

## Student Discipline Regulations

### 1. Preface

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

### 2. Scope

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

### 3. Principles

- 3.1 In the process of maintaining non-academic discipline the University will abide by the following principles.
- 3.2 The University will take a sensitive approach and will ensure reasonable effort to maintain confidentiality.
- 3.3 As appropriate, in recognition of the University's duty of care and in consultation with Student Based Services, the University will support the alleged victim and the alleged perpetrator, as well as third parties where they are members of the University, such as those reporting possible breaches of these regulations.

- 3.4 The University encourages third party reporting particularly where there is the potential of harm to others. Where a third party reports, and provides contact information, they will be told when the case has been investigated and whether any action was taken. They will not, however, be given the details of these actions.
- 3.5 The University will not tolerate frivolous or malicious reporting. Students or staff suspected of doing this will be subject to investigation of a breach under these regulations or the relevant staff policy.
- 3.6 Reasonable effort will be made to communicate these regulations and all students are expected to be familiar with them. For the avoidance of doubt, ignorance of these regulations will not be deemed an acceptable excuse.
- 3.7 Depending on the individual's circumstances, actions and sanctions taken under these regulations can affect an international student's immigration status. Any detrimental effect upon a student's immigration status will not normally be considered as mitigating circumstances in either determining cautionary actions (see 6 below) or the outcome of procedures under these regulations.
- 3.8 Financial or similar consequences of the outcomes under these regulations will also not be considered as part of these processes. Such consequences will be the sole responsibility of the student.

#### **4. Breaches of the regulations**

- 4.1 The expectation of the University is that all students conduct themselves appropriately and in accordance with all relevant regulations and policies. However, where a student does not, the University may consider this as a breach of the Student Discipline Regulations.
- 4.2 Acts or omissions that may be considered as breaches under these regulations include:
  - 4.2.1 unacceptable behaviour towards students, staff or members of the public, including verbal or written abuse in any media; bullying of any kind, harassment as defined under the Equalities Act or sexual misconduct (see the Bullying, Harassment and Sexual Misconduct Policy);
  - 4.2.2 failure to respect the rights of others to freedom of speech (see Code of Practice on Freedom of Speech);
  - 4.2.3 misuse or unauthorised use of Lancaster property, facilities or name;
  - 4.2.4 disruption, interference or obstruction of the academic, administrative, sporting, social, cultural or other activities of Lancaster University;
  - 4.2.5 anti-social behaviour, including noise disruption (see, in particular, requirements in relation to the Exam Period);
  - 4.2.6 failure to disclose name and other relevant details to an officer or employee of the University in circumstance where to do so would be a reasonable expectation;
  - 4.2.7 acts or omissions that threaten the health or safety of themselves or others or which raise false alarm, including any interference with fire detectors, fire alarms or fire extinguishing equipment;
  - 4.2.8 fraud, deception or dishonesty, including intentionally withholding information in relation to Lancaster staff or students and/or the falsification of records;

- 4.2.9 intentional or reckless damage to property, either that of the University or others;
  - 4.2.10 failure to declare a criminal conviction to Lancaster University, subject to the Rehabilitation of Offenders Act;
  - 4.2.11 possessing, consuming or supplying controlled substances;
  - 4.2.12 inappropriate behaviour relating to the excessive consumption of alcohol or other substances;
  - 4.2.13 any acts or omissions that bring or have the potential to bring the University into disrepute, or that damage or have the potential to damage its relationship with its local communities;
  - 4.2.14 any breaches under other agreements, codes, contracts, policies and procedures of Lancaster University (see section 8 below);
  - 4.2.15 any conduct that leads to a criminal investigation or constitutes a criminal offence (see 4.5 below);
  - 4.2.16 failure to comply with any previously imposed requirement or penalty under these regulations, including failure to attend a disciplinary meeting or hearing.
- 4.3 For the purposes of these regulations, acts and omissions can be considered major or minor; examples are provided in the accompanying student guidance notes. For the avoidance of doubt, multiple and/or repeated minor breaches may be considered to constitute a major breach.
- 4.4 Student positions of responsibility, for example student representatives or leaders of LUSU sanctioned clubs and societies, carry with them greater expectations, particularly in relation to honesty and providing an example to others. Students holding such positions will have this taken into account in any disciplinary procedure. Examples of such positions are included within the student guidance notes.
- 4.5 Where matters involve or may involve criminal or similar proceedings the University Dean, following relevant consultation, can suspend internal proceedings until such time as the criminal proceedings are complete. The University Dean can also decide to take forward internal disciplinary procedures under these regulations where the University judges these would not impair criminal or similar investigations. Where an internal procedure is suspended, the University reserves the right to undertake a risk assessment (see section 6) and take any subsequent action it deems reasonable and necessary.
- 4.6 Where criminal or similar proceedings are underway, students are obliged to keep Lancaster informed of any progress and/or change of status regarding the case. The University Dean will review the status and determine if any actions are required.
- 4.7 Should a student be convicted of a criminal offence Lancaster may choose to take action under these regulations where matters of concern to Lancaster have not been addressed. In this case the conviction in a criminal court will be taken as conclusive evidence that the alleged offence has occurred and no further investigation will be required by Lancaster.
- 4.8 A decision by authorities not to pursue a criminal conviction and/or an acquittal in court does not preclude Lancaster from pursuing outstanding matters of concern to Lancaster that have not been addressed.

- 4.9 A risk assessment (see section 6 below) will be undertaken in all cases of criminal conviction before a student is permitted to return to study or other conditions placed upon them are lifted.
- 4.10 It is recognised by the University that some of its students, e.g. those registered with overseas partner institutions, may be subject to additional rules as appropriate to local law, custom and practice. While it is the recognised expectation that most aspects of discipline will be managed through the local partner, Lancaster University, nonetheless, reserves the right to consider alleged breaches by any student under the scope of these regulations especially where there is risk to institutional reputation.
- 4.11 For the avoidance of doubt, all students present on the Bailrigg campus, including, for example, those registered with the International Study Centre, are subject to these regulations. Students studying at one of the University's collaborative partnerships, both nationally and internationally are subject to separate disciplinary regulations as agreed through the legal memoranda.

## 5. **Managing risk**

- 5.1 The University has a responsibility to manage the risks faced by its staff, students and visitors, to fulfil its duty of care to staff and students as well as manage any risk to its reputation. It does this through a process of risk assessment. A risk assessment can be conducted for any alleged breaches, but the normal expectation would be that risk assessment would be limited to situations where:
- there is a risk of harm to self or others;
  - there are safeguarding issues involved;
  - there is a serious risk to the reputation or other aspect of the University;
  - the incident involves the police or other authorities.
- 5.2 Risk assessments should be carried out in a timeframe appropriate to the perceived risk, with serious cases being dealt with as a matter of urgency.
- 5.3 The University Dean (or person with delegated authority in the Dean's absence) will determine if a risk assessment is required. The University Dean (or nominee) will produce a risk assessment including all relevant details, with support from the Strategic Planning and Governance Division and input from Student Based Services. This will be considered by a panel consisting of the University Dean (or nominee), the Chief Administrative Officer and Secretary (or nominee) and the Students' Union President (or nominee) and supported by a member of the Strategic Planning and Governance Division. A member of Student Based Services may also be present. For the avoidance of doubt, the student will not attend this meeting, but have the right of appeal against its decisions (see 5.7 below).
- 5.4 The outcome of the risk assessment can include, but is not limited to, one or more of the following precautionary actions:
- no further action to be taken;
  - requirement that the student comply with specific conditions, for example, not contacting another student;
  - limiting the use of a particular building/service;

- involvement of support personnel from Student Based Services;
- relocation or alteration to accommodation contracts (for those students living in University accommodation);
- suspension of the assessment and/or reporting of academic work;
- referral to the consideration of a breach of discipline under these regulations at whichever level is deemed appropriate;
- temporary exclusion from the University, pending the outcome of relevant due process.

- 5.5 A precautionary action is taken to mitigate risk and should not be regarded as a penalty or an indication of a presumption of guilt.
- 5.6 The University Dean (or nominee) will communicate the outcomes of the risk assessment to the student. This may be done orally in the first instance for reasons of expediency. Written confirmation including the reasons for the decision and outlining the right of appeal and necessary grounds should be provided within five working days.
- 5.7 The student against whom the cautionary action has been taken may appeal against these by submitting a written request for an appeal with all relevant details to the Strategic Planning and Governance Division within five working days of the date of issue of the written confirmation.
- 5.8 The Strategic Planning and Governance Division will make a prima facie decision on the appeal. The grounds for appeal will be:
- there is evidence that could not reasonably have been made previously available; or
  - there is evidence of a material procedural irregularity; or
  - there is evidence to demonstrate that the decision did not meet the rules of natural justice.
- The Strategic Planning and Governance Division will normally inform the student of its determination within five working days.
- 5.9 Should the appeal proceed, the Provost (or nominee), supported by the Strategic Planning and Governance Division, will consider the appeal and may take the following actions:
- uphold the original decision and confirm the terms of the outcome; or
  - uphold the original decision but reduce or restrict the terms of the outcomes; or
  - overturn the original decision and remove the terms of the outcome.
- 5.10 In cases where additional material provided by the student suggests that the level of risk is higher than previously assessed, the Provost may increase the terms of the outcome.
- 5.11 The student will be notified within ten working days of receipt of the appeal. It would not be normal practice for the Provost to meet with the student and appeals will be considered on the basis of submitted paperwork.
- 5.12 The student may ask for the terms of the outcomes to be reviewed while they are in place where there are clear changes in circumstance. Such a request should be made to the Provost with reasons and relevant details provided. The Provost will respond within ten days of the receipt of the request.

## 6. **Disciplinary procedures**

6.1 Lancaster University operates four disciplinary procedures under these regulations. These are:

1. fixed penalty procedures;
2. College discipline;
3. University discipline;
4. University exclusion hearing.

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

### 6.2 *Fixed penalty procedures*

6.2.1 There are defined breaches of these regulations which result in an immediate fixed penalty fine. These are detailed in the attached schedule, along with the tariffs for each.

6.2.2 Students will receive written notification detailing the nature of the breach and outlining the right of appeal normally within five working days of the breach.

6.2.3 The student may appeal against a fixed penalty fine by submitting a written request for an appeal with all relevant details to the University Dean within five working days of the date of the issue of the fixed penalty fine. The appeal will follow the procedures for University Disciplinary Hearing as detailed in section 6.4 below.

### 6.3 College Discipline

6.3.1 Where a College Dean, or Assistant Dean acting on their behalf, identifies that a student may have breached these regulations the following procedure will occur.

6.3.2 Where the breach is uncontested, i.e. the student readily admits it to a University officer or staff member, a record will be agreed by both parties and reported to the College Dean. The College Dean may either, at their discretion, ask an Assistant Dean to hold an informal College Disciplinary Meeting with the student or write to the student to confirm the breach and any associated penalty. This will be normally provided within five working days. Should the student disagree with the penalty they must inform the College Dean within five working days of receipt.

6.3.3 Where the student does not agree the alleged breach or the subsequent penalty, or where an investigation is required, or where a more substantial penalty is being considered, the student will be required to meet formally with the College Dean.

6.3.4 Investigations, if required, normally will be conducted by an Assistant Dean following University guidelines.

- 6.3.5 The College Dean, having taken account of the student's academic schedule, will inform the student in writing of the date and time of the meeting. Students will be given at least 48 hours' notice of any meeting. The written summons will include details of the alleged breach, including key evidence and supporting documents to be considered, and refer to these regulations, the student guidance notes and detail the nature of the hearing and the possible outcomes. Additional materials considered non-key need not be provided in the first instance, but will be available to the student on request.
- 6.3.6 The College Dean will formally meet with the student, detail the case and invite the student to comment. They will then discuss the case.
- 6.3.7 The College Dean will determine an appropriate outcome and communicate this to the student either at the time or afterwards, for example where additional information is required. Students will normally be formally notified of the outcome in writing within five working days.
- 6.3.8 The College Dean can impose the following penalties:
- a formal warning which will be taken into account in any subsequent procedure;
  - a fine in line with published tariffs (which may be suspended in whole or in part);
  - a requirement to pay for any damages or cleaning charges incurred;
  - a ban from a communal area, including, as appropriate, the College bar;
  - in collaboration with Security, as required, confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
  - a requirement to submit a written apology to those affected by the breach;
  - a referral to the University Dean for a higher stage of disciplinary action;
  - a referral to the Accommodation Office where the breach involves elements of the licence agreement;
  - any combination of the above.
- 6.3.9 The student may appeal against the outcome by submitting a written request for an appeal with all relevant details to the Strategic Planning and Governance Division within five working days of the date of issue of the written confirmation.
- 6.3.10 The Strategic Planning and Governance Division will make a prima facie decision on the appeal. The grounds for appeal will be:
- there is evidence that could not reasonably have been made previously available;  
or
  - there is evidence of a material procedural irregularity; or
  - there is evidence that the judgement did not follow the principle of natural justice.

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

6.3.11 Should the appeal proceed, the University Dean, supported by the Strategic Planning and Governance Division, will consider the appeal and may take the following actions:

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

6.3.12 The student will be notified of the outcome in writing within ten working days of receipt of the appeal. It is not normal practice for the University Dean to meet with the student and appeals will be considered on the basis of submitted paperwork.

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

#### 6.4 *University Discipline*

6.4.1 Where either: (1) the University Dean identifies that a student may have breached these regulations; or (2) a student is referred to the Dean by a College Dean (for serious and/or multiple offences), Head of Department or other officer with responsibility for elements of discipline, the following procedure will occur.

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

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

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

6.4.5 The University Dean, having taken account of the student's academic schedule, will inform the student in writing of the date and time of the meeting. Students will be given at least 48 hours' notice of any meeting. The written summons will contain details of the alleged breach, including key evidence and supporting documents to be considered, and refer to the guidelines detailing the nature of the hearing and the possible outcomes. Additional materials considered non-key need not be provided in the first instance, but will be available to the student on request.

6.4.6 The University Dean, or Deputy Dean, will meet with the student. The University Dean or a Deputy Dean not hearing the case will detail the case and the student will be invited to comment.

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

6.4.8 The penalties which may be imposed either singularly or in combination are:

- a formal warning which will be taken into account in any subsequent procedure;
- a fine in line with published tariffs (which may be suspended in whole or in part);
- a requirement to pay for any damages or cleaning charges incurred;
- a ban from University residences or from a particular part of the University or a facility associated with the breach for a specified period;
- confiscation of equipment or items causing unreasonable disturbance to others or damage to property;
- a requirement to submit a written apology to those affected by the breach;
- a requirement to undertake relevant training and/or development;
- a referral to the University Exclusion Hearing for a higher stage of disciplinary action;
- a referral to the other procedures as appropriate (for example Standing Academic Committee or Fitness to Practise);
- any other penalty deemed appropriate and commensurate with the breach.

6.4.9 The student may appeal against the outcome by submitting a written request for an appeal with all relevant details to the Strategic Planning and Governance Division within five working days of the date of issue of the written confirmation.

6.4.10 The Strategic Planning and Governance Division will make a prima facie decision on the appeal. The grounds for appeal will be:

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

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

6.4.11 Should the appeal proceed, the Vice-Chancellor or senior management nominee not previously involved in the process, supported by the Strategic Planning and Governance Division, will consider the appeal and may take the following actions:

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

6.4.12 The student will be formally notified in writing within ten working days of receipt of the appeal. It would be not normal practice to meet with the student and appeals will be considered on the basis of submitted paperwork.

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

## 6.5 *University Exclusion Hearing*

6.5.1 For those cases where the alleged breach is considered to be of the highest order, i.e. where permanent exclusion of the student is sought, the University will conduct a University Exclusion Hearing.

6.5.2 A University Exclusion Hearing will be heard by a panel consisting of:

- the Chief Administrative Officer and Secretary (or nominee) in the Chair;
- two members of staff not previously involved in the case appointed by the Vice-Chancellor;
- two students not previously involved in the case appointed by the Students' Union President.

The clerk for the Hearing will be a member of the Strategic Planning and Governance Division. While a full panel of five members will be established in each case, the panel is deemed quorate with the Chair and two others, including one member of staff.

6.5.3 The University Dean will notify the Strategic Planning and Governance Division in writing including: the name of the student, the nature of the alleged breach, actions taken to date (including a risk assessment as detailed under section 6 above) and all relevant evidence and supporting documents.

6.5.4 The clerk, working with the Chair, will set up a University Exclusion Hearing as soon as possible, and normally no later than thirty days after receipt of the University Dean's letter.

6.5.5 The clerk will inform the student in writing:

- (i) the date and location of the hearing;
- (ii) the nature of alleged breach;
- (iii) the principles under which the hearing will operate (see section 6.6 below);
- (iv) how and by what date materials can be submitted for consideration in the hearing.

6.5.6 All materials relating to the University Exclusion Hearing will be distributed to all attending normally no later than seven days in advance of the hearing.

6.5.7 In the hearing the University Dean will present the case and the student will be allowed to respond. Further details of the operation of the hearing are provided in the student guidance notes. Neither the University Dean nor the student will remain present for the deliberations of the Panel.

- 6.5.8 The Hearing Panel will determine an appropriate outcome and communicate this to the student either at the time or afterwards, for example where additional information is required. Where the outcome cannot be given immediately, the University will aim to notify the student of the outcome within five working days, although this may take longer if time is required to gather and consider additional information.
- 6.5.9 The primary penalty to be considered will be exclusion either permanently or for a period of time from the University. However, should the panel consider that the student has breached this or another relevant policy or regulations, but exclusion is considered too harsh a penalty, the panel retains the right to impose all penalties detailed under 6.4.8 above, including another penalty deemed appropriate and commensurate with the breach.
- 6.5.10 The student may appeal against the outcome by submitting a written request for an appeal with all relevant details to the Strategic Planning and Governance Division within ten working days of the date of issue of the written confirmation.
- 6.5.11 The Strategic Planning and Governance Division will make a prima facie decision on the appeal. The grounds for appeal will be:
- there is evidence that could not reasonably have been made previously available; or
  - there is evidence of a material procedural irregularity; or
  - there is evidence that the judgement was perverse.

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

- 6.5.12 Should the appeal proceed a University Exclusion Hearing Appeals panel consisting of the Vice-Chancellor or senior management nominee not previously involved in the process, one member of staff appointed by the Vice-Chancellor and one student appointed by the Students' Union President, supported by the Strategic Planning and Governance Division, will consider the appeal.
- 6.5.13 Processes for the arrangement of an appeal hearing will follow those for the University Exclusion Hearing 6.5.4-6.5.8 above except that the case will be presented by the Chair of the University Exclusion Hearing Panel. At the discretion of the Appeals Panel Chair, depending on the nature of the appeal, the University Dean may be invited to attend the appeal and either present materials or respond to questions.
- 6.5.14 The Panel will take one of the following actions:
- uphold the original decision and confirm the terms of the outcome;
  - uphold the original decision but reduce or restrict the terms of the outcomes;
  - overturn the original decision and either agree new terms of the outcome or remove them altogether.

- 6.5.15 Where possible the student will be informed immediately of the decision. Formal notification in writing will follow within ten working days of the appeal.
- 6.5.16 A record of the outcome will be held within the Strategic Planning and Governance Division.
- 6.6 The following general procedural principles apply, as appropriate, to all procedures described above.
  - 6.6.1 Reports of possible breaches of these regulations may be reported by other students, staff or external sources such as visitors, members of the public or people in position of authority (for example the police).
  - 6.6.2 The University reserves the right not to pursue a reported breach in the light of insufficient evidence.
  - 6.6.3 The University expects disciplinary matters to be considered promptly and would expect procedures to begin within thirty days of an alleged incident. However, the University retains the right to consider cases under these regulations at a later time, particularly where they are of a serious nature.
  - 6.6.4 These proceedings are internal University processes that, while subject to law, are not legal proceedings per se. They are designed to establish fact and are inquisitorial rather than adversarial in nature. Information is determined through investigation and questioning, not cross-examination. Those involved will be provided with guidance and, as appropriate, training.
  - 6.6.5 Guidance on the specific operational arrangements for each type of hearing will be made available to all those involved.
  - 6.6.6 Fine tariffs will be common across the University and published on an annual basis. Tariffs are attached as a schedule to these regulations.
  - 6.6.7 The standard of proof used within these regulations is the balance of probability and not the criminal requirement of proof beyond reasonable doubt.
  - 6.6.8 Students may be accompanied to a meeting. For a university-level hearing, the University will encourage the student to consider the support services provided by the Students' Union in this area. It is the normal expectation that students will speak for themselves, and that those who accompany them will be there for support. However, where a student wants to be represented, including legal representation, this is acceptable. Any representation must be made known in good time prior to the meeting. The person chairing the meeting reserves the right to refuse to allow the accompanying person where there is a clear conflict of interest (for example where the person accompanying is also subject to these regulations for the same or a related breach).
  - 6.6.9 The University does not encourage the use of family members as either companion or representative as experience has demonstrated that this can detrimentally affect the dynamics of the meeting.

- 6.6.10 Normal practice for the University is that witness evidence will be considered through written witness statements. Exceptionally, and at the discretion of the Hearing Chair, a specified number of witnesses (normally no more than two) may be allowed to appear in person.
- 6.6.11 Admissibility of evidence will be determined by the officer considering the case at each level, e.g. University Dean, Chair of a Panel, etc.; seeking the advice of the Strategic Planning and Governance Division as required.
- 6.6.12 The University will make reasonable adjustment to these procedures to meet student needs, particularly those associated with protected characteristics under the Equality Act.
- 6.6.13 Where a possible breach involves multiple students, the officer considering the case may determine if the students will be considered individually or collectively.
- 6.6.14 The University reserves the right to hold formally constituted groups (for example LUSU recognised clubs and societies) collectively responsible for the group's actions or omissions under these regulations.
- 6.6.15 Procedures under these regulations may affect a student's ability to graduate. In such cases the student will be notified of this potential outcome.
- 6.6.16 Failure, without good cause, to appear on the due date and time when summoned to a hearing will attract an automatic fine (see 6.2.1 above).
- 6.6.17 Failure by a student to attend a scheduled meeting will not stop the meeting proceeding. Student cases can be considered *in absentia*.
- 6.6.18 Intercalation or withdrawal from the University will not necessarily stop procedures under these regulations. Where the University determines that it is in its interests, the interests of other student or those of the public, to proceed, it reserves the right to do so.
- 6.6.19 Guidance on investigation, and templates as required, will be provided to University staff members prior to any investigation.
- 6.6.20 The University reserves the right to adjust documented procedures to suit individual case requirements or changes in legislation.
- 6.6.21 The University will not normally, but retains the right to appoint legal representation in relation to any element of the procedures under these regulations. The student involved will be informed if legal representation is to be used including details of the nature of the involvement.
- 6.6.22 Any student dissatisfied with the University's procedures following the conclusion of a disciplinary process should consult the University's Student Complaints Procedures, as set out in the Manual of Academic Regulations and Procedures (<https://gap.lancs.ac.uk/ASQ/QAE/MARP/Pages/default.aspx>)

6.6.23 All students completing a University-level aspect of this procedure with a penalty imposed will be supplied with a completion of procedures letter, via the Strategic Planning and Governance Division, providing them with information necessary to access the Office of the Independent Adjudicator. Students do not need to complete every stage to receive the letter, but the University must be satisfied that all its internal procedures are complete before a letter will be supplied.

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

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

7.2 The following University officers have specified responsibilities:

### *Provost for Students, Colleges and the Library*

The Provost has overall responsibility for these regulations.

### *University Dean and Deputy Deans*

The University Dean and Deputy Deans are appointed by the Senate on the nomination of the University's Disciplinary Committee, normally for a period of five years, renewable once on agreement between the Disciplinary Committee and the post holder subject to confirmation by Senate. A deputy may exercise any power or duty of the University Dean. The University Dean has delegated authority for investigating possible breaches of these regulations and for taking any discipline action required within the University. This authority is further delegated to College Deans for those specific cases heard through the College Discipline procedure Hearings. The University Dean also has the power to determine that a case is of the highest level and is required to go to a University Exclusion Hearing. The University Dean is responsible for the investigation of such cases and for their presentation during a University Disciplinary procedure and Exclusion Hearing. The University Dean is also required to investigate, in accordance with the procedure set out in the Manual for Academic Regulations and Procedures, allegations of the use of unfair means in connection with examinations.

### *College Deans*

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

### *Assistant Deans*

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

### *Strategic Planning and Governance Division*

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

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

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

- 8.1 These regulations detail the approach to student non-academic discipline at Lancaster University. Along with academic discipline, as detailed in the Manual for Academic Regulations and Procedures (<https://gap.lancs.ac.uk/ASQ/QAE/MARP/Pages/default.aspx>), the University also has other related regulations, policies and documents which are applicable to students and that specify requirements under particular areas of the University's activity. These include:

- Bullying, Harassment and Sexual Misconduct Policy;
- Code of Conduct on Protests;
- Code of Practice on Freedom of Speech;
- Complaints procedures;
- Computer User Agreement;
- Data Protection Regulations;
- Equality, Diversity and Inclusion Plan;
- Finance requirements;
- Fitness to Practise;
- Fitness to Study;
- Health and Safety Regulations;
- Insurance arrangements;
- Intellectual Property Policy;
- Laboratory rules;
- Library Rules;
- Smoke-free workplace and Public Place Policy;
- Specific requirements from the Colleges;
- University accommodation tenancy agreement;
- Vehicle regulations;
- Visa requirements.

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

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

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

- 9.1 The Provost for Students, Colleges and the Library, as well as the Chief Administrative Officer and Secretary, particularly through the Divisions of Strategic Planning and Governance and

Student Based Services, will be responsible for the oversight and management of these regulations.

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