

The Regulations for the Conduct of Students

September, 2011



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These Regulations for the Conduct of Students are constantly under review and updates may be made to ensure accuracy and clarity.

Please ensure the use of the current version of these Regulations by accessing the Regulations for the Conduct of Students web page: <http://www.uclan.ac.uk/regulations>

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Copies of the Regulations for the Conduct of Students are available in audio, Braille and large print upon request from the SLRU
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**The Regulations for the Conduct of Students
Academic Year 2011/12**

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A. INTRODUCTION

These Regulations meet the requirements of the Articles of Government of the University that the University Board should make rules about the conduct of students.

These Regulations apply to any student admitted or enrolled by the University to follow a programme of studies. These Regulations also apply to any sabbatical officer of the Students' Union deemed to be a student by the University Board.

These Regulations do not establish the procedures determined by the Academic Board for the academic operation of courses and programmes of study, although reference is made in these Regulations to the procedures adopted by the Academic Board, where appropriate (see in particular sections A4, B1(i)).

The procedures adopted by the Academic Board for the academic operation of courses and programmes of study apply to any student attending a course or programme of study of the University whether or not the student is attending the University and/or another educational institution and/or another organisation.

A student attending a course/programme of study provided by the University in partnership with another institution is also subject to the Regulations related to the conduct of students of that other institution.

Under these Regulations, the Vice-Chancellor has the responsibility for carrying out particular functions. Some of these functions may be delegated.

The Vice-Chancellor will ensure that a scheme of delegation exists whereby a nominee(s) is/are designated to carry out the responsibilities of the Vice-Chancellor within these Regulations. This scheme of delegation will also lay down the procedures whereby the Vice-Chancellor will select appropriate nominees to carry out the responsibility if for any reason the person identified in the scheme of delegation cannot, or is not appropriate to, carry out the function.

Students are required to familiarise themselves with these Regulations, and any local rules and guidelines provided by the University, available at:

Code of Practice relating to the operation of the University of Central Lancashire Students Union:

http://www.uclan.ac.uk/information/services/sds/governance_committees/code_for_su.php

Code of Practice to Ensure Freedom of Speech:

http://www.uclan.ac.uk/information/services/sds/governance_committees/local/freedom_of_speech.php

Student Data Protection Code of Practice:

http://www.uclan.ac.uk/information/services/sds/dpa_foia_management/DP_code_of_practice.php

Further information available from the **Strategic Development Service**, Adelphi Building, tel 01772 892557 or extension 2557.

Regulations Governing Posters, Notices, Temporary Signs and the Distribution of Literature available from the **Facilities Management**, tel 01772 892051 or extension 2051.

The Academic Regulations:

http://www.uclan.ac.uk/information/services/sas/quality/regulations/aca_regs.php

The Regulations for the Conduct of Students:

http://www.uclan.ac.uk/information/services/sss/quality/files/aqasu_student_regs.pdf

Research Codes of Conduct:

http://www.uclan.ac.uk/information/research/research_degrees/files/Code_of_Conduct_for_Research_2008.doc

Further information and/or a printed copy is available from the **Academic Quality and Standards Unit**, Foster Building, tel 01772 892406 or extension 2406.

Rules Governing the Use of the Library

http://www.uclan.ac.uk/information/services/lis/library_rules.php

Copyright Code of Practice:

http://www.uclan.ac.uk/information/services/sss/copyright_code_practice.php

Rules Relating to the Use of the University's IT Facilities:

http://www.uclan.ac.uk/students/it/files/it_facilities_rules_pdf.pdf

Further information is available from the Head of Library and Information Services, tel 01772 892264 or extension 2264. Other contact details are given at

http://www.uclan.ac.uk/information/services/lis/user_guides.php

B. GENERAL STUDENT REGULATIONS

B1. Enrolment

Students, other than sabbatical officers of the Union, are required to enrol or re-enrol for each successive year or other relevant part of a course as determined by the University.

Before being permitted to enrol or re-enrol, students are required to pay fees due in accordance with prevailing Tuition Fees Policy (http://www.uclan.ac.uk/study/fees_and_finance/tuition_fee_policy.php) and Financial Regulations or produce evidence of financial support to cover their fees. All students must produce at or before enrolment, evidence of having satisfied the relevant entry requirements. Enrolment shall not be complete until such evidence has been accepted by the University.

Persons who are neither enrolled as students nor are sabbatical officers of the Students' Union shall have no right of access to University facilities as students.

Once enrolment to a course is completed, a person is deemed to continue as a student until the end of that course or until re-enrolment is required, whichever is the earlier, unless the student:

- (i) is excluded from the course following a recognised assessment process undertaken in accordance with the procedures determined by the Academic Board;
- (ii) fails to comply with prevailing fees policy(ies);
- (iii) is expelled from the University following a disciplinary hearing (see section E);
- (iv) withdraws or is withdrawn from the course;

- (v) is excluded by the Chair of the appropriate Assessment Board from his/her programme of studies during the course of the academic session for academic reasons (see section H5 of the Academic Regulations);
- (vi) is a Tier 4 student, enrolled at the University under the Points Based System (PBS) and withdraws or is withdrawn from the course following a breach of the requirements of the PBS, or at the decision of the UK Border Agency (UKBA) to terminate his/her studies.

Students must notify the University of any changes occurring during the academic year in the information supplied on enrolment or re-enrolment, in particular changes to local address. The University will not accept responsibility for inaccuracies in data held on individuals where the source is outside its control.

Students who enrol late or who make late modifications to their programmes of studies without good cause may be charged an additional administrative fee.

B2. Attendance

Student attendance at timetabled learning activities of courses and modules is required. Students who are unable to attend timetabled learning activities for any reason must apply for authorisation for leave of absence from the Dean of School (or nominee) as soon as practicable. Unauthorised absence is not acceptable and may attract academic or disciplinary penalties. A student who does not engage with School Absence Procedures regarding continuous unauthorised absence may be deemed to have withdrawn from the course. The date of withdrawal will be recorded as the last day of attendance.

In the event of absence due to illness, medical certificates must be produced promptly to the Dean of School (or nominee) whenever the University so requests and, in any event, if the absence continues for seven days or more. Any student who has submitted a medical certificate shall refrain from attendance at the University if that is recommended by the medical certificate.

Courses which confer a licence to practise may require a specific attendance level in order to meet qualification requirements.

In the case of students in receipt of an award for fees from the Student Finance England or a Local Education Authority (LEA), the University is required to notify appropriate absences.

B3. Criminal Convictions During the Enrolment Period

Students on general University courses are required to declare any relevant criminal convictions that they become subject to during their period of enrolment to their Dean of School. This is to enable the University to safeguard its community. A relevant criminal conviction is any conviction for offences against the person whether of a violent or sexual nature or for offences where the conviction concerns commercial drug dealing or trafficking. The Dean of School will decide whether there are any implications in relation to the student's course or their standing with the University. It may be necessary for the University to take action where the conviction contravenes the Disciplinary Regulations (see D2xiii). The University reserves the right to request that students convicted of a relevant criminal offence during the enrolment period complete a Criminal Records Bureau check, should that student's behaviour raise cause for concern or due to the nature of the incident, the results of which will be considered in line with the Academic Regulations.

The failure to disclose a relevant criminal conviction during the enrolment period may itself constitute a disciplinary offence. Any disclosure information relating to a

criminal conviction will be handled in accordance with the Data Protection Act and advice from such agencies as the Criminal Records Bureau.

Students on professional courses are required to declare all criminal convictions that they become subject to during their period of enrolment including spent sentences, cautions and bind-over orders and should consult course regulations.

B4. Safety

Students shall take reasonable care for the health and safety of themselves and of others who may be affected by their activities.

Students shall not endanger themselves or others by intentionally or carelessly interfering with, or misusing, any article, substance or material provided by the University or on its premises or whilst engaged in associated activities e.g. a field course or work placement.

Students shall use any protective equipment provided, and ensure, so far as it is reasonably practicable, that they understand and abide by safe systems of work and any safety procedures and Regulations established by the University in connection with any of its activities.

In seeking to enhance the safety of the University community, the University's premises are monitored by CCTV surveillance equipment. Footage from CCTV cameras may be used in proceedings under the Disciplinary Regulations (see section D) or in any criminal proceedings.

B5. Damage to Equipment and Premises

Any individual student or group of students found to be responsible, through any wilful act or negligence, for any loss or damage to the University's or any of its associate premises, equipment or property shall be liable for the cost of restoration or repair as is necessary. The amount of such costs shall be payable on demand to the appropriate University officer.

B6. Fees

Students attention is drawn to the Tuition Fees Policy (http://www.uclan.ac.uk/study/fees_and_finance/tuition_fee_policy.php) and the University of Central Lancashire's Financial Regulations (http://www.uclan.ac.uk/information/services/finance/help_support/files/finreg09.pdf) as made and amended throughout a student's enrolment at the University.

If a student has not paid an account nor made arrangements satisfactory to the University/Partner Institution for the payment of an account for fees or for any other item(s) owing to the University/Partner Institution then University may apply one or more of the following range of penalties in the Tuition Fee Policy.

The University reserves the right to disclose to any third party, by whom a reference is sought, any failure to comply with the Tuition Fees Policy or Financial Regulations.

B7. Examination/Assessment Regulations

It is the student's responsibility to be familiar with the contents of the University's Academic Regulations and with the particular assessment regulations currently applicable to his/her course.

Students who dispute a decision of an Assessment Board may seek a review of the decision in accordance with the relevant Academic Regulations procedures. No request for review will be entertained on matters of academic judgement.

Any use of unfair means in an attempt to enhance performance (plagiarism, collusion or cheating) is regarded with particular severity. The University operates an electronic plagiarism detection service which involves uploading, storing and cross-referencing work against other material. The Academic Regulations describe how suspected cases of plagiarism, collusion or cheating will be investigated and the penalties which apply.

Copies of the Academic Regulations may be consulted in the Library and Learning Resource Services on all campuses, in School Offices and on the University's web site by visiting the following address: http://www.uclan.ac.uk/information/services/sss/quality/regulations/aca_regs.php. Particular assessment regulations for individual courses may be consulted in the relevant school office.

B8. Local Rules and Conditions

There are Rules for the Use of the University's IT Facilities and also the Use of the Library supported by sanctions including fines or exclusion from facilities. Students and other users of University-owned accommodation are also subject to the Conditions of Residence. Serious or repeated breaches of the Rules for the Use of the University's IT Facilities and also the Use of the Library or the Conditions of Residence may involve recourse to the Disciplinary Regulations or affect future enrolment to the University in the case of misconduct by non-student users (see Section D).

B9. Fitness to Practise

Students on professionally regulated courses which lead directly to, or which satisfy the conditions of, a professional qualification or which confer a direct licence to practise a particular profession will be subject to the Fitness to Practise Procedure (see Appendix 3). This will be specified in course regulations and student handbooks with reference to the relevant professional, statutory and regulatory body (PSRB) code (Appendix 3).

C. Partial Exclusion, Suspension, Withdrawal and Expulsion of Students

C1. Definitions

[a] Partial exclusion involves selective restriction on attendance at or access to the University and its courses or placements or prohibition on exercising the functions or duties or any office or committee membership in the University or the Student's Union, the exact details to be specified in writing. Partial exclusion may be imposed under Regulation C2, C3, D2(i), D3 or Appendix 3 or 4 or following a Disciplinary Hearing (see Section E). It may be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons. A student who has been partially excluded may be given notice to quit University accommodation.

[b] Suspension involves a total prohibition on attendance at or access to the University and on any participation in University activities including placements; but it may be subject to qualification, such as permission to attend for the purpose of an examination, counselling or for the purpose of seeking advice in relation to a disciplinary procedure or appeal. Depending on the nature of the alleged offence, network and/or Library access may also be temporarily revoked. Suspension may be imposed under Regulation C2, C3 or D3 or Appendix 3 or 4 or following a Disciplinary Hearing (see Section E). It may be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons. A student who has been suspended may be given notice to quit University accommodation.

- [c] Withdrawal involves the termination of a student's enrolment at the University. A student who is withdrawn from the University is prohibited from attendance at or access to the University and on any participation in University activities including placements and loses student status. A student may be withdrawn under Regulation C4 or following a Disciplinary Hearing (see Section E) or a Fitness to Practise Hearing (see Appendix 3) or under Appendix 4. A student who is withdrawn under disciplinary procedures is not prohibited from enrolling at the University in the next academic year, but admittance may be subject to qualification, such as prohibition from entering or residing in University Halls. If the student is in University accommodation, s/he will be given notice to quit the accommodation.

The University will employ the Tuition Fee Policy with respect to 'non-completion' for a student who is withdrawn.

- [d] Expulsion involves permanent compulsory exclusion from the University and on any participation in University activities including placement. A student who is expelled from the University is prohibited from attendance at or access to the University, loses student status and is not permitted to re-enrol at the University or on any course that leads directly to a University of Central Lancashire award except by special dispensation of the Vice-chancellor. Expulsion may be subject to qualification, such as permission to attend for the purpose of seeking advice in relation to disciplinary procedures or appeals until such time that either the date for submission of an appeal has passed or that an appeal has been considered and not upheld.

- i. A student may only be expelled following a Disciplinary Hearing (see section E);
- ii. In the case where a student is expelled he/she will normally be permitted to retain any completed credits, unless those credits have been found to have been gained by dishonest or unfair means, at the discretion of the Disciplinary Committee in consultation with the Chair of the Assessment Board;
- iii. A student who is expelled who is permitted to retain any existing credits will normally be granted any appropriate exit award in line with section 14 of the Academic Regulations, at the discretion of the Disciplinary Committee, in consultation with the Chair of the Assessment Board;
- iv. In the case of a student who is from a professional course which leads directly to, or which satisfies the conditions of, a professional qualification, or which confers a direct licence to practise (a) particular profession(s), the Disciplinary Committee will consult with the Chair of the Assessment Board as to the appropriateness of granting any exit award.
- v. The University will employ the Tuition Fee Policy with respect to 'non-completion' for a student who is expelled.

C2. Partial Exclusion or Suspension for Non Disciplinary Reasons

A student may be partially excluded/suspended from the University by the Vice-Chancellor's Nominee without invoking the Disciplinary Regulations:

- [a] For an unsatisfactory standard of work or other academic reason;
- [b] For failing to comply with prevailing fees policy(ies);

[c] In any case where there is reason to believe that a student is not fit to study because s/he may be suffering from a medical or psychiatric condition and that as a result:

- the student or others with whom s/he comes in contact are suffering or may suffer detriment; and/or
- the student cannot reasonably be expected to attain the learning outcomes of the course notwithstanding any reasonable adjustments

The student will be suspended or partially excluded pending receipt of a medical report from an appropriately qualified medical or psychiatric expert, approved by the University which confirms the student's fitness to study. The Vice-Chancellor's nominee will determine whether the continuation of the suspension/partial exclusion is appropriate. The University may be obliged to withdraw a student who becomes unfit to study [see Regulation C5].

[d] For any other failure to comply with the Regulations of the University which is not a breach of the Disciplinary Regulations.

To partially exclude or suspend a student without invoking the Disciplinary Regulations the Vice-Chancellor's nominee shall proceed as follows:

- i. No student shall be partially excluded or suspended unless he or she has been given an opportunity to make representations in person to the Vice-Chancellor's nominee. Where for any reason, it appears to the Vice-Chancellor's nominee that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.
- ii. In cases of urgency, the Vice-Chancellor's nominee shall be empowered to partially exclude or suspend a student with immediate effect if necessary without being given the opportunities mentioned in C2i above provided that within five working days the opportunities mentioned in C2i above are given and the matter reviewed.
- iii. Suspension will only be used where partial exclusion from specified activities or facilities would in the opinion of the Vice-Chancellor's nominee be inadequate or where the range of activities for which the Vice-Chancellor's nominee is of the opinion that partial exclusion should be made is such that it should most effectively be achieved by suspension.
- iv. Suspension and partial exclusion are defined in C1.
- v. Written reasons for the decision shall be recorded and made available to the student.
- vi. Where assessments carried out in C2 [c] indicate no underlying medical or psychiatric condition, action may continue under the Disciplinary Procedures (see section D).
- vii. A student who has been partially excluded or suspended by the Vice Chancellor's nominee under this Regulation may have the partial exclusion or suspension brought to an end by a decision of the Vice Chancellor's nominee after the matter which led to the imposition of the partial exclusion or suspension has been remedied.

C3. Partial Exclusion or Suspension Pending a Disciplinary or Fitness to Practise Hearing or Criminal Trial

A student may, if the Vice-Chancellor's nominee in his/her complete discretion considers it appropriate, be partially excluded or suspended pending a disciplinary interview/hearing, Fitness to Practise Hearing or criminal trial.

- i. A student who is alleged to have committed a serious offence which is deemed to be a breach of the Regulations for the Conduct of Students or against whom a criminal charge is pending or subject to police investigation or in respect of whom a Fitness to Practise Hearing is being, or may be, convened under Appendix 3, may be suspended or partially excluded by the Vice-Chancellor's nominee.
- ii. The Vice-Chancellor's nominee shall provide a report to the Vice-Chancellor of any suspension or partial exclusion under this section.
- iii. Suspension and partial exclusion are defined in Section C1.
- iv. Suspension will only be used where partial exclusion from specified activities or facilities would in the opinion of the Vice-Chancellor's nominee be inadequate or where the range of activities for which the Vice-Chancellor's nominee is of the opinion that partial exclusion should be made is such that it should most effectively be achieved by suspension.
- v. Suspension or partial exclusion pending a criminal trial or disciplinary/Fitness to Practise hearing will not be used as a penalty. The power to suspend or partially exclude is to protect members of the University community and the power shall only be used where the Vice-Chancellor's nominee is of the opinion that it is necessary to take such action. Written reasons for the decision shall be recorded and made available to the student.
- vi. No student shall be suspended or partially excluded unless he or she has been given an opportunity to make representations in person to the Vice-Chancellor's nominee. Where for any reason, it appears to the Vice-Chancellor's nominee that it is not possible for the student to attend in person, he or she shall be entitled to make written representations.
- vii. In cases of urgency, the Vice-Chancellor's nominee shall be empowered to partially exclude or suspend a student with immediate effect if necessary without the student being given the opportunities to make representation mentioned in C3(vi) provided that **within five working days** the opportunities mentioned in C3(vi) above are given and the matter reviewed.
- viii. The suspension or partial exclusion shall be subject to review every four weeks in light of any developments and of any representations made by the student in writing or by anyone else on his/her behalf. Such a review will not involve a hearing or submissions made in person. This review shall be undertaken by a member of the Directorate who was not involved in the original decision to suspend or partially exclude the student. It is the responsibility of the student to inform the University of the outcome of any criminal proceedings.
- ix. A student in receipt of an attendance based scholarship or bursary who is suspended from the University or excluded from attending teaching activities may have the scholarship or bursary revoked depending on the outcome of a criminal investigation and/or subsequent Disciplinary Hearing.

C4. Withdrawal of a Student for Disciplinary Reasons

A student may be withdrawn from the University if there is indisputable evidence that the student's behaviour is of such detrimental influence to other student's education or the University Community that it is considered that the relationship between the student and the University is no longer tenable. A report will be forwarded to any appropriate national admissions systems in line with their published requirements. Withdrawal of a student under this regulation will not prohibit the student from application to the University in future academic years, but admittance may be subject to qualification and/or condition. Withdrawal of a student will be at the discretion of the Vice-Chancellor's Nominee and/or Director of the Student Academic and Support Services, following a disciplinary investigation during which the student will have the opportunity to put his/her case forward (see section E3) and based upon evidence received and/or admission of guilt by the student. A student may be withdrawn without a formal hearing being convened. The student will have the right of appeal under section F of the Regulations.

C5. Withdrawal of a Student for Non Disciplinary Reasons

The University may be obliged to withdraw a student from his/her course and the University for a specified period or permanently in line with the procedure in appendix 4, in any case where there is reason to believe that a student is not fit to study because s/he or may be suffering from a medical or psychiatric condition and that as a result:

- the student or others with whom s/he comes in contact are suffering or may suffer detriment; and/or
- the student cannot reasonably be expected to attain the learning outcomes of the course notwithstanding any reasonable adjustments.

Where a student is withdrawn for a specified period, his/her return to study will be subject to the receipt of a report from an appropriately qualified medical or psychiatric expert, approved the University, confirming his/her fitness to study.

C6. Support for Returning Students

A student who has returned to the University or work placement after partial exclusion or suspension shall be offered appropriate support to remedy the effects of absence as would any other student who had been absent. The student will be reminded of the availability of advice services.

D. Disciplinary Regulations

D1. These Regulations will normally be applied in respect of alleged misconduct which occurred whilst on University premises or the immediate environs or whilst engaged in any University activity. However the University reserves the right to take disciplinary action against any student in respect of any misconduct, wherever it may have taken place, where that misconduct: i. damages the good name of the University; or ii. raises questions about a student's suitability for a particular course or whether a student should remain a member of the University community because s/he poses a danger to other members, or to the good order of the University community.

D2. Students are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its staff, students and property. The following list is indicative of types of misconduct but is not intended to be exhaustive:

- i. Behaving in a manner whereby reasonable cause is given to believe that danger or a breach of peace or damage to property is likely to ensue. For the purpose of this Regulation, any employee or agent of the University has the right and duty to act on his/her own initiative to protect the safety of persons in attendance at the University premises, if necessary by effecting the immediate partial exclusion of the student pending application of the formal disciplinary procedures. Any employee or agent who exercises their right under sub-paragraph D2 must immediately inform the Director of the Student and Academic Support Services of the action taken following which there will be a review in accordance with C2(ii) or C3(vii);
- ii. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University whether on University premises or elsewhere; including conduct which obstructs or disrupts any lecture, class or other instruction, or any laboratory work, or any examinations, authorised to be held, given or undertaken within the University; or any meeting or other function (including social or sporting activities) authorised to take place within the University.
- iii. Obstruction of, or improper interference with the functions, duties or activities of any student, member of staff or other employee of the University or any authorised visitor to the University;
- iv. Violent, indecent, disorderly, aggressive, threatening or offensive behaviour or language whether orally or in any writing, sign or other visible representation, including electronically whilst on University premises or the immediate environs or engaged in any University activity;
- v. Distributing or publishing a poster, notice, sign, publication or material of any nature which is threatening, abusive, insulting, obscene, offensive or constitutes harassment or is illegal or makes others fear violence;
- vi. Fraud, deceit, deception, misrepresentation, bribery, falsification of records or dishonesty or scientific misconduct, in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University including the making of false, malicious, frivolous or vexatious allegations or complaints;
- vii. Action likely to cause injury or impair safety on University premises or whilst on placement or where the consumption of alcohol and/or misuse of drugs affects the satisfactory performance on the course;
- viii. Harassment of any student, member of staff or agent of the University, or any third party while on placement, or any other authorised visitor of the University;
- ix. Breach of the provisions contained within any University Regulations/Guidelines/ Rules/Codes/Conditions/Policies;
- x. Assessment/examination offences not contained within Appendix 9 of the Academic Regulations, including, but not limited to theft, falsification, impersonation, attempting to bribe an examiner, advertising services or seeking services which promote academic dishonesty whether electronically, orally or in writing, within the environs of University or public domain; breach of any attendance requirements;
- xi. Damage, vandalism or deliberate defacement of, University property or the property of any student, member of staff or agent of the University caused intentionally or recklessly and misappropriation of such property;

- xii. Misuse or unauthorised use of the University premises or items of property, including computer misuse or deliberate disclosure of privileged and confidential information to unauthorised people;
- xiii. Conduct which constitutes or is alleged to have constituted a criminal offence where that conduct:
 - [a] took place on University premises; or
 - [b] affected or concerned any student, member of staff or agent, of the University; or
 - [c] damages the good name of the University; or
 - [d] renders the student unfit to practise any particular profession or calling to which that student's course directly leads;
 - [e] raises questions about a student's suitability for a particular course or whether a student should remain a member of the University community because s/he poses a danger to other members, or to the good order to the University community. For the purposes of this regulation, students are required to declare any relevant criminal convictions (see B3);
- xiv. Behaviour which brings the University into disrepute;
- xv. Failure to disclose name and other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- xvi. Entering parts of the University premises other than those that are open for the purposes of academic and legitimate student activity, unless invited to do so by an authorised employee or agent of the University;
- xvii. Engaging in any trade or business or engaging in the activities of any other form of employment, on University premises, other than employment by the University or by the Students' Union, without express authority of the Pro Vice Chancellor;
- xviii. Conduct which renders a student enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling, not fit to be admitted to and practise that profession or calling;
- xix. Any breach of the Nursing and Midwifery Council Code of Professional Conduct or General Social Care Council Codes of Conduct by students attending the pre or post registration nursing courses or dual registered social work students.
- xx. Making or publishing audio and visual recording of a member of University staff in the course of his/her duties without the express permission of the member of staff where this does not constitute a reasonable adjustment under the DDA and is not related to the educational programme of study;
- xxi. Conduct of any nature which is intended to or has the effect of: inciting or enticing another student to breach any of the Disciplinary Regulations; or aiding or abetting another student in the breach of any of the Disciplinary Regulations, including failure to report breaches of local Regulations/Guidelines/ Rules/Codes/Conditions/Policies;

- xxii Misuse or unauthorised use or interference with electrical or mechanical items of University property;
- xxiii. Failure to comply with the terms of any written undertaking; or with the requirements of any disciplinary investigation, interview or hearing; or with any previously imposed penalty, partial exclusion or suspension under the Regulations for the Conduct of Students; or with any reasonable instruction given by an officer or employee of the University in the course of his/her duties; or failure to disclose a relevant criminal conviction (see B3);
- xxiv In the case of International Students, breach of the terms of any visa or failure to comply with the requirements of the UK Border Agency (UKBA).

D3. Mitigation due to Illness

Where an allegation of misconduct has been made and the Vice-Chancellor's nominee has reason to believe that illness of any nature, including mental illness, is a contributory factor in the alleged behaviour, he/she may adjourn the proceedings in order to allow opportunity for a report from an appropriately qualified medical or psychiatric expert, approved by the University (such approval not to be unreasonably withheld) to be obtained. In these circumstances, if the Vice-Chancellor's nominee has reason to believe that it may be necessary for the well being of the student or others with whom the student may come into contact, he/she may, if appropriate, partially exclude or suspend the student until such report is received, at which time the partial exclusion/suspension will be reviewed. The University reserves the right to proceed with the disciplinary process or to terminate the proceedings subject to the student receiving relevant medical treatment.

D4. Criminal Offences

The following procedures apply where the alleged misconduct would also constitute an offence under the criminal law if proved in a court of law:

- i. Where the alleged offence under the criminal law is considered to be not serious, action under these Regulations may continue but such action may be deferred pending any police investigation or prosecution.
- ii. In the case of all other alleged offences under the criminal law, no action (other than suspension or partial exclusion pursuant to section C3) will normally be taken under these Regulations unless the matter has been reported to the police and either prosecuted or a decision not to prosecute has been taken, at which time the Pro Vice Chancellor may decide whether disciplinary action under these Regulations should continue or be taken.
- iii. The University has the right to report any criminal matter to the police. However, if a person claims to be the victim of a serious offence committed by a student, but does not wish the police to be involved, the Vice-Chancellor's nominee may agree not to report the matter to the police. In such circumstances the University will not normally proceed with internal disciplinary measures for the serious offence, although it may take disciplinary action over other related offences.
- iv. 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 Regulations.
- v. Alleged offences involving drugs will be dealt with in accordance with the Universities Drugs and Alcohol Procedure (available at

http://www.uclan.ac.uk/information/services/sds/procedural_guidelines_for_alcohol_and_drug_misuse.php)

E. Disciplinary Procedure

E1. Any member of the University staff may advise or give an informal oral warning to a student about his/her conduct. Such advice/warning does not constitute an allegation of a breach of the Disciplinary Regulations. However, depending on the nature of the offence, that offence, a repeat of the same offence or similar offence may be considered a breach of the Disciplinary Regulations (see Section D) and should be brought to the attention of the Director of the Student Academic and Support Services (or nominee). In such circumstances other records may be used as appropriate to aid the investigation and examine if a breach of the Disciplinary Regulations has occurred including reports from security, accommodation services, or the Library.

E2 Allegations of classroom disruption may be dealt with by the member of staff responsible for the session at the time that the alleged misconduct occurs. Tutors may advise or give an informal warning to a student about his/her conduct or eject the students from the classroom for the duration of the session. In cases of serious or repeated misconduct in the classroom, tutors may refer the matter to the Dean of School (or nominee) who shall impose an appropriate penalty or penalties, up to and including a written reprimand (see section E11). If the alleged offence, if proven, is likely to incur a penalty or penalties more severe than a written reprimand, the matter will be referred to the Vice-chancellor's nominee to be dealt with as set out in E3.

E3. Allegations of misconduct under these Regulations should be submitted in writing and addressed to the Director of Student Academic and Support Services (or nominee).

If the Director of Student Academic and Support Services (or nominee) is of the opinion that further investigation is needed before referral to the person in E4, s/he will gather all relevant information relating to the alleged offence in the form of reports from security, accommodation services, or the LIS, etc. as appropriate. Interviews may be conducted with any student(s) involved in the alleged offence, including witnesses, with the purpose of gathering further information and formal statements. Students are expected to comply with requests for attendance at meetings and formal statements in this stage of the proceedings.

E4 The Director of Student Academic and Support Services (or nominee) shall, with regard to the seriousness of the incident, refer the matter to either the student's Dean of School or Vice-Chancellor's nominee as follows:

- i. If the alleged offence, if proven, is likely to incur a penalty or penalties up to and including a written reprimand (see section E11) the matter will be referred to the Dean of School, unless the allegation has been made by the Dean of School, in which case the matter will be dealt with as if the alleged offence was likely to incur a penalty or penalties up to and including a final written warning (see section E11). The Dean of School or other person to whom the matter is referred under this sub paragraph shall conduct a disciplinary interview with the student at which s/he will determine whether the allegation is proved, and, if so, what penalty should be imposed.
- ii. If the alleged offence, if proven, is likely to incur a penalty or penalties more severe than a written reprimand up to and including a final written warning (see section E11) the matter will be referred to the Vice-Chancellor's nominee, whom shall either,

- [a] conduct a disciplinary interview with the student at which s/he will determine whether the allegation is proved, and, if so, what penalty should be imposed, or
 - [b] where there is undisputable, uncontested evidence to prove the alleged offence, or where the alleged offence is admitted by the student and there is no reason to dispute this admission, issue a Final Written Warning to the student. If the student disagrees with the decision, s/he will have recourse to a Disciplinary Committee and a hearing will be convened providing the student notifies the Vice-Chancellor's nominee within seven working days of receipt of the penalty that s/he wishes to challenge the penalty.
- iii. If the alleged offence, if proven, is considered to be of a serious nature and may incur a penalty or penalties up to and including expulsion (see section E11) the matter will be referred to the Vice-Chancellor's nominee to be heard by a Disciplinary Committee comprising: a member of the Senior Management Team who has received appropriate training (Chair); a staff member nominated by the Academic Board; a student member who shall normally be a member of the Students Affairs Committee
- E5.** If, at any stage in the proceedings, the Vice-Chancellor's nominee is of the opinion that it is necessary to protect members of the University community, s/he may suspend or partially exclude the student pending a disciplinary hearing in accordance with Regulation C3.
- E6.** If the person to whom the matter is referred under Regulation E4 is of the opinion that further investigation is needed before a disciplinary interview/hearing can take place, s/he will nominate a member of staff with no material involvement with the case at that time, to undertake such investigation as is reasonable in the circumstances and to prepare a report before a disciplinary interview/hearing is arranged.
- E7.** Where a complaint of misconduct has been made, the Director of Student Academic and Support Services (or nominee) may decide that the complaint should not be the subject of further action under these Regulations, but such a ruling shall not preclude informal action by way of caution or otherwise if appropriate.
- E8.** If the Vice-Chancellor's nominee considers it appropriate, and if the student agrees in writing, the matter may be dealt with summarily without recourse to a Disciplinary Interview/Hearing. The Vice-Chancellor's nominee will consider oral or written evidence as he/she considers fit and will make a decision only if he/she is satisfied that the allegation is proven. He/she may impose any penalty as set out in E11 except expulsion. The student will have the right of appeal under Section F of these Regulations.
- E9. Notice of a Disciplinary Interview/Hearing**
- i. Arrangements for a Disciplinary Interview/Hearing will be made by the Secretary.
 - ii. The Student will be given at least 5 working days notice of the date, time and location of the Interview/Hearing.
 - iii. The notice will state the allegation(s), the names of the Disciplinary Committee members (if appropriate), the range of possible outcomes if the allegation(s) are proven (as indicated in section E11), and will identify the rights of the student to be accompanied by any one person at the disciplinary interview/hearing and to bring forward any additional evidence including oral or written statements of witnesses not previously considered, and will draw attention to the availability of advice services.

- iv. The following will be included with the notice:
 - a) a copy of the Regulations for the Conduct of Students; and
 - b) a copy of a report prepared by either the person identified in E6 or the Director of Student Academic and Support Services (or nominee), including copies of all the evidence (including any evidence provided by the police or a qualified medical expert).
- v. The student will normally be expected to attend the disciplinary interview/hearing. If the student does not attend, the interview/hearing may proceed and a penalty may be imposed in her/his absence and the Disciplinary Committee/ Interviewer will consider any representations made on behalf of the student (in absentia) at the appropriate point in the interview/hearing. In exceptional circumstances the interview/hearing may take place via correspondence or telecommunications.
- vi. The student will be entitled to be accompanied and/or represented by a person of her/his choosing who may be a member of the Students' Union Advice Centre. The student will be required to inform the Secretary at least three days before the hearing whether s/he intends to exercise this entitlement, the name of the person who will be attending and in what capacity such person will be attending.
- vii. The student will be permitted to submit a statement and any additional evidence including witness statements not previously considered no later than three days before the interview/hearing. Witnesses may be invited to give evidence in person at the discretion of the Chair of the interview/hearing.

E10. Protocol for a Disciplinary Interview/Hearing

The following procedure will normally apply at a disciplinary interview/hearing, although the person conducting the disciplinary interview (Disciplinary Interviewer) or the Chair of the Disciplinary Committee, may, if appropriate adjourn the disciplinary interview/hearing to another date. In the case of a disciplinary interview, if new evidence is presented that an incident is more serious than originally thought, the Disciplinary Interviewer may refer the case to the next level in the delegated authority.

- i. The Disciplinary Interviewer or Chair of Committee will invite all those present to introduce themselves and will explain the purpose of the interview/hearing.
- ii. The Director of Student Academic and Support Services (or nominee) ('The Presenter') or the person identified in section E6 will present the case on behalf of the University.
- iii. The Disciplinary Interviewer or Disciplinary Committee and the student (or representative) will have the opportunity to question the Presenter.
- iv. The student (or representative) will present her/his response.
- v. Witnesses will be invited to give evidence where applicable and if previously agreed by the Disciplinary Interviewer or the Chair of the Committee.
- vi. The Disciplinary Interviewer or Disciplinary Committee and Presenter will have the opportunity to question the student and any witnesses.
- vii. The Disciplinary Interviewer or Disciplinary Committee may ask questions of either party at any stage during the interview/hearing.
- viii. Summing up by the Presenter.

- ix. Summing up by the student (or representative) to include any mitigating factors.
- x. The Disciplinary Interviewer or Disciplinary Committee may: retire to consider his/her/its decision; or seek further information; and/or adjourn to a later date.
- xi. The student and any representative or witnesses shall withdraw while the Committee deliberates the issue.

The Disciplinary Interviewer or Disciplinary Committee will reach a decision based on the facts and on the evidence presented. The standard of proof will be the civil standard or proof which is that 'on a balance of probabilities', the facts of an allegation are more than likely than not to have happened, except in cases of criminal behaviour where the finding(s) of fact and certification of conviction of any UK or International Criminal Court or the finding(s) of a judge in any UK or International Civil Court shall be conclusive proof that the allegation is found proven.

The outcome imposed by the Disciplinary Interviewer or the Disciplinary Committee should be one which satisfactorily addresses the allegation, whilst taking into consideration the wider University Community and taking account of previous allegations or findings and any mitigating factors provided by the student (or representative).

E11. Outcomes and Penalties

- i. If the alleged offence is admitted by the student or is found to be proven, the decision may be made to impose one or more of the following:
 - [a] an oral reprimand which will normally be effective for six months unless otherwise stated at the disciplinary interview/hearing;
 - [b] a written reprimand which will normally be effective for either 6 or 12 months unless otherwise stated, to be determined by the Vice-Chancellor's nominee, Disciplinary Interviewer or Disciplinary Committee;
 - [c] a final written warning to be effective for a period of time determined by the Vice-Chancellor's nominee, Disciplinary Interviewer or Disciplinary Committee;
 - [d] partial exclusion of the student (as defined in C1);
 - [e] withdrawal from the University (as defined in C1) for the remainder of the academic year;
 - [f] suspension of the student (as defined in C1) for a period of time determined by the Disciplinary Committee;
 - [g] expulsion of the student (as defined in C1).

A Dean of School may impose a or b. A Dean of Faculty or Vice-Chancellor's nominee may impose a, b, c, d or e. A Disciplinary Committee may impose a, b, c, d, e, f or g.

- ii. In addition to, or in substitution for any of the above penalties, a Dean of School, Dean of Faculty, Vice-Chancellor's nominee or Disciplinary Committee may impose one or more of the following outcomes:

- [a] that the student gives a written undertaking of future good conduct within the University which is not a penalty although a penalty may be imposed in the event that the conditions are not met;
 - [b] that the student gives an oral or written apology to any person affected by the student's actions;
 - [c] compensation to be paid by the student in accordance with Regulation B5;
 - [d] a fine to be paid by the student, not exceeding a sum determined from time to time by the Vice Chancellor after consulting the Students' Union (the fine to be paid into University's general funds);
 - [e] that the student attend any restorative justice sessions, conducted by either Student Services, Lancashire Constabulary or Lancashire Fire and Rescue, as deemed appropriate based on the nature of the allegation;
 - [f] that the student undertake a period of probation as defined in Appendix 1;
 - [g] that the student undertake to vacate University owned accommodation in line with the Conditions of Residence.
- iii. in the case of a disciplinary hearing, in the event of equality of votes on any issue, the Chair of the Disciplinary Committee shall have a second or casting vote;
 - iv. when determining the appropriate level of penalty, consideration will be given to any mitigating factors, the seriousness of the offence, the circumstances surrounding the offence, and the degree to which any misconduct is of a persistent nature. For example a Disciplinary Committee may decide to expel a student on the grounds of the severity of one act of misconduct or where there has been persistent misconduct giving rise to an unsatisfactory disciplinary record;
 - v. where relevant, consideration will be given to the relevance of any misconduct in relation to the student's fitness on graduation to qualify, or be registered or to practise a particular profession or calling. Where the termination of professional training is considered, advice and/or representation may also be sought from the relevant partner or professional agencies;
 - vi. in the case of a penalty being imposed in accordance with E11 above, the Disciplinary Interviewer or Committee will, if applicable, decide the effective date and term of the penalty and the duration of the record of the penalty;
 - vii. the student will normally be informed verbally of the decision(s) at the end of the hearing and of any right of appeal;
 - viii. the Disciplinary Interviewer or the Chair of the Disciplinary Committee will confirm the decision(s) in writing to the student within three days and will remind the student of any right of appeal. A copy of the letter will be placed on the student's file and sent to the Director of the Student Academic and Support Services (or nominee);
 - ix. the Disciplinary Interviewer or the Chair of the Disciplinary Committee shall complete or cause to be completed a pro forma record of the disciplinary interview/hearing which shall comprise the date of the interview, persons

present, statement of the allegation, the evidence received and the decision(s) made. The pro-forma record will be retained;

- x. if a student does not comply with any sanction issued under section E11, including failure to adhere to any stipulated time-frame for action, the matter will be referred to the Vice-chancellor's nominee for consideration in line with section D2 (xxiii).

F. Appeals Procedure

F1 The student shall have a right of appeal against (a) decision(s) taken by:

- a Disciplinary Committee, Vice-Chancellor's nominee or Dean of School where one or more of the penalties in section E11 of the Disciplinary Procedure have been implemented;
- a Fitness to Practise Committee where one or more of the outcomes in section 7 of the Fitness to Practise Procedure have been implemented;
- the Director of Student Academic and Support Services (SASS) under section 6b, 6c or 6d of the Fitness to Study Procedure.

F1.2 A student may appeal against: i. the decision that the case was proven, except in cases where the allegation has been found proven by a Criminal or Civil Court; or ii. the decision(s) on the outcome or penalty; or iii. both decisions.

F1.3 The grounds for appeal are:

- a. that new evidence or extenuating circumstances has become known, which the student could not have reasonably made known at the time of the original hearing;
- b. that the original hearing was not conducted fairly and/or in accordance with the published procedure;
- c. that the original decision was manifestly unreasonable.

F1.4 An appeal should be submitted in writing to the Vice-Chancellor (or nominee) within 10 working days of the date of the formal outcome letter. The written statement should set out the grounds for appeal in reasonable detail, include any new evidence that was not available at the time of the original hearing and state the outcome that the student is seeking

F1.5 The Vice-Chancellor (or nominee) will appoint an Appeal Panel comprising no fewer than 3 and no more than 5 members, as follows:

- a Deputy Vice-Chancellor (or nominee) (Chair)
- up to 3 members of staff selected for their expertise in relation to student conduct, professional standards or health matters
- the President of the Students' Union (or nominee)

The Appeal Panel shall have the power to co-opt additional members as required, including external representatives e.g. from any relevant partner or professional agency.

F1.6 Members of the Appeal Panel should have no direct interest or prior material involvement in the student's case. An officer of AQaSU who was not involved in the

original hearing will act as Secretary to the Appeal Panel. S/he will brief the Panel about the procedure and take a formal record of the proceedings, but will not be involved in the decision.

- F1.7** There shall be no entitlement to a re-hearing of the case. A re-hearing of the case will be allowed only in exceptional circumstances and at the discretion of the Chair of the Appeal Panel
- F1.8** The Appeal Panel will meet in private to determine whether there are valid grounds for the appeal. The Appeal Panel will receive a copy of the record of the original hearing and may request further information from the original decision maker (or nominee) or the student.
- F1.9** If the Panel determines there are no valid grounds for appeal, the student will be informed of the decision and the associated reasons and his/her right to refer to the Office of the Independent Adjudicator for Higher Education.
- F1.10** If the Panel determines there are grounds for appeal, the student shall be given 5 working days notice of the date of the Appeal Hearing.
- F1.11** The student will normally be expected to attend the Appeal Hearing. If the student does not attend, the hearing may proceed in her/his absence and the Appeal Panel will consider any representations made on behalf of the student (in absentia) at the appropriate point in the hearing.
- F1.12** The student will be entitled to be accompanied and/or represented by a person of their choosing who may be a member of the Students' Union Advice Centre. The student will be required to inform the Secretary at least 3 days before the hearing whether s/he intends to exercise this entitlement, the name of the person who will be attending and in what capacity such person will be attending.
- F1.13** The procedure at the Appeal Hearing will be to hear the opinion of the original decision maker (or nominee) who may be accompanied by an advisor and then to hear the opinion of the student who may be accompanied or represented, as follows:
- The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing.
 - The student (or representative) will present the grounds for appeal.
 - The Appeal Panel and the original decision maker (or nominee) will have the opportunity to question the student.
 - The original decision maker (or nominee) will present his/her response.
 - The Appeal Panel and the Student will have the opportunity to question the original decision maker (or nominee).
 - The Appeal Panel may ask questions of either party at any stage during the hearing.
 - Summing up by the student (or representative).
 - Summing up by the original decision maker (or nominee).
 - The student and any representative or witnesses and the original decision maker (or nominee) shall withdraw while the Appeal Panel deliberates the issue.

The Appeal Panel may, at its discretion and in the interests of fairness: i. depart from this procedure; ii. seek further information; and/or iii. adjourn to a later date at any stage in the proceedings.

F1.14 The Appeal Panel shall have the power to:

- a. uphold the decision(s) taken by the Disciplinary or Fitness to Practise Committee or the Director of SASS (or nominee);
- b. uphold the appeal and either: i. refer the matter back to the Disciplinary or Fitness to Practise Committee or the Director of SASS (or nominee) to re-consider its/his/her decision; or ii. implement an alternative outcome or penalty as specified in the relevant Procedure.

F1.15 The student will be notified verbally of the decision and the associated reasons at the end of the hearing. Written notification of the decision and the associated reasons will be sent to the student within 5 working days of the hearing.

F2 Independent Review

F2.1 If the student is not satisfied having completed the University's internal appeals procedure, s/he will be entitled to request a review of the case under the rules of the scheme of the Office of the Independent Adjudicator for Higher Education (OIA). The Secretary will provide a Completion of Procedures letter within 5 days of the date of the outcome letter.

G. Record of Action

G1. Any finding of misconduct against a student which incurs a penalty (see E11) will be:

- i. recorded on the student's personal file and will be taken into account in the event of any future misconduct;
- ii. Notified to the Student's Dean of School;
- iii. notified to the Vice-Chancellor and reported on an anonymous basis to the relevant committees of the Academic and University Boards, for the purposes of monitoring, review and enhancement;
- iv. notified to the Chair of the Assessment Board where an allegation of cheating or plagiarism has been heard.

G2. The University has a duty to inform relevant third parties of the nature and outcome of disciplinary procedures in certain circumstances, including:

- i. to inform the relevant Professional, Statutory or Regulatory Body (PSRB), where that PSRB's published regulations require notification of specified sanctions imposed;
- ii. to inform the UK Border Agency, in the case of a significant change in the circumstances of an International student enrolled under the Points Based System.

The student will be informed in the event of any such disclosures.

G3. The University reserves the right to disclose to any third party, by whom a reference is sought, any matters on a student's record which the University considers to be

relevant. The student will be informed that a reference had been provided in such circumstances.

- G4.** The Vice-Chancellor may decide at any time that a record of misconduct in a student's personal file shall be expunged.
- G5.** Where the Regulations for the Conduct of Students are invoked in respect of a student less than 18 years of age, copies of correspondence will normally be sent to the parents or guardian of that student. The student may also have their parent/legal guardian present at any disciplinary or appeal hearing in addition to one other person.
- G6.** The University will handle all information, including sensitive information, in a confidential manner. It will, however, be necessary for all parties involved in a disciplinary interview/hearing and any appeal hearing to have access to all information to enable them to make a judgement based on the full facts. This may include sensitive information relating, for example, to a student's health or criminal convictions. Certain professional courses may require that this information is notified outside the University to relevant professional bodies or partner agencies. In these circumstances, the student will be notified at the time of the disclosure.

The University retains the right to provide information relating to disciplinary proceedings, including photographic identification of students, to any third party occupying University premises.

Information on disciplinary action will be retained in the Student and Academic Support Services. Where a decision is made to expel a student, a note will be retained indefinitely.

APPENDIX 1 - REGULATIONS FOR THE CONDUCT OF STUDENTS

PROBATION PERIOD

1. A period of probation involves the monitoring of a student against set conditions for a period of time determined by the Vice-chancellor (or nominee), normally no longer than an academic semester. Students will be required to sign an undertaking of agreement to complete a probationary agreement.
2. Probation can involve one or more of the following conditions:
 - i. **Attendance Monitoring**
Attendance at timetabled learning activities of a student's course must be 100%. Students who are unable to attend timetabled learning activities must apply for authorisation of leave of absence from the Dean of School (or nominee). Details of a student's attendance during the period of probation will be monitored by the School and reported on a weekly basis to the Director of Student Academic and Support Services (or nominee).
 - ii. **Partial Exclusion**
Partial exclusion (as defined in C1 a) involves selective restriction on attendance at or access to the University sporting or social activities, use of LIS and Students' Union facilities provided on campus, the exact details to be provided in writing.
 - iii. **University Accommodation Monitoring**
Students alleged to have committed the offence in University owned or leased Halls of Residence, or whose behaviour raises concerns regarding the impact on other members of the University Community, will be subject to monitoring in his/her residence. Monitoring will include, but is not limited to, noise levels, cleanliness of the residence and checks of fire-safety equipment. Students may be subject to spot checks.
 - iv. **Attendance at restorative meetings**
Students will be required to attend sessions with relevant services within and outside of the University, determined by the Vice-chancellor (or nominee) by the nature of the offence. Meetings may include meetings with Student Services and/or Restorative Justice Sessions with Lancashire Constabulary or Lancashire Fire and Rescue, the exact details to be provided in writing.
3. If a student does not wish to agree to a period of probation or defaults from the arrangements, the case will be heard by the Vice-chancellor's nominee or Disciplinary Committee.

APPENDIX 2 - REGULATIONS FOR THE CONDUCT OF STUDENTS

CODE OF PRACTICE FOR PERSONAL INTERNET PRESENCE

1. Scope and Purpose

- 1.1 This Code of Practice applies to all students admitted or enrolled by the University to follow a programme of studies.
- 1.2 For the purpose of this Code of Practice, 'Personal Internet Presence' is defined as all internet presence including: e-mail usage, participation in online communities and hosted services (such as social networking sites and forums), and maintaining personal profiles or pages (such as blogs).
- 1.3 This Code of Practice is designed to bring your attention to the measures within the University which are designed to protect you from electronic abuse or harassment by a fellow student, to protect the reputation of the University, and to inform you of the local rules governing internet use.

2. Guidance

- 2.1 Normally, if your internet presence does not make any reference to the University then content is of no concern to the University; however the University retains the right to investigate any inappropriate internet usage.
- 2.2 If you do wish to refer to the University, its staff and/or students, information posted should comply with the Regulations and this Code of Practice.
- 2.3 If maintaining your personal internet presence from a University workstation, you need to comply with the Rules for the use of the University's IT Facilities and the IT Security Policy.
- 2.4 Students may not brand external webpages with the University's identity or logo, or to otherwise appear to represent the institution. Staff in Advancement maintain a University branded internet presence, and if you wish to get involved in those pages you can liaise with this team.
- 2.5 If someone from the media or press contacts you about posts on your site which relate to the University you should discuss it with staff in Advancement before responding.
- 2.6 Remember that if you break the law on your site (for example by posting something defamatory), you will be personally responsible.

3. Rules Governing Personal Internet Presence

Students are expected to conduct themselves at all times in a manner which demonstrates respect for the University, its staff, students and property. The following list is indicative of types of online misconduct but is not intended to be exhaustive.

- 3.1 You must not deliberately disclose privileged or confidential information about the University, its staff or its students. This might include details of internal University discussions.
- 3.2 You should not use your site to attack or abuse University staff or students.

- 3.3 You should respect the privacy and the feelings of others.
- 3.4 You should not include contact details or pictures etc. of other students without their prior permission.
- 3.5 You should not electronically distribute or publish a poster, notice, sign or publication of material of any nature which is threatening, abusive, insulting, obscene or offensive, or constitutes harassment or is illegal or makes others fear violence.
- 3.6 You should not use your site to present violent, indecent, disorderly, aggressive, threatening or offensive behaviour or language towards a member of the University community.

4. Disciplinary Procedure

Students who are alleged to have breached this Code of Practice will be dealt with in line with procedures set out in the Regulations for the Conduct of Students.

5. References

Freedom of speech:

http://www.uclan.ac.uk/information/services/sds/governance_committees/local/freedom_of_speech.php

Harassment policy:

http://www.uclan.ac.uk/information/services/hr/EqualOpps_Harrasment_Policy.php

Data Protection Code of Practice:

http://www.uclan.ac.uk/information/services/sds/dpa_foia_management/data_protection.php

Safe use Online

http://www.uclan.ac.uk/help/stay_safe_online.php

Regulations for the Conduct of Students:

http://www.uclan.ac.uk/information/services/sss/quality/files/aqasu_student_regs.pdf

Rules for the use of IT Facilities:

http://www.uclan.ac.uk/students/it/files/it_facilities_rules_pdf.pdf

IT and Security Policy:

http://www.uclan.ac.uk/information/services/sds/IT_security_policy.php

APPENDIX 3 - REGULATIONS FOR THE CONDUCT OF STUDENTS

FITNESS TO PRACTISE PROCEDURE (PROFESSIONAL COURSES)

1. Scope and Purpose

- 1.1 This Procedure applies to students on professionally regulated courses which lead directly to, or which satisfy the conditions of, a professional qualification, or which confer a direct licence to practise (a) particular profession(s).
- 1.2 Where professionally regulated courses are subject to this Procedure, this will be specified in course regulations and student handbooks with reference to the relevant professional, statutory and regulatory body (PSRB) codes (see section 13).
- 1.3 The aim of this Procedure is to ensure that there is a fair, transparent and effective process for considering cases where there are concerns about a student's suitability for professional education and training and/or fitness to practise.
- 1.4 This Procedure covers allegations relating to conduct, attitude, competence and health.

2. Fitness to Practise

- 2.1 The Fitness to Practise Procedure will be invoked in the event of any conduct or other concern which renders a student enrolled on a course leading directly to a professional qualification or the right to practise a particular profession or calling, not fit to be admitted to and practise that profession or calling.
- 2.2 This Procedure may be invoked where issues arise in relation to a student's fitness to practise or where there is any alleged breach of the professional code of conduct by a student registered on a professional course.
- 2.3 Whilst normally the conduct in question will arise within the course activity, whether at the University, its partner colleges or whilst on placement, behaviour outside the University particularly in relation to violence, criminal convictions, dishonesty, drug or alcohol misuse and inappropriate or unprofessional behaviour may also be considered under this Procedure. Such conduct issues are known as 'causes for concern.'
- 2.4 Where courses are accredited by a PSRB, the 'cause for concern' will be as defined by the School with reference to the relevant PSRB code of conduct (see section 13).
- 2.5 Examples of 'causes for concern' can include, (without limitation):
 - **Aggressive, violent or threatening behaviour**, whether orally or in writing, including: assault, physical violence, bullying and verbal abuse.
 - **Criminal convictions or cautions**, in particular where this relates to: theft; fraud; physical violence; possessing or dealing illegal substances; child abuse or any other abuse.

- **Dishonesty**, including: falsification of professional records, qualifications or signatures; signing in for other students to misrepresent attendance; failure to declare a criminal conviction or other relevant information to the School.
 - **Drug or alcohol misuse**, including: dealing, possessing or misusing drugs; where the consumption of alcohol or misuse of drugs affects the work or study environment; drink driving.
 - **Persistent inappropriate attitude or behaviour**, including: failure to accept educational advice; poor attendance, time management or communication skills; failure to submit coursework; or failure to observe or comply with the rules of the University.
 - **Unprofessional behaviour**, including: breach of confidentiality; failure to maintain appropriate boundaries; unlawful discrimination; absence from practice placement without permission; misuse of the internet and social networking sites; failure to work within limits of professional competencies.
 - **Health concerns**, including: failure to seek or adhere to medical treatment or support; failure to recognise limits and abilities and lack of insight into health concerns; or where a student cannot be expected to attain the competency standards of the course, notwithstanding reasonable adjustments.
 - Any other circumstance whereby the Dean of School (or nominee) will be unable to certify that, upon completion of the course, the student is fit to practise and/or enter the professional register.
- 2.6 Allegations of academic dishonesty including cheating, plagiarism or collusion will be considered in line with the University's Academic Regulations and the standard academic penalties will apply. Where the Dean of School (or nominee) considers that an academic sanction by itself is inadequate because the nature of the offence involves theft, falsification, impersonation or otherwise calls into question a student's fitness to practise, the matter may also be referred for consideration under this Procedure.
- 2.7 Where a student declares or becomes subject to a change in his/her health or good character during the course of studies e.g. that s/he has received a criminal conviction, and where the School considers that this information raises questions about the student's fitness to practise, the matter will be referred for consideration under this Procedure.

3. Initial Investigation

- 3.1 In the event of any 'cause(s) for concern' arising within the duration of a student's period of enrolment, the Dean of School (or nominee) will appoint an investigator to undertake an immediate investigation of the circumstances. The investigator will normally be a member of staff from the School who is sufficiently independent from the parties involved and who has not been involved in the circumstances giving rise to the 'cause for concern'.
- 3.2 The purpose of the investigation will be: i. to examine the circumstances giving rise to the 'cause for concern' from the perspective of the student and other parties involved; and ii. to establish the facts about the circumstances giving rise to the 'cause for concern'.
- 3.3 A brief report will be submitted as soon as possible to the Dean of School (or nominee), who will notify the student in writing of the outcome of the initial investigation and what further action, if any, will be taken under this Procedure.

4. Interim Suspension or Partial Exclusion

- 4.1 The Dean of School (or nominee) will consider whether there are grounds for the student to be suspended or partially excluded from the University in line with section C of the Regulations, pending a fitness to practise hearing and/or a disciplinary hearing and/or the conclusion of criminal proceedings and/or receipt of an assessment from an appropriately qualified medical and/or psychiatric and/or occupational health expert.
- 4.2 Where the initial investigation indicates that the 'cause for concern' is sufficiently serious and the student is on practice placement, the student will be temporarily withdrawn from the placement with immediate effect by the responsible member of staff, subject to confirmation by the Dean of School (or nominee) at the earliest opportunity.
- 4.3 In any circumstance where interim suspension or partial exclusion may be required, the Dean of School (or nominee) will refer the matter to the Vice-chancellor' (or nominee) to invoke the interim suspension or partial exclusion in line with section C of the Regulations.

5. Investigation by the School Fitness to Practise Committee

- 5.1 On completion of the initial investigation, the Dean of School (or nominee) may convene a School Fitness to Practise Committee comprising no fewer than three members, at least two of whom must be professionally qualified in the field and one of whom will normally be external to the School or University e.g. from another School offering professional course or from the relevant professional or partner agency, in line with relevant PSRB requirements.
- 5.2 The School Fitness to Practise Committee will give the student the opportunity to put his/her case during a hearing and there will be a discussion about the issues with particular emphasis being placed on any implications for the student's future fitness to practise.
- 5.3 The student will be given notice of the Fitness to Practise hearing in line with section 7 (below).
- 5.4 The procedure for a Fitness to Practise hearing set out in section 8 (below) will be followed.
- 5.5 Upon conclusion, the student may be required to withdraw from the interview while the School Fitness to Practise Panel deliberates on the issues raised and reaches its decision.
- 5.6 The possible outcomes of the School Fitness to Practise Committee are:
 - a. that there are no grounds for concern and the matter should be dismissed; or
 - b. that any of the outcomes listed in section 9, sub-paragraphs b to g below should be implemented; or
 - c. that the matter raises serious questions about the student's fitness to practise that cannot be resolved within the School and/or that warrant independent adjudication and/or that it may result in any of the outcomes in section 9, sub-paragraphs b to h below, in which case the School Fitness to Practise Committee shall refer the matter to the Director of SASS (or nominee) to convene a University Fitness to Practise Committee which will conduct a Fitness to Practise hearing.

- 5.7 The student will be notified verbally of the outcome and the associated reasons and information regarding his/her right of appeal (see section F) at the end of the hearing. Written notification of the decision and the associated reasons will be sent to the student within 5 working days of the hearing, excluding the hearing date.

6 Composition of the University Fitness to Practise Committee

- 6.1 The University Fitness to Practise Committee will comprise 5 members as follows:
- Vice-Chancellor's nominee (Chair)
 - Two members who are professionally qualified in the field (normally this will be a representative of the School and a member of the relevant professional or partner agency)
 - A Dean of School (or nominee) from another School which delivers professional courses
 - A student member who will normally be a member of the Students' Union Affairs Committee
- 6.2 Members of the University Fitness to Practise Committee should have no direct interest or prior material involvement in the student's case. An officer of the University's Academic Quality and Standards Unit will act as Secretary to the Committee (the Secretary). S/he will brief the Committee about the procedure and any relevant PSRB guidelines and will be responsible for taking a formal record of the proceedings, but will have no voting rights.

7. Notice of a Fitness to Practise Hearing

- 7.1 Arrangements for a Fitness to Practise Hearing will be made by the Secretary.
- 7.2 The student will be given at least 5 working days notice of the date, time and location of the Hearing.
- 7.3 The notice will state the alleged cause(s) for concern, the names of the Fitness to Practise Committee members and also the range of possible outcomes if the Fitness to Practise Committee determines that the cause(s) for concern render(s) a student unfit to practise or does not render the student unfit to practise, but warrants the imposition of one of the remedial outcomes set out in section 9, sub-paragraphs a to f below.
- 7.4 The following documents will be enclosed with the notice:
- a. a copy of this Procedure; and
 - b. a copy of a report prepared by the Dean of School identifying the cause(s) for concern in relation to the relevant PSRB code, and including copies of all the evidence (including any evidence provided by the police or a qualified medical expert); and
 - c. factual information on the student's progress.

- 7.5 The student will normally be expected to attend the hearing. If the student does not attend, the hearing may proceed and the relevant outcome or sanction imposed in her/his absence and the Committee will consider any representations made on behalf of the student (in absentia) at the appropriate point in the hearing.
- 7.6 The student will be entitled to be accompanied and/or represented by a person of their choosing who may be a member of the Students' Union Advice Centre. The student will be required to inform the Secretary at least 3 days before the hearing whether s/he intends to exercise this entitlement, the name of the person who will be attending and in what capacity such person will be attending.
- 7.7 The student will be permitted to submit a statement and any additional evidence including witness statements not previously considered no later than 3 days before the hearing. Witnesses may be invited to give evidence in person at the discretion of the Chair of the Committee.

8. Procedure for a Fitness to Practise Hearing

- 8.1 The following procedure will normally apply at a Fitness to Practise hearing, although the Committee may, at its discretion, adjourn or depart from this procedure if it is in the interests of fairness to do so:
- i. The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing.
 - ii. The investigating officer or Dean of School (or nominee) will present the case.
 - iii. The Committee and the Student (or representative) will have the opportunity to question the investigating officer or Dean of School (or nominee).
 - iv. The Student (or representative) will present his/her response.
 - v. Witnesses will be invited to give evidence where applicable and if previously agreed by the Chair.
 - vi. The Committee and the investigating officer or Dean of School (or nominee) will have the opportunity to question the Student and any witnesses.
 - vii. The Committee may ask questions of either party at any stage during the hearing.
 - viii. Summing up by the investigating officer or Dean of School (or nominee) with particular reference to the implications for the student's fitness to practise.
 - ix. Summing up by the Student (or representative) with reference to any mitigating factors.
 - x. The Committee may: retire to consider its decision; or seek further information; and/or adjourn to a later date.
 - xi. The student and any representative or witnesses shall withdraw while the Committee deliberates the issue.

- 8.2 The Committee will reach a decision based on the facts and on the evidence presented. The standard of proof will be the civil standard of proof which is that, 'on a balance of probabilities,' the facts of an allegation are more likely than not to have happened.
- 8.3 The outcome imposed by the Committee should be one which satisfactorily addresses the fitness to practise concern, whilst taking account of any previous allegations or findings which will be made known to the Committee by the Secretary after it has reached a decision.

9. Outcomes

- 9.1 The outcomes available to a University Fitness to Practise Committee are as follows:
- a. that the hearing be adjourned because further investigation is necessary;
 - b. that no cause for concern has been proven and the case should be dismissed;
 - c. that there is insufficient evidence to reach a finding that a student is unfit to practise, but that the cause for concern is sufficiently serious to warrant remedial action such as monitoring or supervision of the student for a defined period, and/or the issue of a written reprimand which will normally be effective for the duration of the course;
 - d. that the student be re-assessed in specified part(s) of the course;
 - e. that the student be permitted to continue on the course, subject to conditions and/or an undertaking* including (without limitation) a programme of rehabilitation or treatment, or observation/supervision, reviewed by the Dean of School after a given period;
 - f. that the student intermits his/her study for a specified period in which case, the student's return to study may be subject to a further satisfactory assessment and/or conditions;
 - g. that the student's professional education and training be terminated and a recommendation to the Assessment Board that the student be required to transfer to an alternative non-professional course (if available) or consider conferment of an alternative non-professional award;
 - h. that, having been found to be unfit to practise, the student's professional education and training be terminated and the student be expelled from the University.
- 9.2 The student will be notified verbally of the outcome and the associated reasons at the end of the hearing. Written notification of the decision and the associated reasons will be sent to the student within 5 working days of the hearing, excluding the hearing date.
- 9.3 Where courses are accredited by a PSRB, specific sanctions will be defined in accordance with the relevant PSRB regulations and the Dean of School will inform the PSRB of the outcome in line with its requirements.

10. Appeal

10.1 The student may appeal against the outcome pursuant to section F of the Regulations.

11. Independent Review

11.1 If the student is not satisfied having completed the University's internal appeals procedure, s/he will be entitled to request a review of the case under the rules of the scheme of the Office of the Independent Adjudicator for Higher Education (OIA). The Secretary will issue a Completion of Procedures letter within 5 working days of the Appeal Hearing.

12. Disclosure and Recording of Information

12.1 The University has a duty to inform relevant third parties of the nature and outcome of a Fitness to Practise hearing in certain circumstances, including:

- a. to inform the relevant PSRB, where that PSRB's published regulations require notification of specified sanctions imposed;
- b. to inform the Independent Safeguarding Authority (ISA), where there are reasonable grounds to believe that a student who is registered with the ISA poses a risk to children and/or vulnerable adults;
- c. to inform any placement providers in relation to any placements the student may be required to undertake as part of the course;
- d. to inform the UK Border Agency, in the case of a significant change in the circumstances of a tier 4 international student.

The student will be informed in the event of any such disclosures and will be reminded of his/her obligation to disclose any specified sanction to the PSRB at the appropriate time.

12.2 The University will also reserve the right to disclose the details of Fitness to Practise cases to any third party in the event of a reference request where the University considers it to be relevant. The student will be informed in the event of any such disclosure.

12.3 The University will retain a record of each Fitness to Practise case in a secure relevant filing system for a period of at least six years.

12.4 The University will collect aggregated data about Fitness to Practise cases and will submit an annual report to the relevant Academic Board sub-committee for the purposes of quality assuring the provision of professional education and training and improving the provision of guidance to students about professional conduct and competence.

13. Guidance provided by regulatory bodies on student fitness to practise

Regulator

NMC The code: Standards of conduct, performance and ethics for nurses and midwives <http://www.nmc-uk.org>

Guidance on professional conduct for nursing and midwifery students, see <http://www.nmc-uk.org>

Good health and good character: guidance for educational institutions, see <http://www.nmc-uk.org>

HPC <http://www.hpc-uk.org/index.asp>

GDC Student Fitness to Practise, see: <http://www.gdc-uk.org/Pages/default.aspx>

GPhC Code of Conduct for Pharmacy Students (2009), see <http://www.pharmacyregulation.org>

Guidance on Student Fitness to Practise Procedures in Schools of Pharmacy (2009), see <http://www.pharmacyregulation.org>

GSCC <http://www.gsc.org.uk>

Other useful web-sites:

Organisation

CRB Criminal Records Bureau, see <http://www.crb.homeoffice.gov.uk/default.aspx>

ISA Independent Safeguarding Authority, see <http://www.isa-gov.org.uk>

OIA Office of the Independent Adjudicator for Higher Education, see <http://www.oiahe.org.uk>

APPENDIX 4 - REGULATIONS FOR THE CONDUCT OF STUDENTS

CONSIDERATION OF FITNESS TO STUDY

1. The Vice-Chancellor has delegated responsibility for the consideration of a student's fitness to study to the Director of Student and Academic Support Services (SASS).
2. Any concerns that a student is or may be suffering from a medical or psychiatric condition and that as a result:
 - i. the student or others with whom s/he comes in contact are suffering or may suffer detriment; and/or
 - ii. the student cannot reasonably be expected to attain the learning outcomes of the course notwithstanding reasonable adjustmentsshould be reported to the Director of SASS (or nominee).
3. The Director of SASS (or nominee) will consult with:
 - the student's Dean of School (or nominee)
 - Head of Student Services (or nominee)
 - Officer of the Academic Quality and Standards Unit (AQaSU)S/he may also consult with other relevant staff where appropriate from:
 - the student's School e.g. Course Leader or Chair of Assessment Board
 - Student Services e.g. Mental Health Co-ordinator or Health Centre staff
 - Facilities Management e.g. Student Accommodation Services
4. The Director of SASS (or nominee) may decide to partially exclude/suspend the student from the University without invoking the Disciplinary Regulations, in line with Regulation C2.
5. The University will require one or more reports from an appropriately qualified medical or psychiatric expert, approved by the University, addressing the student's fitness to study (i.e. the student's fitness and suitability for the course in question and to be a member of the University community.) The student will be required to provide or to cooperate in the obtaining of any such report.
6. The Director of SASS (or nominee) will consider any report and any other evidence and take advice from appropriate staff cited in paragraph 3 (above). S/he may decide that:
 - a. the student is fit to continue on the course, and that the terms of any partial exclusion/suspension be lifted;
 - b. the student is fit to continue on the course, subject to an agreed plan of action and regular review, and that the terms of any partial exclusion/suspension be lifted;
 - c. the student is unfit to continue and will be suspended from the course and the University for a specified period. His/her return to study will be subject to confirmation by the Director of SASS (or nominee) which may require a report from an appropriately qualified medical or psychiatric expert, approved by the University.

- d. the student is unfit to continue and will be withdrawn from the course and the University.
7. In coming to a decision, the Director of SASS (or nominee) will consider any adjustments that are necessary to support the student in the continuation of his/her studies and whether these can reasonably be made by the University.
8. A copy of the decision and the associated reasons will be provided to the student.
9. In the case of a decision that the student is required to withdraw from the course and the University for a specified period or permanently (see section 6c and 6b above), the student may appeal against the decision of the Director of SASS (or nominee) in line with section F of the Regulations for the Conduct of Students.

Footnote:

* Problems may manifest themselves in a variety of different forms including e.g. long-term damage to the student's health; disruption to the studies of other students; unsustainable demands being made of academic staff; detention under the Mental Health Act.