Disciplinary Regulations Part C) or representations against decisions relating to the release of students from tenancy agreements with the University.
- 3.5 Complaints against the standard of tutoring etc must be made before the results of examination board deliberations, and cannot be used to lever an appeal against the judgment of the board.

#### **E4 Advice, Guidance and Support**

- 4.1 Before making a complaint, students should seek advice and guidance from a trusted source, such as the University's Advice Service, Students' Union, their Personal Tutor or other academic staff or a member of Student Services. Secretariat staff will be pleased to provide impartial advice on the operation of the Student Complaints Procedure.
- 4.2 Students making a complaint have the right, in all discussions, meetings and hearings, to be accompanied by a member of staff or student of the University or an officer of the Students' Union, who may speak on the students' behalf if they wish.<sup>14</sup>

#### **E5 Informal Resolution**

- 5.1 Many of the issues leading to complaints are simple misunderstandings, lack of proper communication, or administrative or process errors, which can be satisfactorily resolved by swift local action. Before any formal process begins, therefore, all parties should try to resolve the matter through informal discussion, mediation and problem-solving. Informal complaints should be raised as soon as reasonably practicable and no more than one month after the event(s) complained about.
- 5.2 Students finding themselves with issues to resolve or unhappy about any experience they have had at the University should raise the matter at the earliest opportunity, either directly with those concerned, or with their Personal Tutor or the programme leader. They may also seek the help and advice of the Students' Union. The Students' Union actively encourages students (who may not wish in the first instance to approach tutors or student representatives directly) to contact the Vice President for Academic Affairs to discuss and attempt to resolve the issues informally.

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<sup>14</sup> See also Section M – Audio Recordings of Meetings

- 5.3 Programme leaders will normally be expected to resolve matters relating to students' programmes at this stage. For matters relating to inter-personal relationships, students might prefer to seek the mediation of their Personal Tutor.
- 5.4 Only when such informal actions have not been sufficient to resolve the matter within a reasonable timescale should students invoke the formal procedure.

## **E6 Formal Procedure**

- 6.1 Formal complaints should be raised as soon as reasonably practicable and no more than three months after the event(s) complained about; complaints submitted after that time period shall not normally be investigated unless the student can provide a compelling reason with appropriate documentary evidence. A decision regarding whether to admit a formal complaint to the process on the basis of timing shall be at the discretion of the Student Complaints Officer taking into consideration all of the circumstances.

A student who wishes to make a formal complaint must use the Complaint Form available from Secretariat. The form requires the student to set out the precise events complained of, explain what detrimental effect they had, and the outcome that they are seeking. The student will also be asked to say what measures have been taken to attempt to resolve the issues informally. The student must demonstrate the evidence to substantiate the complaint and provide all other relevant material. Issues and evidence that were not introduced at this stage will not normally be accepted for consideration at a subsequent stage of this procedure.

- 6.2 A complaint becomes formal when a completed Complaint Form is received by Secretariat. A member of Secretariat will be appointed as the Student Complaints Officer and will be responsible for co-ordinating the procedure and providing advice to the student and staff involved. Where a complaint is about an administrative or other non-academic matter, the Complaints Officer will advise the student's Head of School if it appears that the issues raised might have an effect on the student's academic work, so that appropriate advice and support can be offered (for instance, about the Extenuating Circumstances Procedure).
- 6.3 Where, following investigation, a complaint is found to be malicious or vexatious (i.e. a complaint with no basis or deliberately exaggerated and made with the intention of causing harm, annoyance or disruption) then action may be taken against the complainant under the Student Conduct and Disciplinary Regulations. This does not include ill-founded allegations which were nonetheless made in good faith.

## **E7 Head of School or Service (HoS) stage**

- 7.1 The enquiry into the complaint by the Head of School<sup>15</sup> or Head or Service (HoS) is the key stage in the Student Complaints Procedure. The HoS must carry out a thorough, robust and impartial investigation, ensuring that all of the

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<sup>15</sup> Head of School also refers to Deputy Head of School or Head of Department

evidence relating to the complaint is examined. The HoS will, where appropriate, interview the complainant and may interview other students and staff identified in the complaint, will carefully consider any documentary evidence, and will seek to reach a fair resolution of the issues.<sup>16</sup>

- 7.2 Both staff and students will be advised by the HoS that they may be accompanied to any meetings (by a member of staff or student of the University or an officer of the Students' Union in the case of students, and by a member of staff or Trades Union representative in the case of staff).
- 7.3 The HoS will normally conclude the investigation within 20 working days.
- 7.4 The HoS will produce a report, addressing all key aspects of the complaint, and saying whether the complaint is substantiated, in whole or in part, by the available evidence. The report will set out the actions put in place or recommended by the HoS in the light of the investigation and findings. Where the complaint has been fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.5 The HoS will send the report to the Complaints Officer, who will promptly forward it to the student, together with information about the next stages of the Student Complaints Procedure.
- 7.6 Except for issues covered by section 7.7 below, where the HoS has found the complaint to be fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.7 Where the complaint is about alleged misconduct on the part of a named member of staff, and has been fully or partially upheld by the HoS's investigation, it may be necessary for the University to consider disciplinary action under the University's Staff Disciplinary Policy. On referral to the Staff Disciplinary Policy, further consideration of the complaint will no longer remain within the scope of the Student Complaints Procedure and the student will be informed accordingly by the Complaints Officer. The HoS and the Complaints Officer will offer to meet the student to discuss what immediate steps may be taken to respond to the HoS's findings, without prejudice to any action taken under, or to the outcomes of, the Staff Disciplinary Policy.
- 7.8 Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.
- 7.9 The HoS may nominate a colleague to act on their behalf in respect of the HoS stage, but the HoS will retain overall responsibility for the process, which should be completed within the normal timescale, and for the implementation of actions. Nominees must be senior members of staff without any connection to the case; if such cannot be identified in the School or Service, the Head must take the case themselves or seek a nominee from another School in the College or another service.

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<sup>16</sup> See also Section M – Audio Recordings of Meetings

## **E8 Review Stage**

- 8.1 A student who has reason to feel that the HoS's investigation and/or report has failed to address material elements of the complaint, or to offer a fair resolution, may request a Review.
- 8.2 A request for Review of a complaint must be submitted on the Complaints Review pro forma (available from Secretariat) and lodged with the Student Complaints Officer within ten working days of the student's receipt of the letter notifying them of the outcome of the HoS stage.
- 8.3 The student must include on the Complaints Review pro forma:
  - (a) A clear statement as to why the HoS stage was not satisfactory, such as: failure to follow the procedure; failure to consider all of the relevant evidence; findings which are not based on the evidence or are otherwise irrational; or inadequate remedies proposed where a complaint has been upheld.
  - (b) Evidence to support the above statement and substantiate the claimed shortcomings of the HoS stage. Students may not introduce at the Review stage any evidence that was available to them but had not been previously submitted at the Head of School stage.

## **Defective Complaints Review Requests**

- 8.4 Where a Complaints Review request is deficient or defective in terms of the reasons put forward for requesting a Review or the evidence submitted, the Student Complaints Officer will advise the student in writing that the Review may not proceed until the deficiencies or defects have been remedied. The student will have 20 working days to respond to the Student Complaints Officer in a way that resolves the deficiencies or defects.
- 8.5 If, after the 20 working day time limit has expired, the Complaints Review request remains deficient or defective the Student Complaints Officer will advise the student in writing that the Complaints Review will not be considered further.

## **E9 The Independent Reviewer**

- 9.1 When a complete Complaints Review request has been received, the Vice Chancellor will appoint a senior member of staff from outside the student's School, or from a service department other than the one giving rise to the complaint, to act as the Independent Reviewer (IR).
- 9.2 The IR will consider the Complaints Review request and may seek clarification or further information from the student and/or the HoS, who must respond promptly to any such enquiries.
- 9.3 The IR will form a view as to the validity of the student's assertion that the HoS stage was defective in some material way and normally conclude the investigation within 10 working days.

- 9.4 If the IR cannot find good grounds for referring the matter back to the HoS, the Complaints Officer will so inform the student and issue a Completions of Procedure letter.
- 9.5 If the IR considers that the student's assertions have some merit, the matter will be referred back to the HoS to address the alleged shortcomings in the original investigation and/or report, or to demonstrate that the HoS stage was carried out satisfactorily in accordance with this Procedure. The HoS will normally be expected to do this within 10 working days of the referral back, and where some further investigation has taken place, will update their original report and findings accordingly.
- 9.6 Where the IR has referred the Review request back to the HoS, and has received the HoS's written response in accordance with paragraph 9.5 above, they will form a view as to whether the student's concerns, as raised in the Review request, have now been adequately addressed by the HoS.
- 9.7 If the IR feels that there are still substantive areas of dispute between the student and the HoS, and evidence capable of being objectively examined, the matter will proceed directly to a Complaints Hearing. The Complaints Officer will inform the student and seek to arrange a Complaints Hearing within 20 working days of the notification.
- 9.8 If the IR feels that the HoS has adequately addressed the concerns raised in the Review request following referral back, the Complaints Officer will so inform the student and issue a Completion of Procedures letter.

## **E10 The Hearing**

- 10.1 The Complaints Board shall comprise:
  - (a) a Chair who shall be a member of University staff, nominated by the Vice Chancellor;
  - (b) one senior member of the academic or professional services staff;
  - (c) a student of the University nominated by the President of the Students' Union.

The Secretary of the Complaints Board shall be the Student Complaints Officer.

- 10.2 No member of the Complaints Board shall be a member of the School or professional services area to which the complaint relates or have had any prior involvement or interest in the complaint.
- 10.3 The HoS and the complainant shall attend the hearing. The complainant shall have the right to be accompanied by a member of staff or student of the University (or Partner College) or an officer of the Students' Union.
- 10.4 The Secretary shall give the complainant, HoS and Complaints Board members reasonable notice of the hearing which will normally convene and deliver its decision within 20 working days.

- 10.5 If, for good reason, a complainant or their companion (if applicable) is unable to attend a Complaints Hearing at an agreed time and place, the University shall reconvene the meeting on one occasion. If a complainant or their companion (if applicable) is unable to attend the rescheduled meeting, the Complaints Hearing may take place *in absentia*.
- 10.6 In reasonable time before the hearing the Secretary shall circulate to the Complaints Board, the complainant and HoS the following documents:
- (a) the complainant's completed pro formas;
  - (b) the HoS's investigatory report and any subsequent revisions made following Referral Back by the IR;
  - (c) the IR's report, if applicable;
  - (d) documentary evidence relating to the above.
- 10.7 Evidence which was available at the time of the HoS stage of the complaint but was not submitted at the time may not be introduced by either party at the hearing, except at the discretion of the Chair of the Complaints Board.
- 10.8 The Complaints Board will normally be conducted on the basis of written reports and evidence. The decision regarding whether witnesses may give evidence at the Hearing will be solely at the discretion of the Chair of the Complaints Board.

## **E11 Proceedings at a Complaints Hearing<sup>17</sup>**

- 11.1 The sequence at the hearing shall be:
- (a) The complainant shall present their case first. If the complainant is accompanied, the companion may present the case on the complainant's behalf;
  - (b) The Complaints Board and the HoS shall then be entitled to ask questions of the complainant and/or companion;
  - (c) The HoS shall next present the case of the School or Service;
  - (d) The Complaints Board and the complainant (and/or companion) shall then be entitled to ask questions of the HoS;
  - (e) The Head of School should next summarise the case of the School or Service;
  - (f) The complainant and/or companion should then summarise the case of the complainant;
  - (g) The Complaints Board shall then reach its decision in private.

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<sup>17</sup> See also Section M – Audio Recordings of Meetings

- 11.2 The Complaints Board shall uphold, partially uphold or not uphold the complaint and, in addition, make any such recommendations as it considers appropriate. The HoS shall be responsible for ensuring that the Board's recommendations are implemented. Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.
- 11.3 The Student Complaints Officer will confirm any decision of the Complaints Board in writing to the student, clearly explaining either what will happen next or issue a 'Completion of Procedures' letter advising the student of the right to refer the matter directly to the Office of the Independent Adjudicator if they remain dissatisfied.

## **E12 Complaints Referred to More Advanced Stages in the Procedure**

- 12.1 Some complaints, either by their nature or their gravity, must be referred to a more advanced stage or level of the procedure, or investigated by a member of staff other than the complainant's Head of School or the relevant Head of Service. Examples of these are:
- (a) If the HoS finds, on preliminary enquiry, that a complaint is of a very serious nature, they shall consult the Head of College, who may decide to undertake the investigation or to nominate a Head of College to do so;
  - (b) If the complaint is about or contains direct criticism of the HoS, the Student Complaints Officer will ask the Head of College or relevant Service Director to nominate another HoS to investigate. This may also happen where the HoS might be perceived as prejudiced on the basis of involvement at a prior stage of consideration of the issues (but this will not normally arise simply due to the HoS having been consulted in an attempt to reach informal resolution);
  - (c) If the complaint is about a Head of College or Pro Vice Chancellor, the Student Complaints Officer will ask the University Registrar to investigate (or to nominate a member of Registry Executive to do so);
  - (d) If the complaint is about a Deputy Vice Chancellor, the Student Complaints Officer will ask the Vice Chancellor to investigate (or to nominate a member of the Senior Leadership Team (SLT) to do so).
- 12.2 The University Secretary will provide advice and guidance for those considering the propriety of advanced referral.

## **E13 Timing**

- 13.1 The Head of School or Service, Independent Reviewer, Student Complaints Officer or University Secretary as appropriate must ensure that there are no undue delays in progressing any complaint for which they are currently responsible.
- 13.2 The University recognises, however, that not all complaints are amenable to speedy investigation and resolution, and reserves the right to extend the time guidelines where strict adherence might impede the possibility of a fair and just outcome.

- 13.3 At the HoS stage, where a Head of School or Service is not in a position to respond fully to a complainant within 20 working days, they will write to the complainant to provide an update on the progress of the investigation and indicating when it is expected that a full response will be made.
- 13.4 Students who have made a formal complaint are responsible for assisting the investigation, at any stage, and must respond in a timely manner to requests for further information or invitations to attend meetings. Where a complainant has, without good reason, failed to respond to such a request or invitation within 20 working days, the HoS or Independent Reviewer or Student Complaints Officer will write again to the student stating a specific deadline for a response and warning that if none is received the complaint will be regarded as withdrawn and that it may not be revived at a later date.

#### **E14 Students Enrolled on University Awards Delivered by Partner Institutions**

- 14.1 Students studying on University awards at Partner Institutions should use the College's own procedures, but have the right to pursue their complaint with the University when the Institution's procedures have been exhausted. Where a complaint is essentially about an academic matter, the Institution must also inform the relevant Head of School at the University if the complaint proceeds as far as the final stage of the Institution's complaints procedure.
- 14.2 A student who is dissatisfied with the outcome of the final stage of the Institution's complaints procedure may request a review of their complaint by the University by writing to the University Secretary in the first instance.
- 14.3 Partner Institutions must satisfy themselves that appropriate guidance and support is available for students making a complaint.

#### **E15 Third Party and Anonymous Complaints**

- 15.1 Students are primarily responsible for making their concerns known themselves and it is preferable for the complainant to handle the complaint himself or herself.
- 15.2 However, a friend, family member or Students' Union representative may act as a Third Party and represent the student provided the complainant gives the University written authority to discuss their personal affairs with that person. The complainant will need to ensure that the representative is thoroughly briefed, kept fully informed and is readily accessible. The University will not correspond with both the complainant and the representative.
- 15.3 Anonymous complaints will only be admitted in exceptional circumstances. A complaint made anonymously must be referred to the University Secretary, who will then consider:
- (a) the gravity of the issues;
  - (b) the credibility of the concern;
  - (c) the likelihood of confirmation from attributable sources.

15.4 Where the University Secretary decides that the complaint should be investigated, they will refer it to the appropriate HoS.

## **E16 Frivolous and Vexatious Complaints**

- 16.1 The University reserves the right to consider a complaint frivolous or vexatious as set out below; this list is not exhaustive:
- (a) Complaints that are obsessive, persistent, harassing, prolific, repetitious;
  - (b) Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
  - (c) Insistence upon pursuing meritorious complaints in an unreasonable manner;
  - (d) Complaints that are designed to cause disruption or annoyance.
- 16.2 The Student Complaints Officer shall decide whether a Review or Appeal is frivolous or vexatious taking into account all the circumstances of the case.
- 16.3 The Student Complaints Officer shall write to the student with a full explanation as to why they are no longer prepared to engage with the student in relation to their case.
- 16.4 If a student wishes to challenge the Student Complaints Officer's decision they must submit this in writing to the University Secretary who shall review the information on the file, including any representations from the student, and decide whether the challenge is upheld or not.
- 16.5 The decision of the University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student. If the student remains dissatisfied with the University's final decision then they may submit a complaint to the Office of the Independent Adjudicator for Higher Education.
- 16.6 A student who has submitted a frivolous or vexatious complaint may be referred to the Head of School Stage of the Student Conduct and Disciplinary Procedures. Students whose programme of study leads to professional registration may be referred to the first formal stage of the Fitness to Practise Regulations.

## **E17 Confidentiality**

- 17.1 If information within a Review Request or Appeal is to be kept confidential, it is the responsibility of the student to make this clear to the Academic Appeals Officer on submission of the forms. In exceptional circumstances it may be difficult for confidentiality to be respected, for example, where a criminal offence has been disclosed. Additionally, in some circumstances the demand for confidentiality may make it difficult for the University to assist students with the management of their case.

## **E18 Monitoring, Evaluation and Review**

- 18.1 Monitoring and evaluation of these procedures is the responsibility of a panel comprising the University Registrar, the Academic Registrar, a Head of College and the President of the Students' Union.
- 18.2 The panel will meet annually to review complaints submitted during the previous academic year. The review will include:
- (i) the number and range of complaints submitted;
  - (ii) the timeliness and security of their resolution;
  - (iii) the operation of the procedures;
  - (iv) year-on-year comparisons.
- 18.3 The review will be informed by annual reports from Colleges and Service Departments, covering all complaints submitted through the formal procedures, and any recurring issue settled by informal intervention before the formal procedures were invoked.
- 18.4 Secretariat will produce an annual report giving an overview of the operation of the Student Complaints Procedure, together with any recommendations for amendment to the procedures, or other action, which will be submitted to Academic Board and the Board of Governors.
- 18.5 The University Secretary and the Secretariat staff are the source of authoritative, formal guidance on the applicability and operation of the Student Complaints Procedure.

### **Important: the Office of the Independent Adjudicator for Higher Education (HE)**

In accordance with the Higher Education Act 2004, the University subscribes to the rules and procedures of the Office of the Independent Adjudicator for HE (the OIA). The OIA provides an independent scheme for the review of complaints by students against higher education institutions at the stage where the internal complaints procedures have been exhausted. The OIA's definition of 'complaints' includes complaints about the final decision of a higher education institution's disciplinary or appeal body. It is open to students of the University of Lincoln to ask the OIA to review a final internal disciplinary or appeal decision. Full information about OIA procedures is available from the University of Lincoln's Advice Service, Students' Union, the University Secretary or the OIA website ([www.oiahe.org.uk](http://www.oiahe.org.uk)).

## **PART F – AUTHORITY TO VARY AND/OR REVOKE AWARDS MADE TO AN INDIVIDUAL**

- 1.1 Where a Board of Examiners, having made an award to a student, is satisfied that the attainment of the award involved malpractice, fraud, the commission of an academic offence or other dishonesty, then the Board of Examiners may revoke or vary the award that has been made to the student.
- 1.2 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 as the result of an academic offence having been committed, then the student concerned shall be entitled to be dealt with under the University's procedures for dealing with academic offences. Where recourse to the academic offences procedure is impracticable, then the Board of Examiners shall make the necessary arrangements to satisfy itself that a student has a reasonable opportunity to address the allegation.
- 1.3 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.
- 1.4 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.

## **PART G – SPECIAL EXAMINATION BOARDS**

- 1.1 A Special Examination Board may be established to review awards made to students in respect of which allegations of malpractice, fraud etc. have been raised.
- 1.2 The Special Examination Board will meet to review the individual student files created for those in receipt of awards. The files will bring together all the available material on each student and will be independently verified before being presented to the Board. The verification will be undertaken by the University Registrar, as the competent authority within the University and having no prior connection with the programme of study. An external academic will be appointed and will be responsible for confirming the robustness of the processes used by the University to create the files, and the soundness of the proposal for each student.
- 1.3 Membership of the Special Examination Board will comprise two senior academics of the University without prior connection to the programme of study and two external examiners, one of whom should have experience of higher education in the country concerned. It will be chaired by a Deputy Vice Chancellor nominated by the Vice Chancellor.
- 1.4 The Special Examination Board will meet as many times as necessary to ensure the awards are properly confirmed.

## **PART H – ACADEMIC FEES REGULATIONS**

### **H1 Academic fees**

- 1.1 For the purposes of the University's Academic Fees Regulations the word 'fees' shall be interpreted as:

'A sum of money due to the University in respect of educational services, that will include 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.'

- 1.2 A student shall be liable to pay in full, either before or at enrolment, any fee due to the University.
- 1.3 Except in the case of short courses, the University may make an agreement with a student for the payment of fees by instalments.
- 1.4 The University will not be held responsible for any charges incurred by the student should he or she fail to amend or cancel any agreed payment arrangements at least seven days prior to the due date.
- 1.5 The payment of any fee must be received in pounds sterling.

### **H2 Tuition fees**

- 2.1 Tuition fees are fees for registration, enrolment, tuition, assessment, examination and the conferment of an award.
- 2.2 The University shall publish annually a schedule of fees.
- 2.3 Tuition fees for the amounts specified in the schedule of fees are payable each academic session or other relevant period of study as determined by the University.
- 2.4 Prospective students in receipt of an offer of a place and who, for admission, enrolment and tuition fee purposes, are designated overseas students, shall be required to pay a deposit, the level of which, together with the international tuition fee instalment requirements, shall be published by the University Registrar on an annual basis, or the full tuition fee, whichever is the lesser amount.

A Certificate of Acceptance of Studies number, for visa purposes, shall only be issued on receipt of this deposit.

This deposit is non-refundable save under the following circumstances:

- (a) the student fails to meet the conditions of the offer and/or;
- (b) the student fails to obtain a VISA from the appropriate competent authority to travel and study in the UK.

Provision may be included in a formal agreement with an international partner institution for the deposit requirement outlined in this paragraph to be waived in relation to applications submitted in accordance with that agreement.

The Registrar may waive the deposit requirement in the case of applicants who are able to evidence sponsorship by an organisation which is considered acceptable to the University or in exceptional circumstances in the case of individual applicants. The deposit requirement will be waived for students already enrolled on a programme of study either at the University or University of Lincoln International Study Centre.

- 2.5 A student is required to pay all outstanding tuition fees relating to previous academic years prior to enrolment.

An international Tier 4 visa student who requires an extension to their leave in the UK is required to pay all outstanding tuition fees relating to previous academic fees before the University of Lincoln can provide a new CAS for their Tier 4 visa application.

- 2.6 Tuition fees, except in cases where extenuating circumstances have been agreed as applying, are payable by students required or permitted by the Board of Examiners to be reassessed by 'retaking' entire modules or, in the case of research students, to be re-examined for the degree.

Reassessment by 'retaking' complete modules may be with attendance or without attendance, as agreed by the Board of Examiners.

Modules taken as 'retake' assessments are charged at the standard module fee for the course, taking into account the student fees status, and are published annually in the schedule of fees.

- 2.7 The University relies on information provided by the student to determine the tuition fee to be paid. It is the student's responsibility to ensure that such information is accurate and complete and is supplied at the times required by the University.
- 2.8 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 disciplinary procedure. This is without prejudice to any rights the University might have in respect of legal proceedings.
- 2.9 In exceptional circumstances, the Academic Registrar (or nominee) on receipt of a written request from the student, may waive or vary a tuitions fees or administration charge, in full or in part. All requests must be submitted in writing to the Student Administration Manager in the first instance for subsequent consideration by the Academic Registrar.

Exceptional circumstances may include:

- i) Death of spouse/long term partner, parent or child;
- ii) Serious physical or mental illness that prevents the student from continuing with his or her studies;
- iii) Serious personal injury that prevents the student from continuing with his or her studies.

The above list is not exhaustive and each request will require the submission of certified medical or other documentary evidence.

- 2.10 The University may agree to give special consideration to the waiving of student fees on a case-by-case basis.

### **H3 Sponsors**

- 3.1 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 undertakings engaged in the private or public sectors are acceptable as sponsors to the University. An individual who is a member of the student's family is not acceptable as a sponsor. Agreement by the University to accept payment of any part of a tuition fee from a sponsor does not extinguish a student's liability to pay a fee, which shall only terminate when payment is received from the sponsor.

- 3.2 Further to the provision of 3.1 above, where a sponsor payment is reimbursed/withdrawn/reclaimed, such as funding received from the Student Loans Company or other funding body, the student's liability for any outstanding associated tuition fee will be reinstated.

- 3.3 It is the responsibility of the student to demonstrate at enrolment, by way of an official letter, specific to the academic year in question, and printed on appropriate organisational stationery, the existence of any sponsor and the ability of such a sponsor to make a payment in respect of fees. 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 a student of its decision to reject a sponsor.

- 3.4 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 University shall have direct recourse to the student, who shall 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.

### **H4 Research students**

- 4.1 Research students may be required to pay either Research Support Fees or Additional Resource Tuition Fees in addition to the standard tuition fee published annually by the University in its schedule of fees. The Research Support Fee or Additional Resource Tuition Fees cover the cost of specialist resources, equipment and access to any specialist collections that may be required to

support the research project. The annual Research Support Fee or Additional Resource Tuition Fees will be specified in the formal offer letter and students, or their sponsors, will be required to pay the fee in line with section H2.

- 4.2 Research students who 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 may apply to be transferred to 'Thesis Pending Fees Status', a lower fee that recognizes the reduced demand on University facilities.
- 4.3 Thesis Pending Fees Status may only be granted upon completion of the following periods of registration:
- 2 years for full-time MPhil students;
  - 3 years for part-time MPhil students;
  - 3 years for full-time PhD students;
  - 5 years for part-time PhD students.
- 4.4 Thesis Pending Fees Status may only be granted for a maximum of 12 months. Where a student has not completed their thesis and submitted for examination within that period, the normal fees regime will apply thereafter.
- 4.5 Research students are eligible to pay tuition fees, according to the published schedule, up until the point of thesis submission. No fees are due between thesis submission and first examination.
- 4.6 Where a research student, following first examination, is given the opportunity to be re-examined for the degree they will be liable to pay fees equivalent to the Thesis Pending Fees level on a pro rata basis for each full or part month of registration up until the point of resubmission of the revised thesis.
- 4.7 Where a research student, following first examination, 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.

## **H5 Students interrupting or withdrawing from a programme of study**

- 5.1 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis within four weeks of their effective start date (see section H7 Glossary), shall not be liable for tuition fees and entitled to have any monies paid refunded in full.
- 5.2 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis, after week 4 and up to and including week 10 from the effective start date, shall not be liable for tuition fees and entitled to have any monies paid refunded in full but will be liable to pay an administration charge of 25% of the total tuition fee due for the year.

- 5.3 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis after week 10 from their effective start date, or interrupting studies at any point during the academic year, shall not normally be entitled to a refund of tuition fees and will remain fully liable for any unpaid fees.
- 5.4 Except in the case of short courses, a student interrupting or withdrawing from Bachelor of Architecture, Master of Architecture or any undergraduate programme of study within two weeks of their effective start date (see section H7 Glossary), shall not be liable for tuition fees and entitled to have any monies paid refunded in full.
- 5.5 Except in the case of short courses, a student interrupting or withdrawing from Bachelor of Architecture, Master of Architecture or any undergraduate programme of study after week 2 of the effective start date will be liable for tuition fees calculated on a term basis, as follows:
- Interruption/Withdrawal in term 1: 25% of the total tuition fee due for the academic year;
  - Interruption/Withdrawal in term 2: 50% of the total tuition fee due for the academic year;
  - Interruption/Withdrawal in term 3: 100% of the total tuition fee due for the academic year.
- 5.6 Students who have their enrolment terminated by the University due to poor academic engagement and non-attendance at timetabled sessions, and students who have their Tier 4 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, as per the provisions of section H5 of the University regulations. 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.
- 5.7 A student who interrupts or withdraws from a short course at FE or HE level will remain liable for the full short course fee, no matter when the interruption or withdrawal takes place.
- 5.8 Except for the provisions of 5.4, 5.5 and 5.6, a student interrupting their studies on a temporary basis shall not normally be entitled to any tuition fee refund but will remain liable for any unpaid fees for the interrupted academic year. Tuition fees charged in the academic year that studies are resumed will be adjusted to reflect fees already charged during the interrupted academic year as set out in the University Undergraduate and Taught Postgraduate Regulations.
- 5.9 Further to the provision of 5.8 above, a student who resumes studies in a later academic year at an equivalent point as the original interruption will not be subject to an additional tuition fee charge during the year studies are resumed, save to that calculated as payable in 5.8 above. 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 credit points of study will incur a charge in addition to that calculated as payable in 5.8 above.

- 5.10 A postgraduate research student interrupting their studies will be liable for tuition fees as follows, as set out in the Research Degrees Regulations:
- Tuition fee liability in the interruption year will be calculated at 100% of the full tuition fee rate for that year of enrolment;
  - Students interrupting shall not be liable for tuition fees until their re-calculated anniversary of enrolment.

## **H6 Failure to pay fees**

- 6.1 A student who, within 21 days of enrolment, has neither paid their tuition fee in full nor committed to an instalment payment plan, which has been approved by the University Finance Department, or who is in default of a tuition fee instalment payment by 21 days or more, may be suspended by the University Registrar from their programme of studies. During the period of such a suspension, a student shall not be entitled to attend classes or lectures or to have access to learning resource facilities or to submit an assessment or to take any examination. Marks that may have been awarded for work submitted during a period of suspension shall be disregarded by the Board of Examiners, who shall treat the work as a non-submission.
- 6.2 A student who has been suspended for default in the payment of a tuition fee may be re-admitted to a programme of study where payment in full of all outstanding tuition fees is received within 28 days of the suspension. Where payment is received later than 28 days after the suspension, the student shall normally be re-admitted in the following academic year at the stage in the programme when the original suspension occurred. This regulation is without prejudice to the Chief Finance Officer's right to make an arrangement for the payment of tuition fees where a student is in default.
- 6.3 Suspension from a programme of studies for non-payment of tuition fees shall not be grounds for the granting of extensions for submission of assessments, nor may the Board of Examiners treat such a suspension as circumstances adversely affecting student performance in assessment.
- 6.4 If, at the end of a level or a stage of a programme of studies, a student is in default of payment of part or all of a relevant tuition fee, whether suspended or not, the University Registrar may withdraw the student from the programme of study, that is, may terminate the student's enrolment.
- 6.5 Where a student wishes to dispute the decision of the University Registrar to suspend or terminate their studies they should make a formal review request in writing to the Deputy Vice Chancellor (Student Development).
- 6.6 The University may withhold confirmed transcripts of marks and certificates from any student who owes the University money in respect of tuition fees. While a student owes the University money in respect of tuition fees, the student, regardless of academic performance, shall be ineligible to proceed from one

stage or level of a programme to the next or graduate with an academic award of the University.

- 6.7 The University reserves the right to take any reasonable steps to recover any sums due in respect of unpaid academic fees.

## **H7 Glossary**

Academic fees	A sum of money due to the University in respect of educational services, that will include 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.
Effective start date	<p>The effective start date is the formal date on which the student completes the relevant enrolment process for a programme (confirmed by the receipt and acceptance of a fully completed and signed Enrolment Form and/or agreement to the University's privacy notice online) or the first day of term, whichever is the later date. In either case, the student must have completed the enrolment process.</p> <p>For postgraduate research students the effective start date will be agreed in negotiation with the relevant College and confirmed in writing to the student.</p>
Enrolment	<p>Enrolment is an agreement between the University and the student under which the University provides a programme of studies and makes available academic services and facilities associated with that programme of study. The student, in completing the requested enrolment process, agrees to certain obligations including the payment of fees for the provision of academic services and facilities associated with the programme of study.</p> <p>The enrolment process may incorporate agreement with the University's online privacy statement, the completion and signing of an enrolment form or scanning an existing student ID card at a designated location on campus (re-enrolment). This list is not exhaustive and a student's enrolment is not complete until authorised by a designated member of staff of the University.</p>
Short Course	A course lasting no more than 10 weeks.
Sponsor	A sponsor is a third party that undertakes to pay any part of a fee owed to the University by a student. Only undertakings engaged in the private or public sectors are acceptable as sponsors to the University. This includes the Student Loan Company.

An individual who is a member of the student's family is not acceptable as a sponsor.

It is the responsibility of the student to provide evidence of a sponsor that is prepared to pay fees, or part of a fee, on behalf of that student.

Term	A term represents the period of time for each of the three divisions of the academic year (trimester). The length of each term and whether it is deemed term 1, 2 or 3 will depend on the student's programme of study and start date of that programme of study.
Tuition fees	A sum of money due to the University in respect of registration, enrolment, tuition, assessment, examination and conferment of an award.

## **PART I – LIBRARY REGULATIONS**

### **I1 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.
- 1.2 It is the responsibility of each user to acquaint themselves with these Regulations.
- 1.3 The term 'Library' applies to the service department under the management of the University Librarian.
- 1.4 The term 'University and Campus Libraries' applies to all service points under the management of the University Librarian.
- 1.5 The term 'Library Staff' applies to all persons responsible for the operation and management of Library facilities and services.
- 1.6 The term 'material' applies to all types of Library material which may be available for reference or loan.  
  
The term 'equipment' applies to all types of electrical and mechanical equipment provided for use or loan by users of Library facilities and services.
- 1.7 When using the University and Campus Libraries in conjunction with University Information Systems users are covered by the University Information Systems policies. Breach of the Information Systems policies are a breach of the Library Regulations and will be dealt with accordingly.
- 1.8 The term 'user' applies to all University staff, students, other members and visitors to the University and Campus Libraries.

### **I2 Registration of Students**

- 2.1 Enrolled students of the University can apply for registration as Library users.
- 2.2 All employees of the University can apply for registration as a Library user and separate regulations governing the use of the Library exist for staff.
- 2.3 Borrowing materials or equipment is restricted to registered users.
- 2.4 A registered user must not use another user's registration card nor permit or allow another user to use his or her own registration card.

### **13 Opening of University and Campus Libraries**

- 3.1 Entry to University and Campus Libraries is forbidden outside the published opening times which are displayed in all University and Campus Libraries, in Library guides and on the Library web pages.

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

- 4.1 During opening times registered users may access any facilities and services at the University and Campus Libraries. 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.
- 4.2 Users must comply with instructions given by the Library or Security staff to leave the University and Campus Libraries by the published closing time.

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

- 5.1 The number of items (equipment or materials) which each user may borrow at any time is published in Library guides which are available in the University and Campus Libraries and on the Library web pages.
- 5.2 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 will be asked to return materials or equipment before the due date or time if they have been requested by others.
- 5.3 A user may extend their loan of any item provided that it is not required by another user. Unless the loan is extended, the item must be returned on or before the due date.
- 5.4 All items must be returned on or before the expiry of the user's registration.
- 5.5 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.
- 5.6 A user must ensure that any item they remove from the University and Campus Libraries has been properly issued to them.
- 5.7 Loan conditions and periods may be varied at any time at the sole discretion of the University Librarian or nominee.

### **16 Conduct of Users**

- 6.1 Student users must notify the University of any change of address by altering the Student Personal Details section on the portal.

- 6.2 Each user shall conduct themselves with consideration for all other persons within or using the University and Campus Libraries.
- 6.3 Users must comply with instructions from a member of Library or Security staff.
- 6.4 Users must leave the building immediately the fire alarm is sounded or when instructed to do so by a member of Library or Security staff. Lifts must not be used during the evacuation of a building.
- 6.5 Smoking and vaping is prohibited in all University and Campus Libraries.
- 6.6 Users must conform to rules concerning the consumption of food and drink, displayed in full on University and Campus Libraries notice-boards.
- 6.7 Mobile phones must be used with consideration for other users. On entering University and Campus Libraries, phones should be switched to silent mode, and their use must comply with the regulations for the specific Library area.
- 6.8 Deliberate damage to, or loss of, materials, equipment or furniture is a breach of these regulations and shall be dealt with by the University Librarian or nominee under the appropriate disciplinary procedure. Under such procedures the user may be required to pay for any damage to property they have caused, or to recompense the University for any loss it may have suffered or costs incurred arising directly from the user's behaviour.
- 6.9 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 appropriate disciplinary procedure.
- 6.10 The University accepts no responsibility for personal property lost or damaged on University premises, including in University and Campus Libraries.

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

- 7.1 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.
- 7.2 A user who loses a borrowed item or fails to return it to the University or Campus Library will be charged for its replacement.
- 7.3 Access to all Library facilities and services shall be withdrawn from the user until such a fine or any other outstanding Library debt has been paid in full.

## **18 Student Discipline**

- 8.1 Failure to observe any of these regulations may result in the withdrawal of access to some or all Library facilities and services. The period of withdrawal shall be at the discretion of the University Librarian or nominee.

8.2 Where the University Librarian or nominee deems a breach of these regulations to be minor the procedures under the Informal Stage of the Student Conduct and Disciplinary Procedures shall apply.

The University Librarian or nominee may deal with persistent or serious breaches of these regulations under the Disciplinary Procedures for Students in the Student Conduct and Disciplinary Procedures Regulations.

## **PART J – STUDENT HEALTH AND SAFETY REGULATIONS**

### **J1 General**

Health and Safety information can be obtained from the Health and Safety Department's portal page: <https://ps.lincoln.ac.uk/services/registry/hs/SitePages/Default.aspx>

- 1.1 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 shall be regarded as a serious matter. The offender may be liable to disciplinary action under the Student Conduct and Disciplinary Regulations and/or prosecution under the terms of the Act.
- 1.2 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.
- 1.3 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.
- 1.4 Students shall co-operate with the University authorities and 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.
- 1.5 Students shall not, intentionally or recklessly, interfere with or misuse anything provided by the University in the interests of health, safety or welfare.
- 1.6 Students shall comply with all written or verbal instructions given to ensure their personal safety and the safety of others.
- 1.7 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).

### **J2 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. <https://ps.lincoln.ac.uk/services/registry/hs/SitePages/Default.aspx>

### **J3 Campus Traffic Safety**

- 3.1 Cyclists shall only cycle on designated routes. Where these routes cross or use footpaths, priority shall always be given to pedestrians. Cyclists and motor cyclists shall 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 in to buildings (other than designated cycle sheds). This regulation equally applies to skateboards, scooters and roller skates/blades.

- 3.2 Students shall familiarise themselves with, and adhere to, the traffic management regulations for all campuses as produced by University Estates and Commercial Facilities Department.

#### **J4 Fire Safety**

- 4.1 Students shall not interfere with fire equipment, deface notices or activate false alarms.
- 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.

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

## **J5 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 he or she 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.

The University's Lone Working policy may be obtained from the following address: <https://ps.lincoln.ac.uk/services/registry/hs/SitePages/Default.aspx>

- 5.3 Students shall 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.

## **J6 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 and Commercial Facilities Department maintenance team to make appropriate arrangements.
- 6.2 Students may only connect electrical equipment, including laptops, to a University power supply with the express authority of a University member of staff.
- 6.3 Electrical cables and leads must not be deployed in such a way as to introduce trip hazards.

## **J7 Students Not on Campus**

- 7.1 Students following a programme of study not based on campus shall comply with the health and safety legislation and regulations in force at their location, whether in the UK or abroad.
- 7.2 Students shall comply with all written or verbal instructions given by their tutors to ensure their personal safety and the safety of others.

## **J8 Students' Visitors**

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

## **J9 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.

## **J10 University Equipment**

- 10.1 Students shall 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 making adjustments to any item of fixed or portable equipment. Any faults or suspected hazards must be reported to staff.
- 10.3 No student shall disconnect University electrical equipment from a University power supply without the express authority of a University member of staff.

## **J11 University Residences**

- 11.1 Students shall 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.

## **J12 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 Conduct and Disciplinary Regulations. The University will co-operate with the enforcing authority where a student is alleged to have broken the law in relation to health and safety matters.

## **PART K – INTELLECTUAL PROPERTY POLICIES**

### **K1 Applicable Policies**

- 1.1 The University's Intellectual Property Policy, which is published separately, shall apply to all students of the University except for students who enrolled before September 2018 where, its predecessor, the Student Created Intellectual Property Policy shall apply.

## **PART L – INFORMATION SYSTEMS REGULATIONS**

### **L1 Applicable Policies**

- 1.1 The University's Policies that apply to Information Systems, which are published separately, shall apply to all students of the University as well as other users. It is the responsibility of everyone covered by these policies to read and understand how they apply to them. The policies contain guidance on how to obtain help and advice.
  
- 1.2 The applicable Information Systems policies can be obtained from the ICT Polices page:  
<http://www.lincoln.ac.uk/home/abouttheuniversity/governance/universitypolicies/>

## **PART M – AUDIO RECORDINGS OF MEETINGS**

### **M1 Audio Recordings of Meetings**

- 1.1 Students and staff may sometimes wish to make audio recordings of meetings (including the kinds of interviews and meetings specifically referred to within the University Regulations on Student Complaints, Academic Review and Appeals, Student Conduct and Discipline, and Fitness to Practise).
- 1.2 This should only be done with the informed consent of all those taking part in the discussion to be recorded, and on the understanding that any recording made will not be disclosed to anyone other than those participants, except where it is submitted as evidence in relation to proceedings governed by University policies and regulations (including recognised external oversight such as consideration by the Office of the Independent Adjudicator).
- 1.3 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.

## PART N – UK VISAS AND IMMIGRATION COMPLIANCE

### Suspension of Study

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. Students who have limited leave to remain in the UK must, on request by the University, present evidence that they have valid leave to be in the UK, have the correct conditions to study and have not allowed the leave to lapse during their stay.
2. The University may temporarily suspend from study a student who is unable to provide one of the following on request:
  - (i) evidence of valid leave to be in UK;
  - (ii) proof that an in-time visa application to remain has been submitted;
  - (iii) proof that they have exited the UK.
3. 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.
4. A student whose study has been temporarily suspended shall 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 and students will not be eligible to attend assessments. If such evidence is not provided, and there is no justification for not providing the evidence, after 15 working days the University shall terminate the student's enrolment.
5. A student whose enrolment has been terminated under the Regulations may appeal in writing to the Tier 4 Compliance team within 10 working days of termination of their enrolment. Such appeals must be sent to [tier4visa@lincoln.ac.uk](mailto:tier4visa@lincoln.ac.uk) and supported by appropriate evidence to show why the termination was not justified. The Tier 4 Compliance team shall make the final decision in respect of the student's status and communicate this to the student.

### Pending Appeal of Termination Decision

6. Where the decision has been made by the Board of Examiners to terminate study on academic grounds, students are permitted to dispute the decision through the Review and Appeal procedures.
7. If a Tier 4 student 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 Tier 4 visa for curtailment (cancellation). It is a requirement of the Home Office that the University, as sponsor of the Tier 4 visa, must report and withdraw sponsorship of any sponsored migrants who are not actively studying.

8. If a student is found to have breached, or is unable to meet the following compliance conditions, it will result in their Tier 4 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:
  - a) Non-enrolment on their programme by the stated deadline
  - b) Failure to re-enrol when required
  - c) Successful completion of their programme of study earlier than stated on the Confirmation of Acceptance for Studies (CAS)
  - d) Inability to demonstrate that they are studying on a full-time basis if the student holds a Tier 4 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
  - e) Inability to engage in their studies for more than 60 days during term time, or if their period of absence will have an impact on their ability to complete their course of study within the visa period granted by the Home Office
  - f) Breaches of work conditions as stated on their Tier 4 visa and in the Tier 4 Policy Guidance for Students  
<https://www.gov.uk/government/publications/guidance-on-application-for-uk-visa-as-tier-4-student>.
  - g) A switch of immigration status or holding a different type of visa to study in the UK
  - h) Students who undertake a period of work placement that does not meet the definition set out in the Home Office Sponsor Guidance and the University's Work Placement Policy
  - i) Student is withdrawn due to non-attendance and has not submitted an appeal against the decision by the stated deadline or the appeal was rejected by the Academic Registrar (or nominee)
  - j) Student transfers or moves to study a lower exit award than what the Tier 4 visa was originally granted for. For example, a student studying for the exit award of RQF level 8 (PhD) transferring or moving to study onto a RQF level 7 award (MPhil).
9. Other circumstances may lead to withdrawal of sponsorship (cancellation of visa) and this will be considered in accordance to the risk the student has or poses to the University's Sponsor Licence.
10. Where a student is due to return to the University academically after a period where sponsorship has previously been withdrawn, the University reserves the right to refuse to issue a further CAS if the student has failed to adhere to Tier 4 Compliance regulations, or has previously shown to pose a risk to the University's Sponsor Licence.
11. A student whose Tier 4 visa has been cancelled in line with the above may submit an appeal in accordance with section 4 of the regulations.

## **PART O – TERMINATION OF ENROLMENT AND REGISTRATION**

1. A student's enrolment and registration will terminate when they complete a programme of studies 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.

Termination by a student

2. A student may terminate their enrolment prior to the completion of a programme of studies. Any obligations incurred between the University and the student, prior to the termination of enrolment, remain binding. 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. Students wishing to withdraw permanently from the course 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.

Termination on academic grounds

3. Where a student has exhausted all reassessment opportunities and has not met the general pass standard for the current level of study, 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.

Termination on attendance/engagement/participation grounds

4. The University is also entitled to terminate the enrolment of a student who fails to fulfil the attendance, engagement and/or participation requirements as laid down in the regulations and in the Student Engagement and Participation Policy. In such circumstances, the Personal Tutor can escalate the matter to a Formal Hearing chaired by the Head of School <sup>18</sup>(or nominee).
5. Students will be invited to attend the Formal Hearing and will normally be given at least five 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.
6. The decision-making panel at the Formal Hearing will comprise the Head of School (or nominee) as Chair, a representative from the Students' Union, the student's Personal Tutor (or alternatively another member of academic staff who knows the student) and a member of the Tier 4 Compliance Team if the student holds a Tier 4 visa.

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<sup>18</sup> Head of School also refers to Deputy Head

7. 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), normally within two working days. Students will also be entitled to receive a copy of the notes from the Hearing.
8. The absence of the student from a Hearing will not invalidate the Hearing's proceedings or decisions; Hearings can take place in the absence of a student who fails or refuses to attend.
9. A student whose enrolment has been terminated on attendance, engagement and/or participation grounds may lodge an appeal within 10 working days of the date of the termination letter. An appeal must be lodged on the form provided (available from Secretariat) on either of the following grounds only:
  - (a) that there were extenuating circumstances adversely affecting the student's attendance which for valid reasons the student did not make known to the Extenuating Circumstances Panel at the appropriate time either in sufficient detail or at all. Normally, the only acceptable valid reasons will be that the student was unable or incapable of bringing the circumstances to the Panel's attention. The student must provide documentary evidence to support their claims.
  - (b) 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.
10. 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.
11. The Appeals Officer will forward the appeal to the Academic Registrar (or nominee) for consideration. The appeal should normally be completed within 15 working days. In considering the appeal, the Academic Registrar (or nominee) 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.
12. The Academic Registrar (or nominee) shall notify the Appeals Officer of the outcome of the appeal and give reasons for the decision. The Academic Registrar (or nominee) may confirm the decision to terminate the student's enrolment or reinstate the student onto their programme of study. This decision is final and will be notified to the student in writing by the Appeals Officer. If termination of the student's enrolment is confirmed, the Appeals Officer will issue a Completion of Procedures letter.

13. 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 of study. A candidate who accepts a lower award rather than taking the opportunity to be reassessed may not normally elect to subsequently be reassessed.

## **PART P – EXTENUATING CIRCUMSTANCES**

1. Extenuating circumstances are exceptional and unforeseen circumstances, beyond a student's control, which may have had a serious and adverse effect upon their assessed work.
2. It is the responsibility of the student to attend examinations, submit coursework for assessment as required and by the due date, and to provide the University Extenuating Circumstances Panel, in advance of the meeting of the Board of Examiners, with any relevant information on exceptional and unforeseen circumstances that may have adversely affected their assessment performance.
3. If a student claims that their performance has been adversely affected by extenuating circumstances, it is their responsibility to ensure that the evidence of such extenuating circumstances is provided, documented and independently substantiated at the earliest possible opportunity.
4. Students are responsible for ensuring that claims for Extenuating Circumstances to be taken into account are submitted prior to the meeting of the Board of Examiners where the relevant assessments would normally be considered.
5. If a student is unable to attend an assessment event or take an assessment (applicable to all examinations and formal in-class tests conducted under examination conditions) they should make a claim for extenuating 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 extenuating circumstances may be made up to ten working days after the assessment event (i.e. prior to the release of marks).
6. For assessments where an extension may be granted (e.g. coursework) students should apply for an extension in the first instance. If the student considers, or is advised, that an extension is not an appropriate solution, they should apply for extenuating circumstances in advance of the submission date or within the ten working days after the submission deadline (i.e. prior to the release of marks).
7. Students may not normally use any disability or illness that is catered for by the Student Wellbeing Centre's Needs Assessment as the basis for an Extenuating Circumstances application. The only exception to this might be the unexpected emergence of an underlying disability or illness which required further support. An Extenuating Circumstances application might be made in such circumstances but would be subject to the normal requirement for supporting evidence.
8. Where there are known and documented circumstances that will take place at a future date (for example, a hospital appointment for an operation which coincides with a formal examination) students should submit these applications in advance.
9. A claim for extenuating circumstances cannot normally be made or considered following publication of results by a Board of Examiners. Such claims may only be made in very sensitive and compelling circumstances which the student will need to fully evidence to the Extenuating Circumstances Panel.

10. Circumstances accepted as valid by the University Extenuating Circumstances Panel are forwarded to the relevant Board of Examiners which shall consider whether or not the circumstances have actually affected performance in assessment and apply the decision concerning assessment.
11. Where an approved extenuating 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.
12. For students enrolled on programmes leading towards a professional accredited qualification, circumstances accepted as valid by the University Extenuating Circumstances Panel, or where appropriate, shall be forwarded to the relevant Fitness to Practise Panel. Fitness to Practise Panels shall consider the circumstances in relation to the Fitness to Practise Policy for the programme upon which the student is enrolled and shall forward its recommendation to the relevant Board of Examiners.
13. A claim for extenuating circumstances shall not be available to a student as a means to avoid an application of these Regulations to allegations of having committed an academic offence in relation to assessment.
14. Students must apply for extenuating circumstances via the online system.
15. If a student wishes to submit an application for extenuating circumstances, they are strongly advised to talk this through with an appropriate member of staff (e.g. academic tutor) in the first instance.
16. Applications can be withdrawn by the student at any time up until the meeting of the University Extenuating Circumstances Panel and after they have been approved by the Panel.
17. Where a claim for extenuating circumstances is not approved as valid by the University Extenuating Circumstances Panel the student will have a maximum of fifteen working days following notification of the outcome of their initial claim to provide further evidence. This is only available once following submission of the initial claim. If a student wishes to access the Academic Review and Appeal procedure after this point, they will need a clearly evidenced reason for doing so. Resubmission of the same evidence a third time to the Extenuating Circumstances Panel or via the Academic Review and Appeal procedure will not be permitted.
18. If a student fails to attend examinations or to submit work for assessment by the due date, without good cause, the Board of Examiners has the authority to deem the student to have failed the assessments concerned. Late submission of work will be penalised.

## **Extenuating Circumstances which Adversely Affect Performance in Assessment**

19. The following are examples of circumstances which may be treated as adversely affecting a student's performance in assessment. This list is not exhaustive.
- a) Illness affecting attendance at teaching or assessment.
  - b) Illness affecting preparation for or of an assessment.
  - c) Being the victim of a crime involving injury.
  - d) Circumstances of a serious personal or emotional nature.
  - e) Force majeure or other unpreventable event.

## **University Extenuating Circumstances Panel**

20. A student's claim for extenuating circumstances in assessment shall be considered by the University Extenuating Circumstances Panel having regard to the following:
- a) The authenticity of evidence produced: is the evidence documented and verified by an independent and authoritative person not personally connected to the student e.g. a doctor, counsellor, police officer, etc.
  - b) The contemporaneity of the evidence: is the evidence up to date and relevant to the assessment claimed to have been affected?

## **Disability or Long Term Illness**

21. Where the claim relates to a long term illness or disability that would be defined as a disability under the Equality Act (2010)<sup>19</sup>, and which may be more appropriately treated as requiring special support, the University Extenuating Circumstances Panel should establish whether the circumstances were known to the student and the University at the time of admission or enrolment.
22. Where a long term illness or disability was not present, or not known to the student, at the time of enrolment, the circumstances may be dealt with by the Extenuating Circumstances Panel for those assessments being undertaken during the current period of enrolment. Future assessments shall be dealt with in accordance with University practice for the support of students with a disability or long term illness and students should contact the Disability Service for further advice. Unless there is good reason for non-disclosure of the circumstances at an

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<sup>19</sup> In the Act, a person has a disability if, they have a physical or mental impairment; the impairment has a substantial and long-term adverse effect on their ability to perform normal day-to-day activities.

For the purposes of the Act, these words have the following meanings: 'substantial' means more than minor or trivial 'long-term' means that the effect of the impairment has lasted or is likely to last for at least twelve months (there are special rules covering recurring or fluctuating conditions).

earlier time the Extenuating Circumstances Panel shall not consider assessments undertaken in previous enrolment periods.

23. Where a long term illness or disability was present and known to the student at the time of enrolment, but the student did not disclose this to the University, these circumstances shall not normally, unless there was good reason for non-disclosure, be considered as grounds for consideration by the Extenuating Circumstances Panel.
24. Where a long term illness or disability was present and made known to the University at the time of admission or enrolment a needs assessment identifying additional support requirements will be undertaken. The disability or long term illness shall not be considered as an Extenuating Circumstance where a needs assessment has been provided by the University's Disability Service.

### **Boards of Examiners**

25. Where it is deemed that circumstances have occurred which could have adversely affected the student's performance, the University Extenuating Circumstances Panel shall forward these to the relevant Board of Examiners or, where appropriate, to the relevant Fitness to Practise Panel.
26. The Board of Examiners shall consider whether, on the basis of the assessment profile, it is reasonable to conclude that the circumstances have actually affected performance.
27. Cases referred to a Fitness to Practise Panel shall be considered in relation to the Fitness to Practise Regulations and recommendations forwarded to the Board of Examiners.
28. 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. Extenuating circumstances can never compensate for insufficient evidence, provided through assessment, of achievement of the standard for an award or progression.

### **Outcomes**

29. Where a student's performance is found to have been adversely affected by circumstances, the Board of Examiners shall apply the following:

Undergraduate and taught Postgraduate students: at levels other than the final level:

- a) The student shall either be allowed to take the assessment(s) concerned as if for the first time (or as if for the second time if the assessment affected by the extenuation is a reassessment) in a manner approved by the Board of Examiners;  
or

- b) 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; or
- c) 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 extenuation has adversely affected their performance the Board of Examiners shall assign such marks as reflect the ability of the student as evidenced by other assessments.

Undergraduate and taught Postgraduate students: at the final level of an award:

- d) The student shall either be allowed to take the assessment(s) concerned as if for the first time, (or as if for the second time if the assessment affected by the extenuation is a reassessment) in a manner approved by the Board of Examiners; or
- e) 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; or
- f) In circumstances where the student is unable to undertake reassessment (evidenced to, and approved as valid by, the Extenuating Circumstances Panel, where sufficient evidence is available the Board of Examiners may make an award and, where applicable, an appropriate honours classification. Such evidence may already be available, or may be obtained through any means the Board of Examiners considers appropriate. In determining assessment marks to be awarded where a student's performance has been adversely affected by extenuation the Board of Examiners shall assign such marks as reflect the ability of the student as evidenced by other assessments. Where determining the award of an honours classification the Board of Examiners shall not award a class of degree higher than the overall level which the candidate has achieved in assessed work.

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

For Research Degree students

- g) The student shall be allowed extra time in which to complete their thesis or make amendments following initial examination. The College Research Degrees Board shall decide upon the length of time permitted, taking into account the extent of the circumstances, agreeing an extension to the period of registration where required.
- h) Where extenuating 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 extenuating 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.

## **PART Q – COURSEWORK**

All coursework submitted for assessment should be, as far as possible, original. The following is offered as criteria for originality in coursework.

1. Coursework can be designated original only when its subject is presented (as far as possible) in a unique way i.e. a form that differs from that which is available in:
  - (a) published works;
  - (b) lecture/seminar handouts;
  - (c) the work of other students, past or present.
2. Originality does not preclude the proper use of published material, properly acknowledged. In most cases assignments would be seen as incomplete unless their content was:
  - (a) placed within the context of existing knowledge;
  - (b) related to the ideas and opinions contained in relevant published works;
  - (c) supported by illustrative examples.
3. In order to comply with the fundamental requirement that all coursework is original, students must ensure that:
  - (a) words, phrases and passages taken verbatim from a published work are placed in quotation marks and the source acknowledged (either within the text or using appropriate footnotes or other referencing); and that
  - (b) quotations take the form of brief extracts which focus on the point. (Only in exceptional circumstances should quotations exceed 100 words in length).

Where a student wishes to make lengthier use of a published work it is acceptable to summarise or to paraphrase the author's words, but the source of such summary or paraphrase must be properly acknowledged.

4. It is important that students recognise that unacknowledged collaborative work or the unacknowledged use of the work of others (plagiarism) is regarded by the Academic Board and Boards of Examiners as an academic offence and will be dealt with in accordance with the University Regulations. The following are examples of plagiarism:
  - (a) the inclusion of quotations from published works, the source of which is not properly acknowledged;
  - (b) the inclusion of passages which are closely based (in summary or paraphrase) on published material, the source of which is not properly acknowledged;
  - (c) the inclusion of material which is identical or virtually identical with that of another student, past or present, unless this method of presentation has been previously agreed with the member of staff concerned.

## PART R – CODE OF CONDUCT FOR CANDIDATES IN EXAMINATIONS

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. Examination conditions are defined as:

- No interacting with other candidates;
- No disrupting of other candidates through unnecessary moving of examination furniture.

2. An academic offence in relation to examinations and according to the University's Regulations is: "*Any irregular behaviour during examinations such as the unauthorised possession of notes; the copying of another candidates work; the use of programmable calculators and other equipment where use of such equipment has not been specifically authorised for a given examination; the unauthorised obtaining of examination papers*".

3. 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.

Candidates suspected of committing an academic offence and/or failing to comply with the Code of Conduct for Candidates in Examinations will be approached by an invigilator and given a formal warning. The invigilator shall 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 Examinations, they will be asked to leave the examination room for the remainder of that examination session.

4. Candidates who fail to comply with University Regulations and the Code of Conduct for Candidates in Examinations will be dealt with under the disciplinary or academic offences procedures. All regulations dealing with academic offences, including plagiarism, shall apply.
5. Candidates must comply with all instructions from invigilators and any additional written instructions pertinent to their particular examination or award.
6. Candidates will be admitted to an examination room no earlier than 15 minutes prior to the start of the examination.
7. Candidates must sit in the numbered seats as allocated on the seating plan for the examination they are sitting.

8. Candidates must display their Student ID card or alternative photo ID as confirmation of their identity.
9. Mobile Phones are not permitted in any examination room for the duration of the examination.
10. All coats and hats not being worn and any other similar items must be placed in the designated area set aside for that purpose.
11. 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.
12. 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.
13. 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 examinations.
14. 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.
15. Electronic dictionaries, subject specific dictionaries and English definition dictionaries are not permitted.
16. Smart watches and other similar devices are not permitted and will be confiscated.
17. 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.
18. Candidates arriving late must report to an invigilator.
19. Candidates will not be permitted entry to an examination room 30 minutes following the commencement of an examination.
20. Candidates are responsible for checking that they have been issued with the correct examination paper.
21. Candidates who wish to attract the attention of an invigilator must raise their hand.
22. Candidates who wish to leave the examination room temporarily must be accompanied by an invigilator.
23. Candidates will not be permitted to leave the examination permanently in the first 30 minutes or last 30 minutes of an examination.

24. 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 of their papers have been collected.
25. Pregnant candidates may apply for special examination arrangements but this is not a requirement. A request to the Registry 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. The Registry shall make the necessary arrangements, providing an individual room if required and allowing an additional 10 minutes per hour for every hour of the examination.
26. 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 two 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 on the basis of the legible parts only and a mark awarded accordingly.
27. 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.
28. 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.
29. 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.

## **PART S – UNIVERSITY RECORDS ON STUDENTS**

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.
2. Information about a student shall be managed in accordance with current Data Protection legislation. 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. Under certain circumstances however, the University may have a legal obligation to disclose information, for example to Local Authorities, Sponsors, or the Police.
3. A student may access their individual record by submitting a data subject access request to the University's Information Compliance Officer.

## **PART T – ANNULMENT OF FORMAL ASSESSMENTS**

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.

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