



## **Regulations for the Conduct of Students**

*Effective August 2016 - August 2017*

**STUDENT REGULATIONS  
AND POLICIES**

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# **UNIVERSITY OF CENTRAL LANCASHIRE**

## **THE REGULATIONS FOR THE CONDUCT OF STUDENTS**

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## The Regulations for the Conduct of Students

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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.

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 provided by the University in partnership with another institution is subject to the regulations related to the conduct of students of that other institution.

Under the Articles of Government, the Vice-Chancellor is responsible for the maintenance of student discipline, including the suspension and expulsion of students on disciplinary grounds. The Vice-Chancellor has delegated responsibility for student disciplinary matters to the Academic Registrar, Executive Deans and Deans/Heads of School at the Preston Campus and to the Director of other University campuses. All references in these Regulations to these post-holders will include their appointed nominee.

Students are required to familiarise themselves with these Regulations and other University policies that they are subject to. A comprehensive list of these policies is available at [http://www.uclan.ac.uk/study\\_here/student-contract.php](http://www.uclan.ac.uk/study_here/student-contract.php).

## **B. GENERAL STUDENT REGULATIONS**

### **B1. Enrolment**

Students are required to enrol or re-enrol for each successive academic 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 the Tuition Fee Policy, 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 not enrolled as students 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, unless the student:

- (i) is withdrawn from the course following a recognised assessment process undertaken in accordance with the Academic Regulations;
- (ii) is expelled from the University following a Disciplinary or Fitness to Practise hearing;
- (iii) withdraws from the course;
- (iv) is withdrawn from the University in line with any published regulations/procedures;
- (v) is withdrawn from the course following a decision by UK Visa and Immigration (UKVI), in the case of an international student;

- (vi) is granted a period of formal interruption to their programme of study in accordance with the Academic Regulations.

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. Changes should be made via the Student Portal or at your local Hub.

Students who withdraw or are withdrawn from a course of study will be subject to the prevailing Tuition Fee Policy.

## **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/Head of School 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 a 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.

A 'leave of absence' referred to above anticipates a short term absence during an academic session where a student can still complete assessments, allowing for any adjustments to submission dates/exam arrangements, and then progress or complete the year as normal before the start of the next academic session. This is different to an 'interruption to studies' as referred to at C9 in the Academic Regulations which applies to much longer absences normally up to 1 year.

In the event of absence due to illness, medical certificates must be produced promptly to the Dean/Head of School 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.

Professionally regulated courses 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 them of absences. For Student Finance England the University must notify them within 21 days of the student's change in circumstance.

In the case of international students the University is required to notify the UKVI of any unauthorised absences or missed contacts. This may lead to withdrawal of the student's visa.

## **B3. Criminal Convictions during the Enrolment Period**

Students on general University courses are required to declare any relevant criminal convictions, cautions or warnings that they become subject to during their period of enrolment to their Dean/Head of School. This is to enable the University to safeguard its community. Relevant convictions are those for offences against the person whether of a violent or sexual nature, or convictions for commercial drug dealing or trafficking.

The Dean/Head of School will decide whether there are any implications in relation to the student's course or their standing with the University. The University may take action where the conviction contravenes the Disciplinary Regulations (see section D). 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 Disclosure and Barring Service.

Students on professionally regulated courses are required to declare all criminal convictions that they become subject to during their period of enrolment including spent sentences, cautions, warnings 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 trip 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 and Schools 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 associates' premises, equipment or property, as determined in accordance with the Disciplinary Regulations (see section D), 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 prevailing Tuition Fee Policy.

If a student has not paid their tuition fees and account nor made arrangements satisfactory to the University, the University may apply one or more of the 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 Fee Policy. The student will be informed that a reference has been provided in such circumstances.

**B7. Non-Tuition fee debts**

If a student has failed to pay an account nor made arrangements satisfactory to the University, the University may withdraw services of the same type (for example withdraw library facilities in respect of outstanding library fines) until the outstanding amount is settled. Where the debt relates to outstanding accommodation charges, the University reserves the right to bring the accommodation contract to an end as provided for in the Conditions of Residence. Where appropriate, the University or its external solicitors may pursue a debt claim through the Courts in respect of the outstanding amount and thereafter appoint debt collectors to enforce any judgment obtained.

**B8. Academic Regulations**

Students should be familiar with the University's Academic Regulations and Assessment Handbook and with the Assessment Regulations applicable to their course.

Allegations of unfair means (plagiarism, collusion, cheating or re-presentation of work) will be investigated and the procedures and penalties in the Academic Regulations and associated Assessment Handbook will apply. If the Dean/Head of School is of the view that an academic sanction is inadequate, given the nature of the offence, (e.g. where the offence

involves theft, falsification, impersonation or bringing the University into disrepute) the matter will be referred for action under the Disciplinary Regulations.

The University utilises an electronic plagiarism detection service which involves uploading, storing and cross-referencing work against other material.

#### **B9. Local Rules and Conditions**

There are Rules for the Use of the Library and Rules for the Use of the University's IT Facilities. Students in University-managed accommodation are also subject to the Conditions of Residence. Serious or repeated breaches of these local rules and conditions may be referred for action under the Disciplinary Regulations (see section D).

Where a student has received a Final Accommodation Warning in accordance with the Conditions of Residence this will be copied to their Dean/Head of School and the Academic Support Service. Any further incidents of misconduct will be considered under the formal stages of the Disciplinary Procedure.

#### **B10. 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. This will be specified in course regulations and student handbooks with reference to the relevant professional, statutory and regulatory body (PSRB) code.

#### **B11. Fitness to Study**

Where there are concerns about a student's health, wellbeing or behaviour which raise questions about their fitness and suitability to study, the Fitness to Study Procedure will normally be applied.

#### **B12. Reasonable Adjustments**

Where a student has declared a disability to the University, all reasonable endeavours will be made to ensure that: a. information about regulations, procedures and policies is available in appropriate formats; and b. reasonable adjustments are made to any disciplinary or other proceedings to accommodate their needs.

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

#### **C1. Definitions**

##### **[a] Partial Exclusion**

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 Students' Union, the exact details to be specified in writing. It will be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons. Partial exclusion may be imposed as an interim measure in accordance with section C2 below.

##### **[b] Suspension**

Suspension involves a total prohibition of 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 seeking advice from the Students' Union Advice and Representation Centre. It will be effective for a limited period. It may include a requirement that a student has no contact with a named person or persons.

Where appropriate, a student may be expected to engage with the School to facilitate continuation of studies during a period of suspension. Schools will normally appoint a member of staff to act as the student's point of contact for academic queries and provision of learning

materials. Suspension may be imposed as an interim measure in accordance with section C2 below.

**[c] Withdrawal**

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 following a Disciplinary Hearing (see Section E) or a Fitness to Practise Hearing or under the Fitness to Study procedure or under the Academic Regulations.

If the student is in University accommodation, s/he may be given notice to quit the accommodation. A student who is withdrawn from the University is not prohibited from enrolling at the University in future academic years, but admittance may be subject to conditions. The University will apply the Tuition Fee Policy with respect to 'non-completion' for a student who is withdrawn. The University will apply the provisions as detailed in (d) below with respect to the retention of credits or the granting of any exit award.

**[d] Expulsion**

Expulsion involves permanent exclusion from the University and of 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 provided by a partner institution that leads directly to a University 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.

A student who is expelled is so from the date of the formal notification. If any subsequent appeal against that decision is upheld and the student is re-instated, the student will be re-enrolled subject to standard enrolment requirements

- i. A student may only be expelled following a Disciplinary or Fitness to Practise Hearing.
- 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 relevant 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 the Academic Regulations. Any such award will be at the explicit 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 relevant Assessment Board as to the appropriateness of granting any exit award.
- v. In the case of a student who is from a professional course which leads to, or which satisfies the conditions of, a professional qualification, or which confers a direct licence to practise (a) particular profession(s), the relevant professional body will be informed of the expulsion in line with the Fitness to Practise Procedure and/or section G.
- vi. The University will apply the Tuition Fee Policy with respect to 'non-completion' for a student who is expelled.



## C2. Interim Suspension or Partial Exclusion

- i. A student may be suspended or partially excluded from the University as an interim measure by the Academic Registrar without invoking the Disciplinary Regulations for: an unsatisfactory standard of work or other academic reason; or in line with the Fitness to Study Procedure.
- ii. A student may be suspended or partially excluded from the University by the Academic Registrar as an interim measure where the student is alleged to have committed a serious offence which is deemed to be a breach of the Disciplinary Regulations or against whom a criminal charge is pending or s/he is subject to police investigation.
- iii. Suspension will only be used where partial exclusion from specified activities or facilities would in the opinion of the Academic Registrar be inadequate or where the range of activities for which the Academic Registrar is of the opinion that partial exclusion should be made is such that it would most effectively be achieved by suspension.
- iv. Suspension or partial exclusion under this section will not be used as a penalty. The decision to suspend or partially exclude is to protect members of the University community and the decision shall only be used where the Academic Registrar is of the opinion that it is necessary to take such action.
- v. Where a student is under investigation, the decision will be taken in consideration of: the risk of the student re-offending or further offending; the risk that the student might harm others or damage property or the good name of the University; the risk that the student's presence may inhibit the investigation; the nature of the student's course and any conditions set by the Police in cases of criminal behaviour. 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 Academic Registrar. Where for any reason, it appears that it is not possible for the student to attend in person, s/he shall be entitled to make written representations.
- vii. In cases of urgency, the Academic Registrar shall be empowered to partially exclude or suspend a student with immediate effect if necessary without the student being given the opportunities to make representations, provided that **within five working days** the opportunities mentioned in C2 (v) 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 additional representations made by the student in writing or by anyone else on his/her behalf. Such a review will not normally involve a hearing or submissions made in person.
- ix. Where a suspension or partial exclusion is invoked pending the outcome of a criminal trial or any other external agency proceedings, it is the student's responsibility to inform the University of the outcome of those proceedings. Where those proceedings may take an extended period of time to conclude, it is the student's responsibility to maintain engagement with the University as outlined in section C1 [b].
- x. 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 suspended during the period of suspension or partial exclusion.

- xi. 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 School will be responsible for managing a student's return to study.

#### **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; or iii. constitutes a criminal offence.

##### **Definition of Misconduct**

- 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 details behaviour that is prohibited but is not intended to be exhaustive:
1. Behaving in manner which is dangerous or is likely to lead to a breach of the peace or damage to property;
  2. Disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University whether on University premises or elsewhere;
  3. 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;
  4. Violent, indecent, disorderly, aggressive, threatening or offensive behaviour or language by any means, including on social networking sites;
  5. 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;
  6. Fraud, deceit, deception, misrepresentation, bribery, falsification of records or dishonesty in relation to the University, its staff, students or in relation to being a student of the University, including misuse of the UCLan card and/or attendance monitoring system;
  7. Making defamatory and/or false claims about other students or staff which are not substantiated and where there is reason to believe they are malicious or vexatious;
  8. Action likely to cause injury or impair safety on University premises or whilst on placement, including tampering with fire-safety equipment and alcohol/drug misuse;
  9. Harassment of any student, member of staff of the University, any third party while on placement, or any visitor of the University (details of conduct that constitutes harassment is set out in the University Harassment Policy);
  10. Breach of the provisions contained within any of the University policies set out at [https://www.uclan.ac.uk/students/life/rules\\_regs.php](https://www.uclan.ac.uk/students/life/rules_regs.php);
  11. Assessment/examination offences, including but not limited to, theft, falsification, impersonation, bribery, submission of work purchased from commercial sources, advertising services which promote academic dishonesty; research malpractice;

12. Damage to, defacement or misappropriation of, University property or the property of other members of the University, caused intentionally or recklessly;
13. Misuse or unauthorised use of the University premises or items of property, including computer misuse;
14. Deliberate disclosure of privileged and confidential information to unauthorised people; failure to adhere to intellectual property rights and/or breach of copyright;
15. Conduct which constitutes a criminal offence where that conduct:
  - a. took place on University premises; or
  - b. affected any student, member of staff or agent, of the University; or
  - c. damages or may damage 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;
16. Failure to declare a relevant criminal conviction incurred whilst enrolled as a student;
17. Behaviour which brings or may bring the University into disrepute, irrespective of where the behaviour took place;
18. Failure to comply with the reasonable instruction of any member of University staff in the course of his/her duties, including failure to disclose personal identification details;
19. Entering parts of the University premises that are not open for academic or student activity, unless invited to do so by a member of staff of the University;
20. Engaging in any trade, business or employment, on University premises, without express authority of the University;
21. Conduct which renders a student enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession, not fit to be admitted to and practise that profession;
22. Making or publishing a recording of a member of University staff in the course of his/her duties without their express permission;
23. Conduct which is intended to or has the effect of inciting or enticing, or aiding or abetting another student in the breach of any University Regulations/Guidelines/Rules/Codes/Conditions/Policies;
24. Failure to comply with the requirements or outcomes of any proceedings under the University's Regulations/Guideline/Rules/Codes/Conditions/Policies;
25. In the case of international students, breach of the terms of any visa or failure to comply with the requirements of UK Visa and Immigration (UKVI).

### **D3. Criminal Offences**

- i. Where the alleged misconduct would also constitute a criminal offence, the University may at its discretion continue with action under these Regulations or may

defer such action pending the conclusion of any police investigation and/or prosecution.

- ii. Where a student has been found guilty of a criminal offence, the penalty shall be taken into consideration in determining the sanction under these Regulations. Students are also bound by the University's Smoking Policy.

#### **D4 Classroom Disruption**

Students are expected to behave in a professional and respectful manner during learning and teaching sessions. Students should not disrupt the activities of any student or member of staff e.g. by arriving late, talking at inappropriate times or texting/playing on a mobile device. Mobile phones should be turned off prior to the start of a class.

Any student who is disruptive will be issued with an informal warning by the member of staff responsible for the session and may be required to leave for the duration of the session. Students may be asked to meet with the Dean/Head's nominee (who may be the Course Leader) who may issue a written warning or require an undertaking of good conduct (see E6). Serious or repeat instances of classroom disruption will be notified to the Dean/Head to consider in line with the formal procedure (see E7 and E8). All such instances will be placed on the student's record and may be referred to in the event of a reference request (see section G).

#### **E. Disciplinary Procedure**

- E1. Any member of staff may advise or give an informal oral warning to a student about his/her conduct and may, in urgent situations where it is necessary to protect the safety of persons attending the University, ask the Academic Registrar (or the Head of Security) to effect the immediate partial exclusion of the student pending application of the formal disciplinary procedures in accordance with C2.
- E2. Allegations of misconduct under these Regulations should be submitted in writing to the Academic Registrar, who may require further enquiries to be carried out. The Academic Registrar shall, with regard to the seriousness of the incident, deal with the matter as set out below. Where a student in University-managed accommodation has previously received a Final Accommodation Warning under the Conditions of Residence, the matter will be dealt with in accordance with the formal stages (E7 or E8) of this Procedure.
- E3. If, at any stage in the disciplinary proceedings, the Academic Registrar 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/interview in accordance with Regulation C2.
- E4. If, at any stage in the disciplinary proceedings, the Academic Registrar 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 who is independent from the parties involved and who has not been involved in the circumstances giving rise to the allegation, to undertake such investigation as is reasonable in the circumstances and to prepare a report before a disciplinary interview/hearing is arranged.
- E5. Where a complaint of misconduct has been made, the Academic Registrar 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 if appropriate.

#### **Stage 1: Informal Stage**

## **E6. Written Warning**

Where the Academic Registrar or Dean/Head of School considers that there has been a breach of the Regulations, but that the misconduct is minor in nature or there are other mitigating factors, s/he may arrange for the student to attend an informal meeting. The outcome of the meeting will be recorded in a letter, and the student may be required to sign an undertaking of future good conduct. It will be made clear that failure to adhere to the undertaking may lead to formal action under the Regulations. The letter and the undertaking will be placed on the student's file and may be referred to if there are further concerns about the student's conduct.

### **Stage 2: Formal Stage**

## **E7. Disciplinary Interview**

Where the alleged offence, if proven, is likely to incur a penalty or penalties up to and including a final written warning, the matter will normally be referred to the Dean/Head of School or the Vice-Chancellor's nominee (Disciplinary Interviewer), who will conduct a disciplinary interview with the student (see sections E10 and E11) at which s/he will determine whether the allegation is proven, and, if so, what penalty should be imposed (see section E12).

If at the disciplinary interview the Disciplinary Interviewer concludes that the alleged offence, if proven, is more serious than first thought, s/he may refer the matter to a Disciplinary Committee in accordance with section E8.

## **E8. Disciplinary Hearing**

Where 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 E13) the matter will be referred to a Disciplinary Committee comprising: the Vice-Chancellor's nominee (Chair); a Dean/Head of School/Head of Service; a student member who shall normally be a member of the Students' Union Student Affairs Committee. Members of the Disciplinary Committee shall have no direct interest or previous involvement in the case, and will be briefed about their role.

E9. If the Academic Registrar considers it appropriate, and if the student agrees by signing a statement of acceptance, the matter may be dealt with summarily without recourse to a Disciplinary Interview/Hearing. The Academic Registrar 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 E12 except expulsion.

E10. The student will have the right of appeal under Section F of these Regulations.

## **E11. Notice of a Disciplinary Interview/Hearing**

- i. Arrangements for a Disciplinary Interview/Hearing will be made by the Secretary (who will be an administrative officer from Academic Registry).
- 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 Interviewer or Disciplinary Committee members, 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 the disciplinary report, including copies of all the evidence.
- v. The student will normally be expected to attend the disciplinary interview/hearing. If the student does not attend without good cause, 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 at the appropriate point in the interview/hearing. In exceptional circumstances the interview/hearing may take place via correspondence or telecommunications.
  - vi. The procedure is intended to be fair, and to comply with the rules of natural justice. The procedure is not a formal court process, and therefore should not be adversarial or overly legalistic, and there is no need for anyone to have formal legal representation. A student who appears before a Disciplinary Interviewer or Disciplinary Committee is entitled to be accompanied by a person of their choosing who may be a member of the Students' Union Advice and Representation Centre, providing that notice is given 3 days beforehand, and there is no objection if that person happens to be legally qualified, so long as that person understands and respects the nature of the interview/hearing, and does not adopt an overly adversarial or legalistic stance.
  - 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 Disciplinary Interviewer/Chair of the Disciplinary Committee.

**E11. Protocol for a Disciplinary Interview/Hearing**

The following procedure will normally apply at a disciplinary interview/hearing, although the Disciplinary Interviewer or the Chair of the Disciplinary Committee may, if appropriate, adjourn the disciplinary interview/hearing to another date.

- i. The Disciplinary Interviewer or Chair of the Disciplinary Committee will invite all those present to introduce themselves and will explain the purpose of the interview/hearing and clarify the procedure to be followed, maximum sanction and standard of proof.
- ii. The Presenter/Investigating Officer 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 Disciplinary 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).
- 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 and the Presenter shall withdraw while the Disciplinary Committee deliberates the issue. The Secretary to the Disciplinary Committee will stay but has no voting rights.

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 of 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; or where the finding(s) of fact and certification of sanctions by any UK or International Police Force 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).

If an allegation has been found proven, the Secretary will inform the Disciplinary Interviewer or Disciplinary Committee of any relevant previous findings of misconduct prior to a decision on an appropriate outcome/penalty being applied.

## **E12. 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 Disciplinary Interviewer or Disciplinary Committee;
  - [c] a final written warning to be effective for a period of time determined by the Disciplinary Interviewer or Disciplinary Committee;
  - [d] a ban from the Library for the remainder of the semester or the academic year. Alternative 24/7 study locations will be identified within the campus;
  - [e] partial exclusion of the student (as defined in C1) for a specified time up to and including the remainder of the student's period of enrolment (i.e. until the end of the academic year);
  - [f] suspension of the student (as defined in C1) for a period of time determined by the Disciplinary Committee;
  - [g] withdrawal from the University (as defined in C1);
  - [h] expulsion of the student (as defined in C1).

A Dean/Head of School or Disciplinary Interviewer may impose a, b or c. A Disciplinary Committee may impose a, b, c, d, e, f, g or h.

- ii. In addition to, or in substitution for any of the above penalties, a Dean/Head of School or Disciplinary Interviewer or Disciplinary Committee may impose one or more of the following outcomes:
  - (a) a written warning (as defined in E6).
  - (b) that the student gives a written undertaking of future good conduct;

- (c) that the student gives an oral or written apology to any person affected by his/her actions;
  - (d) monies to be paid by the student in accordance with B5;
  - (e) that the student attend one or more restorative justice/mediation sessions, conducted by, but not limited to, either the University, the Students' Union, Lancashire Constabulary or Lancashire Fire and Rescue;
  - (f) that the student is given notice to vacate University owned accommodation in line with the Conditions of Residence;
  - (g) that the matter is referred for action under other procedures;
- 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, any active sanctions previously imposed under E13 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. A student may be referred for action under the Fitness to Practise procedures following completion of disciplinary proceedings.
  - vi. the Disciplinary Interviewer or Disciplinary 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 interview/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 five working days. The written confirmation will include: details of the allegations, the outcome/penalty being applied, information on the Appeals Procedure and details of how the information will be disseminated and retained. A copy of the letter will be placed on the student's file and retained as per section G;
  - ix. the Disciplinary Interviewer or the Chair of the Disciplinary Committee shall complete 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 and summary reasons for the decision. The pro-forma record will be retained in accordance with section G;
  - x. if a student does not comply with any outcome/penalty, including failure to adhere to any stipulated time-frame for action, the matter will be referred to the Academic Registrar for consideration.

## **F. Appeals Procedure**

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



- a Disciplinary Interviewer or Disciplinary Committee or Dean/Head of School where one or more of the penalties in section E12 of the Disciplinary Procedure have been implemented;
- the Academic Registrar where s/he has imposed a disciplinary penalty in accordance with section E9;
- a Dean/Head of School or a Fitness to Practise Committee where one or more of the outcomes in section 6 or 10 of the Fitness to Practise Procedure have been implemented;
- the Director of Learning Information Services or the Case Conference under the Fitness to Study Procedure.

**F1.2** A student may appeal against: i. the decision that the allegation(s) was/were proven, except in cases where the allegation has been found proven by a Criminal or Civil Court or where the student admitted the misconduct in writing; 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/interview was not conducted fairly and/or in accordance with the published procedure;
- c. that the original decision was unreasonable in all of the circumstances.

## **F2 Review**

**F2.1** An appeal should be submitted in writing to the Head of Academic Quality and Compliance within 10 working days of the date of the formal outcome letter. The written statement should set out what is being appealed, the grounds for appeal in reasonable detail and include any new evidence that was not available at the time of the original interview/hearing.

**F2.2** An Appeal Panel will be convened comprising no fewer than 3 and no more than 5 members, as follows:

- the Vice-Chancellor's nominee (Chair);
- a senior member of staff;
- a student member who will normally be 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.

**F2.3** Members of the Appeal Panel should have no direct interest or prior material involvement in the student's case. An officer of Academic Quality and Compliance 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.

**F2.4** The Appeal Panel will meet in private to determine whether there are valid grounds for the appeal in accordance with section F1.3. The Appeal Panel will receive a copy of the record of the original hearing/interview, a copy of the report considered at the hearing/interview and the student's letter of appeal, but may request further information from the original decision maker (or nominee) or the student.

- F2.5** 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.
- F3 Appeal Hearing**
- F3.1** The Appeal Panel will receive a copy of the record of the original hearing/interview, a copy of the report considered at the hearing/interview and the student's letter of appeal, but may request further information from the original decision maker (or nominee) or the student.
- F3.2** 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.
- F3.3** The Appeal Hearing shall take the form of a review of the disciplinary hearing/interview and the decision reached. There shall be no entitlement to a re-hearing of the case. A rehearing will be allowed only in exceptional circumstances and at the discretion of the Chair of the Appeal Panel.
- F3.4** 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 written representations made by the student at the appropriate point in the hearing.
- F3.5** The procedure is intended to be fair, and to comply with the rules of natural justice. The procedure is not a formal court process, and therefore should not be adversarial or overly legalistic, and there is no need for anyone to have formal legal representation.
- F3.6** A student who appears before an Appeal Panel is entitled to be accompanied by a person of their choosing, who may be a member of the Students' Union Advice and Representation Centre, providing that notice is given 3 days beforehand. There is no objection if that person happens to be legally qualified, so long as that person understands and respects the nature of the hearing, and does not adopt an overly adversarial or legalistic stance.
- F3.7** The purpose of 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.
- F3.8** The procedure at the Appeal Hearing shall be as follows:
- The Chair will invite all those present to introduce themselves and will explain the purpose of the hearing and the procedure to be followed.
  - The student (or representative) will present the grounds for appeal. Witnesses will be permitted only where there is new evidence which was not available at the time of the original interview/hearing, and with the consent of the Chair of the Appeal Panel.
  - 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.

**F3.7** The Appeal Panel shall have the power to:

- a. uphold the decision(s) taken by the Disciplinary Interviewer, Disciplinary Committee, Dean/Head of School, Fitness to Practise Committee or the Academic Registrar; or
- b. uphold the appeal in whole or in part and either: i. refer the matter back to the decision maker which will be either the Disciplinary Interviewer, Dean/Head of School, Disciplinary Committee, Fitness to Practise Committee, Fitness to Study case conference or the Academic Registrar reconsider its/his/her decision; or ii. implement an alternative outcome or penalty as specified in the relevant procedure.

**F3.8** The student will normally 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.

#### **F4 Independent Review**

**F4.1** 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) as set out in the Completion of Procedures letter.

#### **G. Record of Action**

**G1.** Any finding of misconduct against a student which incurs a penalty will be:

- i. recorded and may be taken into account in the event of any future misconduct. Where a decision is made to expel a student, a note will be retained indefinitely;
- ii. notified to the student's Dean/Head of School;
- iii. 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 academic misconduct has been found proven.

**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 penalties imposed;
- ii. to inform UK Visa and Immigration, in the case of a significant change in the circumstances of an international student.

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 has been provided in such circumstances.

- G4.** Where the University's regulations and/or procedures 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.
- G5.** 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

## APPENDIX 1 – STUDENT DRESS POLICY

1. The University affords students the flexibility to dress appropriately to the learning and teaching and/or research environment in which they are participating. The University is also obliged to ensure duty of care and to abide by the regulations of its partner organisations. In certain settings, it is therefore necessary to impose some dress regulations based on health and safety (including infection control) and professional or regulatory body requirements. In addition, students are required to abide by any dress code regulations imposed by individual placement providers. This Policy should also be read in conjunction with any dress codes for staff which may pertain and will serve as additional guidance to staff. The University's specific dress policies are set out below.

### 2. Health and Safety (including infection control)

In laboratories, workshops, studios, kitchens, outdoor education and similar teaching practice settings, students must ensure they are dressed in a manner appropriate to their learning and teaching and/or research environment. Generally:

**Clothing:** Must be comfortable. Shorts may not be permitted in laboratories for protection against any chemical spillage or infection control. Headscarves and/or any facial covering should be firm, secure, safe and not interfere with the wearing of any personal protective equipment. Protective clothing such as overalls, lab coats, eyewear or gloves will often be required to be worn and should be removed and placed or disposed of carefully when no longer required.

If there is any risk of entanglement in moving parts of machinery, loose clothing must not be worn (e.g. sleeves, ties etc).

**Footwear:** Must be low heeled and should protect the feet should any chemical spillage occur. If there is a risk of a sharp or heavy object injuring the feet, then protective footwear will be required.

Footwear appropriate for outdoor education activities must be worn where indicated by supervising staff. Failure to do so will prevent you taking place in the planned activities.

**Jewellery:** The wearing of jewellery must be in compliance with a health and safety risk assessment. There may be some activities where it will be necessary to remove jewellery (e.g. some sports activities, working with moving machinery where there is a risk of entanglement).

**Hair:** Long hair should be tied back/secured if there is a risk of entanglement in equipment or moving machinery or if prevention of contamination is required.

Specific clothing requirements or restrictions will be detailed on a risk assessment.

### 3. Professional or regulatory body requirements

The University works with many professional and regulatory bodies which accredit our broad range of programmes. A small number of these bodies advise on dress code regulations which apply to students studying specific disciplines/programmes. This information is available on request – for the Medical School the dress code can be found at <http://www.uclan.ac.uk/courses/assets/mbbs-dresscode-policy-2015.pdf>. The University and all its students must abide by any dress code regulations, including any uniforms guidance, determined by their respective accrediting professional or regulatory body(ies). In addition to these overall regulations, the following specific restrictions are in place:

The General Dental Council does not permit facial coverings in examinations. Further details are at: <http://www.orepart2.org.uk/images/GDC/PDFs/dresscode.pdf>

The Faculty of General Dental Practice does not permit facial coverings in recruitment to speciality training or in examinations, day to day clinical practice/contact with patients. Details are at: <http://www.mjdf.org.uk/Dress%20Code.pdf>

Whilst the University will aim periodically to review such regulations to determine which professional bodies place any restrictions, it is the responsibility of the student to check this information with the appropriate body to ensure that their preferences of dress can be accommodated by the University.

#### **4. Individual placement providers**

The University and all its students must abide by any dress code policy determined by individual placement providers which usually cover student placements and trainees. Students must check any limitations as part of their placement search and allocation.

#### **5. Exams**

Students must bring their UCLan student identity card to each examination. Aside from any restrictions imposed by professional bodies, candidates sitting an examination may be required to remove any facial covering for the purposes of visual identification. The University will observe sensitivity in the visual identification/re-identification of students. Students must co-operate with staff and minimise any wider disruption to exam arrangements.

#### **6. Security/identification**

All students are expected to carry their identification cards on campus. Identification photographs must show the full face. The identity of students can be verified at any time by any member of staff and students are expected to adhere to this request. The University will observe sensitivity in taking photographs and visual identification where any facial coverings are worn.

#### **7. Review of policy**

The University will monitor the implementation of this policy and its impact on staff and students periodically. Appropriate engagement and consultation will be carried out with students, staff and relevant organisations.

#### **8. Breaches of regulations and/or complaints**

Breaches of this policy could amount to misconduct within the Regulations for the Conduct of Students and disciplinary action may follow accordingly. Any complaints can be raised through the University's Complaints Procedure.

#### **9. Information, advice and guidance**

Further information, advice and guidance on any aspect of this policy can be obtained from:

Equality and Diversity Manager    Safety, Health and Environment Manager    Strategic  
Development Service                  Facilities Management