



UNIVERSITY OF
LINCOLN

**University General Regulations
2016/2017**

University General Regulations 2016/2017

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

These Regulations apply to all students, staff and to all University awards. In addition, students are governed by the following which form part of the University Regulations:

- Undergraduate Regulations
- Foundation Degree Awards
- Graduate Diploma/Certificate Awards
- Higher National Programme Awards
- Integrated Masters Degrees
- Taught Postgraduate Regulations
- Research Degree Regulations for MA/MSc by Research, MPhil and PhD
- Professional Doctorate Regulations
- Short Courses and Individual Modules at Undergraduate and Postgraduate Level

These Regulations take effect for all students and staff from the date of publication.

These Regulations may at any time be amended or added to by the University.

These English language Regulations are the only authentic version of the University Regulations. Any dispute arising under these Regulations will be resolved in the English language.

It is the responsibility of students and staff to acquaint themselves with these Regulations.

1 August 2016

Contents	Page
Part A	
- Regulations Governing Academic Offences	3
- Academic Offences: Additional Information	6
Part B	
- Decisions of Boards of Examiners: Review and Appeal	10
- The Appeal Hearing	17
Part C	
- Student Conduct and Disciplinary Regulations	21
Part D (1)	
- Fitness to Practise Regulations: Pharmacy, Acupuncture, Herbal Medicine and Social Work	30
Part D (2)	
- Fitness to Practise Regulations: Nursing	41
Part E	
- Student Complaints Procedure	56
Part F	
- Authority to Vary and/or Revoke Awards	68
Part G	
- Special Examination Boards	69
Part H	
- Academic Fees Regulations	70
Part I	
- Library Regulations	78
Part J	
- Student Health and Safety Regulations	82
Part K	
- Student Created Intellectual Property	86
Part L	
- Information Systems Regulations	87
Part M	
- Audio Recording of Meetings	88

PART A – REGULATIONS GOVERNING ACADEMIC OFFENCES

A1 Academic Offences

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

The above list is not exhaustive.

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

Academic Offences and Extenuating Circumstances

- 1.4 Regulation A5.8.12 of the Undergraduate Regulations states: 'A claim for extenuating circumstances shall not be available to a student as a means to avoid an application of these Regulations to allegations of having committed an academic offence in relation to assessment.' There is provision in these Regulations for the situation where an academic offence is alleged against a student who is claiming that their performance has been affected by extenuating circumstances.

Procedure

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

A2 University Academic Offences Committee

- 2.1 No person previously involved in either the allegation or its investigation shall take part in the proceedings of the University Academic Offences Committee when discussing the alleged academic offence or, if proved, the penalty to be applied. After a finding that a student has committed an academic offence the Committee shall consider the penalty to recommend to the appropriate Board of Examiners.

- 2.2 After a finding that a student has committed an academic offence, the University Academic Offences Committee shall recommend a penalty having taken into consideration all the evidence presented and the following:

- (i) **Premeditation:** A planned act shall normally be considered more serious than an impulsive action.
- (ii) **Continuity:** The commission of an academic offence on more than one occasion may be dealt with more severely than a single act.
- (iii) **Scale and Extent:** Extensive use of academic misconduct may be dealt with more severely than a lesser amount.
- (iv) **Theft of Materials:** Where the academic offence involves the theft of another person's assessed work it may be dealt with more severely.
- (v) **Other Students:** Where the academic offence adversely affects other students it may be dealt with more severely.

- 2.3 After consideration of (i) – (v) the University Academic Offences Committee shall make recommendations as it thinks fit to the appropriate Board of Examiners. The recommendations shall include whether or not to restore the right to reassessment as specified in Scheme and/or Award Regulations; and the imposition of one of the following penalties:

- (a) To take no further action.
- (b) To warn the student against any future academic offence, but impose no other penalty.

- (c) To record a mark of zero for the piece of assessed work or examination only.
- (d) To record a mark of zero for every assessment item within the unit/module.
- (e) To record a mark of zero for every assessment item within all units/modules taken during the semester concerned.
- (f) To record a mark of zero for every assessment item within all units/modules during the academic level concerned.
- (g) Record a mark of zero for every assessment item within all units/modules during the academic level concerned. Allow neither re-enrolment nor reassessment.
- (h) For undergraduate students, to allow an original pass-mark given for the piece of assessed work or examination (the 'merit mark') to stand, and to reduce by a single class the final award to be conferred at the conclusion of the programme of study. As examples of this penalty, a student whose initial calculation indicates an upper second class honours degree should instead have conferred on them a lower second class honours degree; or a student whose initial calculation indicates a third class honours degree should instead have conferred on them an unclassified degree. Where a student is permitted a reassessment opportunity, the capped module mark from the reassessment shall be used for the initial calculation, and the resulting award reduced by a single class as above. Such reductions shall not result in an award below an unclassified degree. A student's entitlement to intermediate awards on the basis of credit accumulated prior to the level at which the offence was committed shall not be adversely affected.

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

A3 Appeals Against a Decision of the Academic Offences Committee

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

ACADEMIC OFFENCES: ADDITIONAL INFORMATION

1 Academic Offences in Relation to Assessment

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

2 Procedure

- 2.1 Allegations of the commission of academic offences may be dealt with either by a summary procedure or by a full investigatory procedure.
- 2.2 Where appropriate, allegations of misconduct in research shall be dealt with under the UK Research Integrity Office procedure for the investigation of misconduct in research, and not under the University Academic Offences Regulations.

2.1 Summary Procedure

- 2.1.1 The summary procedure is available in cases where an allegation of an academic offence has been made against a student at Level One or Level Two of an undergraduate (including Foundation degree and Higher National) programme, except where the allegation relates in any way to misconduct in an examination, or to the use of material from an illicit source (such as a customised 'ghost-writing' service), or where a previous allegation against the student has been upheld.
- 2.1.2 Where a member of the academic staff suspects a student to whom the summary procedure is available of having committed an academic offence, then the Head of School ¹(or equivalent) shall be promptly notified of this and provided with evidence of the grounds on which the suspicion is held.
- 2.1.3 Where the Head of School (or equivalent) considers that there are grounds for pursuing an alleged academic offence, then they shall write to the student advising them of the right to have the matter dealt with under the summary or the full investigatory procedure and inviting the student to an interview under the summary procedure.
- 2.1.4 If the student chooses to attend an interview² with the Head of School (or equivalent), then the Head of School shall explain the basis of the allegation to the student.

¹ Head of School also refers to Deputy Head of School

² See also Section M – Audio Recordings of Meeting

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

2.2 Full Investigatory Procedure

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

3 Investigatory Interview

- 3.1 Where an academic offence is alleged, with sufficient supporting evidence, the Head of School (or equivalent) or nominee shall arrange for the student to be interviewed promptly by an appropriate member of staff.

- 3.2 The interview shall be arranged as quickly as possible. The interview shall be conducted by one member of staff, accompanied by one further staff member whose sole role is to take minutes of the interview. Neither member of staff shall be the member of staff making the allegation. The student, at their discretion, may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 3.3 The allegation will be explained in full and the student will be allowed to give their account, and to provide any defence.³
- 3.4 (i) Where appropriate, the interviewer may adjourn the interview to allow further enquiries to be made, such as where the student has introduced information, relating to a defence or explanation that needs to be substantiated.
- (ii) Where the allegation is one of using misleading material from an illicit source (such as a customised 'ghost-writing' service), the student may be invited to attend a *viva-voce* examination to answer questions about the work or the techniques used and to demonstrate their authorship of the relevant work. In such an event, the examiner will be a specialist in the relevant subject/discipline from within the student's School (who has had no prior involvement in the matter), nominated by the Head of School. The nature of the viva is to investigate whether the work has been produced from the student's own efforts and it should be conducted in this manner. It should not be an examination of the work as would be necessary for the awarding of a grade. A note-taker will also be present; and the student may be accompanied as set out in section 3.2 above. A student's companion will not be allowed to make any material contribution to the dialogue between the examiner and the student (in the event of any dispute about this aspect, the decision of the examiner shall be final).
- (iii) The outcomes of the further enquiries and/or examination shall be communicated to the student and the interview shall then be resumed as soon as possible.
- 3.5 The minutes of the interview shall be prepared promptly following the interview and submitted to the Head of School (or equivalent) or nominee and the student. Where the Head of School (or equivalent) or nominee considers that no *prima facie* case has been established no further action shall be taken and they shall notify the student accordingly.
- 3.6 A copy of the minutes shall be provided to the student. The student, on the receipt of the minutes of the investigatory interview, shall be allowed to submit any further defence or explanation to the Chair of the University Academic Offences Committee.
- 3.7 Where there appears to be a *prima facie* case of the commission of an academic offence the Head of School (or equivalent) or nominee shall, without undue delay, forward all papers to the Chair of the University Academic Offences Committee who shall be responsible for briefing the

³ See also Section M – Audio Recordings of Meetings

Committee, and providing members with the minutes of the investigatory interview(s) and any other relevant materials. Where such a *prima facie* case has been established the student shall be notified in writing by the Head of School (or equivalent) or nominee.

- 3.8 If, after being given reasonable notice and opportunity to attend an investigatory interview, the student does not attend, the Head of School (or equivalent) or nominee shall determine whether a *prima facie* case exists based on the evidence available. The Head of School (or equivalent) shall then apply sections 3.4 or 3.7 above, as appropriate.
- 3.9 If a *prima facie* case has been forwarded the allegation and the evidence shall be placed before the University Academic Offences Committee, who shall determine whether the alleged academic offence has been committed.

4 University Academic Offences Committee

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

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

For the purposes of Part B and for the Appeal Hearing procedure, a reference to a Board of Examiners shall apply also to the College Research Degrees Board, Academic Offences Committee and the University Extenuating Circumstances Panel.

General

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

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

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

B1 Review

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

- 1.4 The student must provide all material and evidence that they wish to be considered in support of their Review request at the time that the Review request is made. Matters of contention not raised at the Review stage cannot be introduced at the Appeal stage should the student remain dissatisfied following the outcome of the Review.
 - 1.5 A student may not seek an anonymous Review.
 - 1.6 A third party may represent the student provided the student gives the University written authority to discuss their personal affairs with that person. A friend, family member or Students' Union representative may, for example, act as a third party. The student will need to ensure that the representative is thoroughly briefed, kept fully informed and is readily accessible. The University will not correspond with both the student and the representative.
 - 1.7 On receipt of the Review Request, if the student has raised extenuating circumstances these will be considered first by the Extenuating Circumstances Panel which will determine their validity. The outcome of the Extenuating Circumstances Panel will then be communicated to the Chair of the Board of Examiners and forwarded with the Review Request. If there are no extenuating circumstances the Academic Appeals Officer will forward the request to the Chair of the Board of Examiners, who shall review the Board's decision. The Review should normally be completed within 20 working days. In exceptional circumstances it may not be possible to complete the Review within this timeframe. In such a case, at the end of the 20 working day period the Chair of the Board of Examiners must either:
 - (i) inform the Academic Appeals Officer in writing that the Review may proceed directly to the Appeal stage, or
 - (ii) submit in writing to the Academic Appeals Officer the reasons why the Review could not be completed within the 20 working day time limit to agree an extension of no more than 15 working days.
- If a Review has not been completed and the outcome communicated to the Academic Appeals Officer following an extension of no more than 15 working days, the student will have the right to proceed directly to the Appeal stage.
- In conducting a Review, the Chair of the Board of Examiners has the discretion to make enquiries of such persons, including the student, tutors, programme leaders and unit co-ordinators as he or she deems necessary.
- 1.8 In deciding the outcome of the Review, including the nature of the resolution to be offered to the student, the Chair of the Board of Examiners shall take into account the need to ensure the integrity of the standards of the University's awards and the need to guarantee fairness to all students in the assessment process.
 - 1.9 The Chair of the Board of Examiners shall notify the Academic Appeals Officer of the outcome of the Review, giving reasons for the decision. This decision shall be notified to the student in writing by the Academic Appeals Officer. The decision shall also be notified to the Board of Examiners.
 - 1.10 A student who is dissatisfied with the outcome of a Review may apply to lodge an Appeal.

B2 Appeal

- 2.1 Only a student who is dissatisfied with the outcome of a completed Review may apply to lodge an appeal except where the Review has not been completed within the timescale stipulated in B1.7.
- 2.2 A student may lodge an Appeal on the following grounds only:
- (a) that there were extenuating circumstances adversely affecting the student's performance which for valid reason the student did not make known to the Extenuating Circumstances Panel at the appropriate time either in sufficient detail or at all. Normally, the only acceptable valid reasons will be that the student was unable or incapable of bringing the circumstances to the Panel's attention. The student must provide documentary evidence to support their claims.
 - (b) that there was a procedural irregularity in any part of the assessment or other relevant process to which the claim relates, including the interpretation and other application of the relevant regulations.
 - (c) that there is evidence of prejudice or of bias.
 - (d) that there was an error in the calculating or recording of the marks upon which the original decision was made.

The following shall not be considered as grounds for Appeal:

- (i) the retrospective reporting of extenuating circumstances which a student might reasonably have been expected to disclose to the Extenuating Circumstances Panel.
 - (ii) marginal failure to attain a higher degree classification.
 - (iii) an appeal against the academic judgement of internal or external examiners.
 - (iv) retrospective complaints against the standard of tutoring etc. These must be made before the results of Boards of Examiner deliberations and cannot be used to lever an appeal against the judgement of the Board.
- 2.3 Disagreement with a mark or a grade cannot itself constitute grounds for appeal.
- 2.4 Where a Review has not been completed within the timescales set out in B1.7 above, the Academic Appeals Officer will advise the student in writing of his or her right to lodge an Appeal as provided under B2.6. The Appeal will then proceed in the prescribed manner.
- 2.5 Anonymous appeals are not permitted. See B1.6 regarding third party representation.
- 2.6 An appeal must be lodged with the Academic Appeals Officer within ten working days of the student's receipt of the letter notifying them of the outcome of the Review. The appeal must be lodged on the form provided

(available from Secretariat) and must include:

- (a) a precise identification of the decision(s) of the Board of Examiners against which the appeal is lodged;
- (b) a precise identification of the formal grounds of appeal (i.e. B2.2 above);
- (c) a statement of the appellant's case;
- (d) evidence establishing that an appeal is warranted. Whenever possible, such evidence must be in documentary form, provided either when the appeal is lodged or, only if it is not available at the time, as soon as possible thereafter. Students may not introduce at the appeal stage any evidence that was available to them but had not been previously submitted at the Review stage.

B3 Lapsed Appeals

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

B4 Determination of the Appeal

- 4.1 Once the documents specified in B2.6 have been supplied, the Chair of the Appeal Board shall be appointed by the Vice Chancellor. The Academic Appeals Officer shall invite the Chair of the Board of Examiners to submit any additional information or evidence in support of the Review decision.
- 4.2 When appointed, the Chair of the Appeal Board will, within 10 working days, satisfy himself or herself that the formal requirements for the lodging of an

Appeal have been met. This does not include a review of the substantive case.

- 4.3 If, following scrutiny of the records and evidence relating to the Review and Appeal, the Chair considers that the formal requirements for lodging an Appeal and/or the grounds for Appeal have not been satisfied, the Appeal will not be considered further. The Academic Appeals Officer shall advise the student of this in writing.
- 4.4 In making their decision as to whether the formal requirements for lodging an Appeal and/or the grounds for Appeal have been satisfied, the Chair of the Appeal Board may seek further information or clarification from the Chair of the Board of Examiners through the process of Referral Back.

B5 Referral Back

- 5.1 In referring the matter back to the Chair of the Board of Examiners, the Chair of the Appeal Board may require such questions to be answered as they deem fit.
- 5.2 The Chair of the Board of Examiners shall make a response to the Chair of the Appeal Board within 20 working days. On receipt of the response, the Chair of the Appeal Board shall decide whether the formal requirements for lodging an Appeal have been met. If the formal requirements have not been met, the appellant shall be issued with a Completion of procedures letter. If the formal requirements have been met, the Academic Appeals Officer shall offer to arrange a formal hearing of the appeal.
- 5.3 The Chair of the Appeal Board will be assisted by the University Secretary and the Academic Appeals Officers in matters of procedure and practice.

B6 Arrangements for an Appeal Hearing

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

B7 Frivolous and Vexatious Review Requests and Appeals

- 7.1 The University reserves the right to consider a Review or Appeal frivolous or vexatious as set out below; this list is not exhaustive:
 - (a) Reviews or Appeals that are obsessive, persistent, harassing, prolific, and repetitious;
 - (b) Insistence upon pursuing unmeritorious Reviews or Appeals and/or unrealistic outcomes beyond all reason;

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

B8 Confidentiality of Review Requests and Appeal

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

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

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

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

THE APPEAL HEARING

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

The Appeal Board shall have a Secretary.

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

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

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

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

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

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

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

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

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

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

Proceedings at an Appeal Hearing⁴

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

⁴ See also Section M – Audio Recordings of Meetings

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

Consequences of an Appeal Hearing

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

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

Confidentiality

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

Attendance at meetings

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

PART C – CONDUCT AND DISCIPLINARY REGULATIONS FOR APPLICANTS, ENROLLED STUDENTS AND OTHER INDIVIDUALS REGISTERED AS CANDIDATES FOR UNIVERSITY AWARDS

C1 General

The Articles of Government require the University to have rules on the conduct of students.

Misconduct is improper interference with the functioning or activities of the University, or those who work or study in the University, or action which otherwise damages the good name of the University.

Misconduct is an offence under these disciplinary Regulations. The following are examples of misconduct:

- (i) disruption of, or improper interference with, the academic, administrative, sporting, social or other activities of the University, whether on University premises or elsewhere;
- (ii) 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;
- (iii) failure to disclose a conviction of a serious criminal offence sustained while enrolled as a student;
- (iv) violent, indecent, disorderly, threatening or offensive behaviour or language whilst on University premises or engaged in any University activity;
- (v) fraud, deceit, deception or dishonesty in relation to the University or its staff or in connection with holding any office in the University or in relation to being a student of the University;
- (vi) action likely to cause injury or impair safety on University premises;
- (vii) bullying, harassment or defamation, including via social networking sites, and including racial or sexual harassment of any student, member of staff or other employee of the University or any visitor to the University;
- (viii) damage to, or defacement of, University property or the property of other members of the University community caused intentionally or recklessly and misappropriation of such property;
- (ix) misuse or unauthorised use of University premises or items of property; or any data held in University records to which a student has obtained access;
- (x) conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence:
 - (a) took place on University premises, or
 - (b) affected or concerned other members of the University community, or
 - (c) damages the good name of the University, or

- (d) itself constitutes misconduct within the terms of this Code, or
- (e) is an offence of dishonesty, where the student holds an office of responsibility in the University.
- (xi) behaviour which brings the University into disrepute;
- (xii) failure to disclose name or other relevant details to an officer or employee of the University in circumstances when it is reasonable to require that such information be given;
- (xiii) failure to co-operate with the University, its officers or employees in the investigation of an alleged breach of the disciplinary code, and in any subsequent disciplinary proceedings;
- (xiv) prevention of another's freedom of speech;
- (xv) the clandestine recording of any proceedings made without the informed consent of all participants and which may have breached the personal privacy rights of those participants.
- (xvi) failure to comply with a previously imposed penalty under this Code.

Interface with Fitness to Practise Regulations

An allegation of misconduct made against a student who is enrolled on a course leading directly to a professional qualification or to the right to practise a particular profession or calling shall be dealt with under the Student Conduct and Disciplinary Regulations in the first instance. At Stage 1 of the formal process the Head of School (or equivalent) shall determine whether the allegation of misconduct is serious enough to bring into question the student's fitness to be admitted to and/or practise that profession or calling. If so, the allegation will be referred to the School Fitness to Practise Panel for investigation.

Conduct which constitutes a criminal offence (including conviction for an offence) where that conduct or the offence is such as to render the student unfit to practise any particular profession or calling to which that student's course directly leads will also be referred to the School Fitness to Practise Panel by the Head of School (or equivalent) at Stage 1.

C2 Disciplinary Procedure

The Vice Chancellor is responsible to the Board of Governors for the maintenance of student discipline within the University. The Vice Chancellor delegates this responsibility as set out in the following Disciplinary Procedure.

Immediate action

- 2.1 All members of staff of the University, and others authorised for the purpose, may issue reasonable instructions to students in the interests of good order, health and safety and the prevention of misconduct. These may include requiring any student to withdraw from any room or area or to cease to take

part in any activity. A student who refuses to comply with such instructions will be liable to disciplinary action in accordance with the formal procedures set out below. It is open to a student who believes that such instructions have been issued unfairly to initiate action under the Student Complaints Procedure (see Part E of these Regulations).

Formal process

Stage 1: Heads of Schools' Procedure

- 2.2 Each Head of School (or nominee) shall be responsible for the investigation of allegations of misconduct brought against students of their School and shall have the power, subject to these Regulations, to impose penalties or to refer the allegations for a hearing by a Head of College.
- 2.3 Where an act of misconduct is alleged against a student, the complainant shall promptly notify the student's Head of School (or nominee) of this and provide any evidence in support of the allegation.
- 2.4 Where the Head of School (or nominee) considers that the complaint provides grounds for formal consideration, they shall investigate the complaint; this may include interviewing and taking statements from the complainant, the student who is the subject of the complaint and any witnesses.
- 2.5 If the student who is the subject of the complaint is interviewed, they may be accompanied by a friend who may be a member of staff or student of the University or an officer of the Students' Union.*⁵
- 2.6 Having undertaken these investigations, the Head of School (or nominee) will decide, taking into account the views of the complainant, whether there are grounds for initiating the disciplinary procedure; and whether the matter is so serious as to warrant direct referral to Stage 2. Repetition of misconduct may be regarded as reason for direct referral to Stage 2.
- 2.7 Where the Head of School (or nominee) decides that there are grounds for action under Stage 1 of the disciplinary procedure, they shall write to the student giving details of the alleged offence and invite the student to say whether he or she admits the offence and whether they wish to offer any comments, including any mitigation. The student must be notified that if they do admit the offence the Head of School (or nominee) will have authority to determine the proceedings and to impose a penalty in accordance with section C2.9 below. The student shall have the option of admitting the offence and offering comments in writing or at an interview with the Head of School (or nominee).
- 2.8 Where the student admits the offence, the Head of School (or nominee) shall consider any comments offered by the student and then determine the appropriate penalty in accordance with section C2.9 below. The student shall also be required to provide a written apology, wording to be approved by the Head of School (or nominee), which may be communicated by the Head of

⁵ See also Section M – Audio Recordings of Meetings

School (or nominee) to any appropriate person which may include the complainant.

Penalties

- 2.9 The Head of School (or nominee) may impose one or more of the following penalties:
- (i) Where the student has attended an interview with the Head of School (or nominee), an oral caution in respect of the conduct which gave rise to the complaint.
 - (ii) A formal oral reprimand. The Head of School (or nominee) will keep a written note on file that a formal reprimand has been given.
 - (iii) A written warning. A note of the warning will be kept on the Head of School (or nominee)'s file. The written warning may stipulate that further instances of misconduct may result in direct referral to the Head of College.
 - (iv) A requirement to make good the cost, in whole or in part, of any damage caused or replacement required.
- 2.10 The Head of School (or nominee) may, upon a student giving a firm undertaking to fulfil a condition or conditions, withhold the imposition of a penalty for so long as the student fulfils the condition or conditions. Alternatively the Head of School (or nominee) may waive setting a penalty, upon a student giving a firm undertaking to fulfil a condition or conditions.
- 2.11 Where the student has admitted the offence, they may not appeal against the finding of facts, but may appeal to the University Disciplinary Committee against the penalty imposed.

Stage 2: Heads of Colleges' Procedure

- 2.12 If the student has failed to respond to the letter from the Head of School (or nominee) under Stage 1 or has not admitted the alleged offence, or where the Head of School (or equivalent) considers the matter alleged so serious as to warrant direct referral to Stage 2, the Head of School (or nominee) shall ask the Head of College to arrange a hearing as soon as possible.
- 2.13 Before the hearing, in consultation with the Head of College, the Head of School (or nominee) may undertake any further investigation they deem necessary to ensure that the full facts can be considered at the hearing.
- 2.14 The student shall be sent notice in writing of the hearing and of the allegation(s) against them, together with a copy of the Rules of Procedure, and given time to prepare their defence. Both the student and the Head of School (or nominee) shall prepare written summaries of their respective cases, and shall send copies to each other and to the Head of College at least five working days before the hearing, together with written and signed statements from all witnesses (including the complainant). Witnesses must be advised of the date of the hearing and that they may be called to attend in person at the Head of College's discretion.

- 2.15 The hearing shall be in accordance with the Rules of Procedure which shall include the right of the student and the Head of School (or nominee) to be heard in person. If the student attends the hearing they will have the right to be accompanied by a friend who may be a member of staff or student of the University or an officer of the Students' Union.⁶

Penalties

- 2.16 Where the Head of College finds the allegation to be proved, they may impose any of the penalties available to a Head of School (or nominee) and/or one of the following penalties:
- (i) A formal, written reprimand.
 - (ii) Exclude the student. Exclusion imposes temporary restrictions on attendance at or access to the University and its facilities and/or on participation in University activities. The extent of the exclusion will be specified in writing to the student. An order of exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
 - (iii) Evict the student from their University-owned accommodation. In the event of eviction, the student will be refunded any money due to them because of advance payment of the accommodation in lieu of notice and the student will be required to leave the accommodation by a specified date. The University will help the student to secure alternative accommodation as appropriate to his or her circumstances.
 - (iv) Recommend that the Vice Chancellor should expel the student. Such recommendations will be considered by the Vice Chancellor and the Officer to the University Disciplinary Committee, who will scrutinise all such recommendations to ensure consistency and fairness. The Vice Chancellor will then either endorse the recommendation for expulsion or refer the matter back to the Head of College for further consideration.

Stage 3: University Disciplinary Committee - The Appeal Stage

- 2.17 A student may appeal against a penalty imposed by a Head of school (or nominee) under Stage 1 of these procedures; or against a finding by a Head of College under Stage 2 that an allegation has been proven, and/or a penalty imposed by a Head of College; or against a decision by the Vice Chancellor that the student should be expelled. Any appeal must be submitted within 10 working days of written confirmation of the decision. An appeal pro-forma is available from the Officer to the University Disciplinary Committee, Secretariat.
- 2.18 An appeal may be lodged on the following grounds only:
- (i) there is new evidence available which could not reasonably have been brought to the attention of the Head of School, Head of College or the Vice Chancellor;

⁶ See also Section M – Audio Recordings of Meetings

- (ii) there has been a procedural irregularity;
 - (iii) there is evidence of prejudice or bias.
- 2.19 The appeal must include:
- (a) a precise identification of the decision against which the appeal is lodged;
 - (b) a precise identification of the formal grounds of appeal;
 - (c) a statement of the appellant's case;
 - (d) evidence establishing that an appeal is warranted.
- 2.20 The imposition of a penalty from Stage 1 or 2, including, where relevant, the recommendation of expulsion, shall be deferred pending the outcome of the appeal.
- 2.21 On receipt of an appeal a Head of School (or nominee) from another College and the University Registrar will consider whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed and the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 2.22 If the Head of School (or nominee) and the University Registrar consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Disciplinary Committee. The Committee's remit will be to decide whether the reason(s) given by the student for the appeal have substance and, if so, whether they are sufficient to warrant changes to the Head of College's or Head of School (or nominee)'s original decision.
- 2.23 The University Disciplinary Committee shall comprise a Deputy Vice Chancellor as Chair, two Heads of School and a nominee of the Students' Union.
- 2.24 The student shall have the right to appear in person at the meeting of the University Disciplinary Committee and to be accompanied by a friend who may be a member of staff or student of the University or an officer of the Students' Union. At the meeting, the student and the Head of College will be invited to make their representations to the Committee.⁷ Evidence which was available at the time of the Stage 2 hearing by the Head of College but was not introduced at that stage may not be introduced by either party at the hearing, except with the consent of the Chair of the Committee. The Chair of the Committee will announce the Committee's determination orally or in writing as the Committee shall determine; an oral announcement will be confirmed in writing.

⁷ See also Section M – Audio Recordings of Meetings

- 2.25 The University Disciplinary Committee may allow the appeal in whole or in part and may overturn or amend the Head of College's or Head of School's original decision; or may dismiss the appeal and uphold the Head of College's or Head of School's original decision. Where an appeal is dismissed, the Committee may if it thinks fit impose a more severe penalty than that of the Head of College or Head of School.
- 2.26 If the University Disciplinary Committee finds against the student, the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.

C3 Exclusion Pending Completion of the Disciplinary Process or a Trial

- 3.1 A student who is the subject of an allegation of misconduct or against whom a criminal charge is pending or who is the subject of police investigation may be excluded by the Director of Student Affairs pending the disciplinary hearing or the trial. Where the Director of Student Affairs is unable to exercise this power, then the power shall be exercised by a nominee of the Vice Chancellor.
- 3.2 Exclusion imposes temporary restrictions on attendance at or access to the University and its facilities and/or on participation in University activities. The extent of the exclusion will be specified in writing to the student. In exceptional cases, exclusion may be comprehensive. An order of exclusion may include a requirement that the student should have no contact of any kind with a named person or persons.
- 3.3 Where an allegation of misconduct is made against a student which involves conduct or behaviour in University-owned accommodation, the alleged perpetrator may be relocated between residences or excluded completely from the residences (see further 3.9).
- 3.4 The power to exclude is used to:
- (a) protect a member or members of the University community; or
 - (b) protect the property of the University or of a member or members of the University community; or
 - (c) ensure that the process of the investigation is not adversely affected by the presence of the student.
- 3.5 The power shall be used only where the Director of Student Affairs is of the opinion that it is necessary to take such action. Written reasons for the decision shall be given to the student within five working days.
- 3.6 A student who has been excluded shall have the right to make representations to the Director of Student Affairs within two working days. The representations may be made in person or in writing as the student chooses, and may be put forward by the student or their representative.

- 3.7 The Director of Student Affairs shall review the exclusion within five working days and every ten working days thereafter and may confirm, revoke or vary the exclusion in the light of any developments and of any representations made by the student or their representative.
- 3.8 A student who has been comprehensively excluded for more than three weeks has the right to ask for a review of the decision to exclude to be undertaken by a Deputy Vice Chancellor. The student or their representative shall be entitled to submit written representations to the Deputy Vice Chancellor in support of the review.
- 3.9 A requirement that a student relocates within or between University residences or into other appropriate accommodation means that the student shall vacate any accommodation they are currently occupying in a property owned and managed by the University by a specified date. If a student is required to relocate they will cease to be liable for any further rental charges relating to the vacated accommodation and become liable for all the rental charges relating to the new accommodation, as from the date they relocate.
- 3.10 If the student is exonerated following completion of the disciplinary process, they may be eligible to return to the previously vacated accommodation if appropriate.

C4 Misconduct that is also a Criminal Offence

- 4.1 The following procedures apply where the alleged misconduct is reported to a Head of School (or equivalent) or Head of College, and the misconduct, if proved, would also constitute an offence under the criminal law. A serious offence is one that is likely to attract an immediate custodial sentence if proved.
- (a) Where the alleged criminal offence is considered not to be serious, action may be initiated under these disciplinary procedures. If the matter is reported to the police, such action may be deferred pending any police investigation or prosecution.
 - (b) In the case of serious offences, no action other than temporary exclusion may be taken under these procedures until the matter has been reported to the police and either prosecuted or a decision not to prosecute been taken, at which time the Head of School (or equivalent) or Head of College may decide whether disciplinary action under these procedures should continue or be taken.
 - (c) Where a finding of misconduct is made and the student has also been sentenced by a criminal court in respect of the same facts, the court's penalty shall be taken into consideration in determining the penalty under these procedures.
- 4.2 A student who is convicted of a serious criminal offence must immediately notify their Head of School who will consider whether disciplinary action under these procedures should be taken. Failure to disclose such a conviction may be treated as misconduct under these Regulations.

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

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

PART D (1) - FITNESS TO PRACTISE REGULATIONS

FOR PHARMACY, ACUPUNCTURE, HERBAL MEDICINE AND SOCIAL WORK ONLY (NURSING REGULATIONS CONTAINED IN PART D (2))

D1 Introduction

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

D2 Interface with Student Progression, Disciplinary and Academic Offences Regulations

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

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

D3 Operating Principles

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

D4 Informal Resolution

- 4.1 It is expected that attempts will initially be made to resolve issues through informal mutual agreement between the student, academic tutor, placement supervisor, and Head of School. Assistance may be sought from Occupational Health, Student Services and/or other relevant parties. Written records of every meeting with the student should be maintained throughout.
- 4.2 Specifically in relation to practice placements for Social Work students, it is recognised that supporting and assessing students in practice settings is a partnership between the Practice Educator/Mentor and the student. All difficulties or concerns should be shared openly by both parties at the earliest opportunity. Concerns identified by the Practice Educator/Mentor or On Site Supervisor should be raised directly and informally with the student in the first instance.
- 4.3 Where concerns are raised regarding a student's practise, including on placement, the following should be undertaken:
 - (a) The student should be informed as soon as reasonably practical of the nature of the concerns regarding their practise through a face to face meeting (as a supervision session if the student is on placement or via their academic tutor or other academic as appropriate). The student must be given an opportunity to respond to the concerns raised.
- 4.4 Informal outcomes may include:
 - (a) No action required;
 - (b) Verbal warning;
 - (c) Notice of improvement.
- 4.5 A record of any agreement reached through informal discussion shall be signed by both parties to confirm their agreement with the outcome and maintained by both the student and the University.⁸
- 4.6 Where a notice of improvement is issued or action plan is required, objectives and timescales for completion and dates for review will be mutually agreed.
- 4.7 Progress will be monitored on a regular basis, normally through review meetings during which progress and completion of the notice of improvement or action plan will be considered. Exceptionally, a further action plan may be agreed between the parties which will be monitored and reviewed. The student will normally be referred to the School Fitness to Practise Panel if they fail to fulfil the notice of improvement requirements or action plan objectives within the agreed timescale.

⁸ See also Section M – Audio Recordings of Meetings

Additional Procedures for Social Work Students on Placement

Ongoing concerns around placement provision

- 4.8 There may be concerns regarding the continuation of a placement which are not related to the standard of a student's practice, e.g. lack of learning opportunities or personal issues. In these circumstances a Concerns Meeting should be held between the student, Practice Educator, On Site Supervisor (if relevant), University Contact Tutor, Placement Co-ordinator and Module Co-ordinator (Chair).
- 4.9 The student will be given reasonable notice of the time and venue of the meeting, provided with any relevant evidence/documentation (including a report in the student's practice to date) and may be accompanied to the Concerns Meeting by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 4.10 Following a full discussion of the issues, including an explanation offered by the student, the following action may be taken:
- (a) The placement will continue with an agreed action plan with detailed objectives and dates for review
 - (b) The placement will be suspended with a view to its resumption, subject to negotiation with the agency, after an agreed period
 - (c) The placement will be terminated. The rationale for this decision will be recorded in the minutes of the Concerns Meeting. An alternative placement may be negotiated subject to availability

Ongoing concerns regarding a student's practise learning and development

- 4.11 It is an overarching principle that concerns should be raised and dealt with at the earliest opportunity. However, if a student's practise continues to give cause for concern in spite of early intervention, the Practice Educator/Mentor may decide that the student's practise is marginal or fail standard. Some concerns may be of a serious nature and require the immediate suspension of the student from the placement (please refer to the 'Fitness to Practise Placement Guidance' for the procedure regarding suspension from placement). The student will be informed in writing of any suspension, its duration and the rationale for the decision. A Concerns Meeting will be convened as soon as reasonably practical.
- 4.12 Where immediate suspension is not necessary, the Practice Educator/Mentor will liaise with the University Contact Tutor. The Practice Educator/Mentor will inform the student of this action and provide them with a copy of the correspondence between themselves and the University.
- 4.13 A Concerns Meeting (membership as previously outlined) may be convened⁹ and, if so, the student will be given reasonable notice of the time and venue of the meeting, provided with any relevant evidence/documentation and may be accompanied to the Concerns Meeting by a friend who shall be a member of

⁹ See also Section M – Audio Recordings of Meetings

staff or student of the University or an officer of the Students' Union. Additionally, the student will also be invited to provide a written statement to the Module Co-ordinator regarding their perception of the situation which will be circulated to the parties involved in reasonable time before the meeting. Minutes of the meeting will be taken.

- 4.14 Following a full discussion of the issues the following action may be taken:
- (a) The placement will continue with any conditions recorded.
 - (b) The placement will be terminated and the student moved to a new setting. The reasons and conditions related to this action will be recorded.
 - (c) Where appropriate, the placement will be terminated and a fail decision recorded (to be ratified by the appropriate Board of Examiners). A decision will be taken at the appropriate Board of Examiners regarding possible reassessment opportunities.
 - (d) The placement will be terminated and a fail decision recorded with no opportunity for reassessment (to be ratified by the appropriate Board of Examiners).
 - (e) The matter will be referred to the Head of School to decide whether it should be considered by the School Fitness to Practise Panel. In these cases, all documentation considered during the informal stage will be made available to the School Fitness to Practise Panel.
- 4.15 Where it has not been possible to reach an informal resolution or where the matter is considered to be so serious to extend beyond the informal stage, the Head of School (or appropriate Senior Academic) shall refer the matter to the School Fitness to Practise Panel.

D5 Formal Process

Stage 1: School Fitness to Practise Panel

- 5.1 Following investigation, the Head of School (or appropriate Senior Academic) will ask the Head of College to convene a meeting of the School Fitness to Practise Panel to consider issues relating to health matters, professional, behavioural or other issues that give rise to concerns regarding a student's fitness to practise.
- 5.2 The Head of School (or appropriate Senior Academic) shall also notify the student in writing when a referral is made to the School Fitness to Practise Panel and set out the reasons for the referral.
- 5.3 The School Fitness to Practise Panel shall comprise:
- (a) a Chair who shall be the Head of College (or nominee);
 - (b) one academic staff representative from the professional programme on which the student is enrolled;
 - (c) one academic staff representative from another professional programme within the University;
 - (d) one practice/service representative (where appropriate or as required by the relevant professional body/regulator);
 - (e) one professional body/regulator representative (where appropriate);
 - (f) a student or sabbatical officer of the University nominated by the President of the Students' Union.

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

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

Proceedings at the School Fitness to Practise Panel¹⁰

- 5.6 The Head of School (or appropriate Senior Academic) shall summarise the case on behalf of the University. The Panel and the student shall then be entitled to ask questions of the Head of School (or appropriate Senior Academic).
- 5.7 The student shall then summarise their case. The Panel and the Head of School (or appropriate Senior Academic) shall be entitled to ask questions of the student.
- 5.8 The student and Head of School (or appropriate Senior Academic) shall withdraw from the meeting to enable the Panel to reach its decision in private.

Powers of the School Fitness to Practise Panel

- 5.9 Following consideration of the case, the School Fitness to Practise Panel may:
- (a) determine there is no case to answer;
 - (b) permit the student to continue with the programme of study but with additional supervision and/or reporting requirements;
 - (c) suspend the student from their studies for a specified time or until the occurrence of a specified event, the time period to be agreed by the Panel. Suspension will normally take effect immediately; students wishing to collect documentation or access University systems in support of any appeal against the decision of the Panel must contact Secretariat. A

¹⁰ See also Section M – Audio Recordings of Meetings

- Secretariat Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf;
- (d) refer the case to the relevant Board of Examiners for consideration of whether or not a reassessment of a specified part of parts of the programme may be permitted under the University Assessment Regulations;
 - (e) terminate the student's registration on the programme with or without support for an application for an alternative academic qualification. Termination will normally take effect immediately (refer to 5.9(c) regarding appeals);
 - (f) where, following investigation, the Panel considers the matter to be one of misconduct but without fitness to practise implications it shall refer the case to be considered under Stage 1 of the Student Conduct and Disciplinary Regulations.

5.10 The finding of the School Fitness to Practise Panel, the reasons for its decision and a determination of whether the student may continue on their programme of study pending the outcome of any appeal will be communicated to the student within five working days of the meeting. The communication will include details of the appeal stage of the process should the student wish to invoke it.

5.11 Except where there has been a finding that there is no case to answer or a referral to Stage 1 of the Student Conduct and Disciplinary Regulations, decisions of the School Fitness to Practise Panel shall be reported, by the School Fitness to Practise Panel's Chair to the relevant Board of Examiners. The relevant professional or accrediting body shall be informed as appropriate to their reporting requirements.

Appeals

5.12 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:

- (i) there is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel;
- (ii) there has been a procedural irregularity;
- (iii) there is evidence of prejudice or bias;

5.13 An appeal must be lodged with the Fitness to Practise Appeals Officer in Secretariat within ten working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from Secretariat) and must include:

- (a) a precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged;
- (b) a precise identification of the formal grounds of appeal;
- (c) a statement of the appellant's case;
- (d) evidence establishing that an appeal is warranted. Wherever possible, such evidence must be in documentary form. If the appeal is lodged on ground 5.12 (i) the student must establish a valid reason as to why the evidence could not reasonably have been brought to the attention of the School Fitness to Practise Panel at the appropriate time.

- 5.14 On receipt of an appeal, the University Registrar and a Head of School (or equivalent) from another College will consider whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed further and the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.
- 5.15 If the University Registrar and the Head of School (or equivalent) consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.

D6 Formal Process

Stage 2: Appeal to the University Fitness to Practise Panel

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

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

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

- 6.3 The University Fitness to Practise Panel will review the process undertaken by the School Fitness to Practise Panel, consider further representation from the student and the Chair of the School Fitness to Practise Panel and reach a final decision on the case.

Proceedings at the University Fitness to Practise Panel¹¹

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

¹¹ See also Section M – Audio Recordings of Meetings

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

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

Powers of the University Fitness to Practise Panel

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

D7 Monitoring, Evaluation and Review

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

D8 Records of Proceedings

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

D9 Attendance at School and University Panels

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

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

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

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

APPENDIX A

Programmes subject to the Fitness to Practise Regulations

BSc (Hons) Social Work
BSc (Hons) Acupuncture
BSc (Hons) Herbal Medicine

Master of Pharmacy
MSc Social Work

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

PART D (2) – FITNESS TO PRACTISE REGULATIONS

FOR NURSING ONLY (FOR PHARMACY AND SOCIAL WORK FITNESS TO PRACTISE REGULATIONS PLEASE SEE PART D (1))

These regulations are applicable to all students enrolled on the University's Nursing programmes.

- Document:** This describes the Student Conduct and Disciplinary Regulations interface with the Fitness to Practise Regulations.
- Purpose:** The document will inform students, University staff and practice partners of the reason(s) a student's fitness to practise may be alleged to be impaired.
- Scope:** All undergraduate nursing students, academics, mentors, healthcare practitioners.
-

Interface with Fitness to Practise Regulations

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

In the event of a severe/critical level of concern, an allegation of impairment of fitness to practise will be formulated by the appropriate School Leadership Team. A team nominee will subsequently refer the matter to the Head of School who will instigate the Fitness to Practise Process.

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

- (i) Misconduct
- (ii) Lack of competence/deficient professional performance
- (iii) A conviction or caution for a criminal offence
- (iv) Physical or mental ill-health
- (v) A determination by a regulatory or licensing body of impairment of fitness to practise

Document: This document informs students, University staff and practice partners of the Fitness to Practise Process invoked by the University of Lincoln when a severe/critical concern is upheld by the Nursing leadership Team. It describes the Fitness to Practise Regulations interface with the Academic Offences Committee and the Nursing Cause for Concern Process.

Purpose: The protection of the public is paramount whilst students are undertaking a programme of study leading to professional registration

with the NMC. This document will support students, University and placement staff in providing a clear statement of action when impairment of fitness to practise is alleged.

It details the following:

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

Scope: All undergraduate nursing students, academics, mentors, healthcare practitioners.

Introduction

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

Interface with Student Progression, Disciplinary and Academic Offences Regulations

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

procedure laid down in the University regulations. If an academic offence is found proven by the Academic Offences Committee, the Committee will refer the matter for consideration by a School Fitness to Practise Panel.

- 2.4 A student will be referred to a School Fitness to Practise Panel following a leave of absence when a fitness to practise issue has arisen or continues to give cause for concern (severe/critical level).
- 2.5 An allegation of impairment of fitness to practise (as defined in the Student Conduct and Disciplinary Regulations, Part C) against a student on a professional programme will be dealt with under the Fitness to Practise Regulations.

Operating Principles

- 3.1 Programmes subject to these Regulations require confirmation at various stages of admission and training that a student is, and remains, fit to practise. Programme specific policies, that take account of regulatory requirements, set out the operating guidelines for individual programmes.
- 3.2 When a concern is raised that a student's conduct, competence or health deviates from programme standards, the Cause for Concern Process will be invoked to assure patient and public safety and to provide the student with support.
- 3.3 A concern that is categorised as severe/critical will lead to an allegation of impairment of fitness to practise by the Leadership Team. This will be referred to the Head of School who will instigate the Fitness to Practise Process.
- 3.4 In the event of a severe/critical concern, the Leadership Team will determine whether temporary removal of the student from the programme is required in accordance with the 'Policy for Immediate Temporary Removal of a Student'.
- 3.5 Subsequent to the Cause for Concern Process and a fitness to practise investigatory interview, the Head of School and the Leadership Team will determine whether the allegation is sufficiently serious to bring into question the student's fitness to practise. If so, the student will be deemed to have a case to answer and referred to the convenor of the School Fitness to Practise Panel.
- 3.6 Subsequent to the Cause for Concern Process and a fitness to practise investigatory interview, the Head of School and the Leadership Team will determine whether to request the Director of Student Affairs to exercise their power of exclusion, in accordance with Part C3 of the Student Conduct and Disciplinary Regulations, pending completion of the fitness to practise process.

Cause for Concern Process

- 4.1 Concern about the conduct, competence or health of a student may be raised by a member of University or clinical staff, a peer, a patient/service user or a member of the general public.

- 4.2 When a concern is raised it is expected that the person making the disclosure will identify themselves and will record their concern in a signed document.
- 4.3 In exceptional circumstances the discloser's identity will be permitted to remain confidential; where there is a risk to the personal safety of the discloser or a third party.
- 4.4 In exceptional circumstances concerns raised anonymously will be considered; where there is evidence of risk to patients and public safety or where the University will be brought into disrepute.
- 4.5 The Personal Tutor (or nominee) will be responsible for taking action when a concern is raised. The Personal Tutor will meet with their tutee to determine the category and level of concern according to the Concerns Threshold Framework. A range of evidence may be used in this determination and assistance may be sought from third parties.
- 4.6 If the Personal Tutor determines that there is no evidence of concern, the Cause for Concern Process will be discontinued.
- 4.7 In the event of a low or moderate/significant concern the Personal Tutor and student will develop an action plan. Timescales for completion and dates for review will be mutually agreed. If third-party action is required, agreement will be sought during the action plan formulation and the arrangements documented in the action plan.
- 4.8 Progress towards completion of the action plan will be monitored at up to two review meetings. Amendments to the action plan may be agreed at the meetings.
- 4.9 Non-completion of an action plan will escalate a concern to a severe/critical level.
- 4.10 A concern categorised as severe/critical according to the Concerns Threshold Framework will be referred to the Leadership Team by the Personal Tutor (or nominee). A quorum of three Leadership Team members is required at a meeting to determine whether to uphold a severe/critical level of concern.
- 4.11 The Leadership Team may, exceptionally, request the development or continuation of or amendment to an action plan and direct the Personal Tutor accordingly. In the event that the severe/critical level of concern is upheld, an allegation of impairment of fitness to practise will be formulated by the Leadership Team. The matter will then be referred by the Director of Education (or nominee) to the Head of School who will instigate the fitness to practise process.

Investigation of an Allegation of Impairment of Fitness to Practise

- 5.1 On receipt of an allegation of impairment of fitness to practise, the Head of School will promptly, and in any event within five working days, arrange for the matter to be investigated and notify the student by letter and email of the following:
 - details of the allegation

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

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

- 5.2 The student may register an objection to the appointment of the investigating officer on the basis of the lack of impartiality. Such an objection needs to be made to the convener of the School Fitness to Practise Panel within five working days of receipt of the letter and email from the Head of School. If the objection is upheld a new investigating officer will be appointed.
- 5.3 The investigating officer may request information from the Head of School and/or others connected with the case as appropriate. Factual information about the student's professional progress and any other relevant information should also be provided.
- 5.4 The investigating officer will interview relevant individuals including the student. At such interviews the investigating officer will be accompanied by an assistant whose sole role will be to prepare a written record of the meeting.
- 5.5 The investigating officer will ensure that the student is advised of appropriate support mechanisms.
- 5.6 The student may be required to attend the University Occupational Health Service in order to obtain a medical opinion about an allegation of impairment of fitness to practice due to ill-health or a health-related condition. In these circumstances the student will be required to provide consent for the disclosure of the medical report.

Fitness to Practise Investigation Interview

- 6.1 The student will be given five working days notice of the time and venue of the investigation interview by email and will be required to confirm attendance by email.
- 6.2 The notice of investigation email will advise the student that they may be accompanied by a friend who shall be a member of staff or student of the University or an officer of the Students' Union.
- 6.3 The student will be provided with relevant evidence/documentation in advance of the interview and given sufficient time to read the material.
- 6.4 On commencement of the interview, the investigator will introduce those present and inform the student that a written record will be taken and a copy provided to the student. The student will be informed that they will be required to check the accuracy of the record, sign and return it to the investigator.

- 6.5 The investigator will explain the context of the interview in the Fitness to Practise Process, provide an overview of the interview proceedings and explain the process for notifying the student of the outcome.
- 6.6 If the student fails to attend the investigatory interview and the investigator is satisfied that the student has been given reasonable notice, the investigator will continue to deal with the alleged impairment of fitness to practise in the student's absence.
- 6.7 The interview will be conducted as follows:
- the interviewer will provide details of the allegations
 - the student will be invited to respond to the allegations
 - the student will be asked if they admit to or deny the allegations.
 - both parties will have an opportunity to ask questions.
 - the student will be invited to make a statement to explain or to extenuate the allegations or to mitigate any sanction.
 - the student will be asked if any special circumstances apply.
- 6.8 Save in exceptional circumstances, the investigating officer will, no later than twenty working days after the referral make a written report of the investigation to the Head of School.
- 6.9 The Head of School will, no later than five working days after receipt of the report from the investigating officer, convene a meeting of the Leadership Team who will determine whether, in light of all the evidence, the student has a case to answer and shall be referred to the convener of the School Fitness to Practise Panel.
- 6.10 If the student has a case to answer, the Head of School will, no later than two working days after the meeting with the Leadership Team, submit a summary report and relevant documentation to the convener of the School Fitness to Practise Panel.
- 6.11 If the student has no case to answer, the Leadership Team will provide written guidance to the Personal Tutor on the development of a supportive action plan for the student.
- 6.12 The Head of School will notify the student by letter and email of:
- the outcome of the investigation
 - whether the matter is to be referred to a School Fitness to Practise Panel together with full details of the reason for referral and procedures to be adopted
 - The imposition, cessation, continuance or alteration of any conditions/limitations placed on the student's studies
- 6.13 The Head of School will notify the Personal Tutor and the investigating officer by email of the case to answer decision.

School Fitness to Practise Panel

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

Composition of the School Fitness to Practise Panel

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

Procedure for the Conduct of the Hearing

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

- 9.7 The Chair will invite the investigating officer to summarise the case on behalf of the University and provide relevant witness testimony. The Panel and the student will then be entitled to ask questions of the investigating officer and their witnesses (as appropriate).
- 9.8 Any witness for the investigating officer will then withdraw from the hearing.
- 9.9 The Chair will invite the student to summarise their case and provide relevant witness testimony. The Panel and the investigating officer will then be entitled to ask questions of the student and their witnesses (as appropriate).
- 9.10 Any witness for the student will then withdraw from the hearing.
- 9.11 The Chair will invite any other person(s) called upon by the Chair to attend the meeting (as referred to in section 7.3) to make a brief statement. The Panel, the investigating officer and the student will then be entitled to ask questions of the witness.
- 9.12 At each stage the Chair has discretion to allow reciprocal questioning by the various parties.
- 9.13 When the Chair is satisfied that the Panel has completed its questioning and the student has had a full opportunity to convey information to the Panel, all parties will withdraw from the hearing to enable the Panel to reach its decision in private.
- 9.14 If during its private deliberations the Panel requires further evidence or clarification of any aspect of the case, it must reconvene with all parties in attendance.
- 9.15 A three stage approach will be adopted by the Panel in reaching its determination.
- Stage 1 – Finding of fact
 - Stage 2 – Impairment of fitness to practise
 - Stage 3 – Imposition of sanction
- 9.16 Finding of fact: The Panel shall satisfy itself that, on the balance of probabilities, the evidence adduced by the University supports a finding of fact.
- 9.17 Impairment of fitness to practise: In the event that the allegations are well founded the Panel shall engage in a two step process to determine impairment of fitness to practise.

The Panel shall first decide whether there has been:

- misconduct
- lack of competence/deficient performance
- a conviction or caution for a criminal offence
- physical or mental ill-health

- a determination by a regulatory or licensing body of impairment of fitness to practise

The Panel must then determine whether, as a result, the student's fitness to practise is impaired.

A range of sources may be used by the Panel to support its decision, including the University, programme or regulatory code of conduct, testimonials and evidence of remedial action.

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

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

Powers of the School Fitness to Practise Panel

10.1 Following consideration of the case, the Panel may:

- determine that there is no case to answer
- permit the student to continue with the programme of study but with additional supervision and/or reporting requirements.
- suspend the student from their studies for a specified time or until the occurrence of a specified event, the time period to be agreed by the Panel.
Suspension will normally take effect immediately.
- refer the case to the relevant Board of Examiners for consideration of whether or not a reassessment of a specified part or parts of the programme may be permitted under the University Assessment Regulations
- terminate the student's registration on the programme with or without support for an application for an alternative academic qualification.
Termination will normally take effect immediately.
- refer the matter to an appropriate authority such as the Police.
- where, following investigation, the Panel considers the matter to be one of misconduct but without fitness to practise implications it shall refer the case to be managed under the Cause for Concern Process.

10.2 Following suspension or programme termination, students wishing to collect documentation or access University systems in support of any appeal against the decision of the Panel must contact Secretariat. A Secretariat Officer will be appointed to collate the documentation, within the bounds of reasonableness, on the student's behalf.

10.3 The finding of the Panel, the reasons for its decision and a determination of whether the student may continue on their programme of study pending the

outcome of any appeal will be communicated by letter and email by the Chair to the student within five working days of the hearing. The communication will include details of the appeal stage of the process should the student wish to invoke it.

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

Appeals

- 11.1 A student may lodge an appeal against any finding of the School Fitness to Practise Panel. An appeal may be lodged on the following grounds only:

- there is new evidence available which could not reasonably have been brought to the attention of the School Fitness to Practise Panel
- there has been a procedural irregularity
- there is evidence of prejudice or bias

- 11.2 An appeal must be lodged with the Fitness to Practise Appeals Officer in Secretariat within ten working days of the student's receipt of the letter notifying him or her of the outcome of the School Fitness to Practise Panel. The appeal must be lodged on the form provided (available from Secretariat) and must include:

- a precise identification of the decision of the School Fitness to Practise Panel against which the appeal is lodged
- a precise identification of the formal grounds of appeal
- a statement of the appellant's case
- evidence establishing that an appeal is warranted. Wherever possible, such evidence must be in documentary form. If the appeal is lodged on the grounds of new evidence available the student must establish a valid reason as to why the evidence could not reasonably have been brought to the attention of the School Fitness to Practise Panel at the appropriate time.

- 11.3 On receipt of an appeal, the University Registrar and Head of School (or equivalent) from another College will consider whether the reasons given by the student are sufficient for an appeal to proceed. If they do not consider the reasons to be sufficient, the appeal cannot proceed further and the University will issue a 'Completion of Procedures' letter advising the student of the right to refer the matter to the Office of the Independent Adjudicator for Higher Education.

- 11.4 If the University Registrar and the Head of School (or equivalent) consider the reasons to be sufficient, the appeal shall proceed to a hearing by the University Fitness to Practise Panel.

Appeal to the University Fitness to Practise Panel

12.1 Following referral of an appeal to the University Fitness to Practise Panel, the Vice Chancellor shall appoint a Deputy Vice Chancellor as Chair of the University Fitness to Practise Panel.

12.2 The Panel shall comprise:

- the Chair appointed by the Vice Chancellor
- one senior academic from the College in which the student enrolled
- one senior academic from another professional programme within the University
- one senior member of the relevant profession who contributes to teaching or placement provision but is not a member of the University
- a lay person who has demonstrable skills of analysis, knowledge of the programme on which the student is enrolled and knowledge of regulatory requirements
- a sabbatical officer of the Students' Union

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

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

12.3 The University Fitness to Practise Panel will review the process undertaken by the School Fitness to Practise Panel, consider further representation from the student and the Chair of the School Fitness to Practise Panel and reach a final decision on the case.

Proceedings at the University Fitness to Practise Panel¹²

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

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

¹² See also Part M of the University General Regulations: Audio Recordings of Meetings

- 13.2 Both parties shall have the right to call witnesses; the Secretary must be notified of any intended witnesses at least seven working days before the date of the Hearing.
- 13.3 No fewer than five working days before the Hearing, the Secretary shall circulate to the Panel, the appellant and the Chair of the School Fitness to Practise Panel the following:
- the assessment regulations for the scheme or award;
 - the requirements of the relevant professional body/regulator including any code of conduct;
 - minutes of the School Fitness to Practise Panel and any documents considered by the Panel;
 - notification of any intended witnesses;
 - the appellant's form of appeal;
 - any documentary evidence submitted by either party.
- 13.4 At the Hearing, the appellant shall present their case first. Any witnesses for the appellant should be called to give evidence at this stage.
- 13.5 The Panel and the Chair of the School Fitness to Practise Panel shall be entitled to ask questions of the appellant and/or witnesses.
- 13.6 The appellant's witnesses will then withdraw from the Hearing.
- 13.7 The Chair of the School Fitness to Practise Panel shall present the case for the School Fitness to Practise Panel. Any witnesses for the Chair of the School Fitness to Practise Panel should be called to give evidence at this stage.
- 13.8 The Panel and the appellant shall be entitled to ask questions of the Chair of the School Fitness to Practise Panel and/or any witnesses.
- 13.9 The Chair of the School Fitness to Practise Panel's witnesses will then withdraw from the Hearing.
- 13.10 The Chair of the School Fitness to Practise Panel will next summarise the case of the School Fitness to Practise Panel.
- 13.11 The appellant will next summarise their case.
- 13.12 Both the Chair of the School Fitness to Practise Panel and the appellant will withdraw from the Hearing.
- 13.13 The Panel will reach its decision in private and must refer to the appropriate code of professional practice in reaching its decision.

Powers of the University Fitness to Practise Panel

- 14.1 The Panel shall either uphold or not uphold the appeal and, in addition, make any recommendations as it considers appropriate. This may include increasing any sanction imposed by the School Fitness to Practise Panel.

- 14.2 The decision of the University Fitness to Practise Panel and the reasons for its decision will be communicated in writing by the Secretary to the student within five working days of the Hearing. The decision of the Panel is final.
- 14.3 The decision of the Panel shall be reported to the School Fitness to Practise Panel, the relevant Board of Examiners and the relevant professional body/regulator as appropriate.

Monitoring, Evaluation and Review

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

Records of Proceedings

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

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

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

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

Programmes subject to these University Fitness to Practise Regulations

BSc (Hons) Nursing

BSc (Hons) Nursing with Registered Nurse Mental Health

BSc (Hons) Nursing with Registered Nurse Adult

BSc (Hons) Nursing (Mental Health)

PART E – STUDENT COMPLAINTS PROCEDURE

E1 Purpose

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

E2 Principles and Conduct of the Complaints Procedure

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

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

E3 Scope of the Procedure

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

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

E4 Advice, Guidance and Support

- 4.1 Before making a complaint, students should seek advice and guidance from a trusted source, such as the University's Advice Service, Students' Union, their Personal Tutor or other academic staff or a member of Student Services. Secretariat staff will be pleased to provide impartial advice on the operation of the Student Complaints Procedure.
- 4.2 Students making a complaint have the right, in all discussions, meetings and hearings, to be accompanied by a member of staff or student of the University or an officer of the Students' Union, who may speak on the students' behalf if they wish.¹³

E5 Informal Resolution

- 5.1 Many of the issues leading to complaints are simple misunderstandings, lack of proper communication, or administrative or process errors, which can be satisfactorily resolved by swift local action. Before any formal process begins, therefore, all parties should try to resolve the matter through informal discussion, mediation and problem-solving.
- 5.2 Students finding themselves with issues to resolve or unhappy about any experience they have had at the University should raise the matter at the earliest opportunity, either directly with those concerned, or with their Personal Tutor or the programme leader. They may also seek the help and advice of the Students' Union. The Students' Union actively encourages students (who may not wish in the first instance to approach tutors or student representatives directly) to contact the Vice President for Academic Affairs to discuss and attempt to resolve the issues informally.
- 5.3 Programme leaders will normally be expected to resolve matters relating to students' programmes at this stage. For matters relating to inter-personal

¹³ See also Section M – Audio Recordings of Meetings

relationships, students might prefer to seek the mediation of their Personal Tutor.

- 5.4 Only when such informal actions have not been sufficient to resolve the matter within a reasonable timescale should students invoke the formal procedure.

E6 Formal Procedure

- 6.1 A student who wishes to make a formal complaint must use the Complaint Form available from Secretariat. The form requires the student to set out the precise events complained of, explain what detrimental effect they had, and the outcome that they are seeking. The student will also be asked to say what measures have been taken to attempt to resolve the issues informally. The student must demonstrate the evidence to substantiate the complaint and provide all other relevant material. Issues and evidence that were not introduced at this stage will not normally be accepted for consideration at a subsequent stage of this procedure.
- 6.2 A complaint becomes formal when a completed Complaint Form is received by Secretariat. A member of Secretariat will be appointed as the Student Complaints Officer and will be responsible for co-ordinating the procedure and providing advice to the student and staff involved. Where a complaint is about an administrative or other non-academic matter, the Complaints Officer will advise the student's Head of School if it appears that the issues raised might have an effect on the student's academic work, so that appropriate advice and support can be offered (for instance, about the Extenuating Circumstances Procedure).
- 6.3 Where, following investigation, a complaint is found to be malicious or vexatious (i.e. a complaint with no basis or deliberately exaggerated and made with the intention of causing harm, annoyance or disruption) then action may be taken against the complainant under the Student Conduct and Disciplinary Regulations. This does not include ill-founded allegations which were nonetheless made in good faith.

E7 Head of School or Service (HoS) stage

- 7.1 The enquiry into the complaint by the Head of School or Head of Service (HoS) is the key stage in the Student Complaints Procedure. The HoS must carry out a thorough, robust and impartial investigation, ensuring that all of the evidence relating to the complaint is examined. The HoS will interview the complainant and, as appropriate, other students and staff identified in the complaint, will carefully consider any documentary evidence, and will seek to reach a fair resolution of the issues.¹⁴
- 7.2 Both staff and students will be advised by the HoS that they may be accompanied to any meetings (by a member of staff or student of the University or an officer of the Students' Union in the case of students, and by a member of staff or Trades Union representative in the case of staff).

¹⁴ See also Section M – Audio Recordings of Meetings

- 7.3 The HoS will normally conclude the investigation within 20 working days (see also 14.3 below).
- 7.4 The HoS will produce a report, addressing all key aspects of the complaint, and saying whether the complaint is substantiated, in whole or in part, by the available evidence. The report will set out the actions put in place or recommended by the HoS in the light of the investigation and findings. Where the complaint has been fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.5 The HoS will send the report to the Complaints Officer, who will promptly forward it to the student, together with information about the next stages of the Student Complaints Procedure.
- 7.6 Except for issues covered by section 7.7 below, where the HoS has found the complaint to be fully or partially upheld, the HoS will offer an apology and/or other appropriate remedies.
- 7.7 Where the complaint is about alleged misconduct on the part of a named member of staff, and has been fully or partially upheld by the HoS's investigation, it may be necessary for the University to consider disciplinary action under the University's Staff Disciplinary Policy. On referral to the Staff Disciplinary Policy, further consideration of the complaint will no longer remain within the scope of the Student Complaints Procedure and the student will be informed accordingly by the Complaints Officer. The HoS and the Complaints Officer will offer to meet the student to discuss what immediate steps may be taken to respond to the HoS's findings, without prejudice to any action taken under, or to the outcomes of, the Staff Disciplinary Policy.
- 7.8 Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.
- 7.9 The HoS may nominate a colleague to act on their behalf in respect of the HoS stage, but the HoS will retain overall responsibility for the process, which should be completed within the normal timescale, and for the implementation of actions. Nominees must be senior members of staff without any connection to the case; if such cannot be identified in the School or Service, the Head must take the case themselves or seek a nominee from another School in the College or another service.

E8 Review Stage

- 8.1 A student who has reason to feel that the HoS's investigation and/or report has failed to address material elements of the complaint, or to offer a fair resolution, may request a Review.
- 8.2 A request for Review of a complaint must be submitted on the Complaints Review pro forma (available from Secretariat) and lodged with the Student Complaints Officer within ten working days of the student's receipt of the letter notifying them of the outcome of the HoS stage.
- 8.3 The student must include on the Complaints Review pro forma:

- (a) A clear statement as to why the HoS stage was not satisfactory, such as: failure to follow the procedure; failure to consider all of the relevant evidence; findings which are not based on the evidence or are otherwise irrational; or inadequate remedies proposed where a complaint has been upheld.
- (b) Evidence to support the above statement and substantiate the claimed shortcomings of the HoS stage. Students may not introduce at the Review stage any evidence that was available to them but had not been previously submitted at the Head of School stage.

Defective Complaints Review Requests

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

E9 The Independent Reviewer

- 9.1 When a complete Complaints Review request has been received, the Vice Chancellor will appoint a senior member of staff from outside the student's School, or from a service department other than the one giving rise to the complaint, to act as the Independent Reviewer (IR).
- 9.2 The IR will consider the Complaints Review request and may seek clarification or further information from the student and/or the HoS, who must respond promptly to any such enquiries. The IR will form a view as to the validity of the student's assertion that the HoS stage was defective in some material way and normally conclude the investigation within 10 working days. If the IR considers that the student's assertions have some merit, they will refer the matter back to the HoS to address the alleged shortcomings in the original investigation and/or report, or to demonstrate that the HoS stage was carried out satisfactorily in accordance with this Procedure. The HoS will normally be expected to do this within 10 working days of the referral back, and where some further investigation has taken place, will update their original report and findings accordingly.
- 9.3 If the IR cannot find good grounds for referring the matter back to the HoS, the Complaints Officer will so inform the student. It will then be open to the student to ask for the matter to be referred to the Standing Complaints Panel (see paragraph 10.1 below). The student will have five working days in which to do this, and must respond to any request by the Complaints Officer for clarification about the areas of dispute and/or the evidence to be examined.
- 9.4 Where the IR has referred the Review request back to the HoS, and has received the HoS's written response in accordance with paragraph 9.2 above,

they will form a view as to whether the student's concerns, as raised in the Review request, have now been adequately addressed by the HoS. If the IR feels that there are still substantive areas of dispute between the student and the HoS, and evidence capable of being objectively examined, the Complaints Officer will so inform the student and offer to arrange a formal hearing of the case. The student will have five working days in which to request such a hearing.

- 9.5 If the IR feels that the HoS has adequately addressed the concerns raised in the Review request, the Complaints Officer will so inform the student. It will then be open to the student to ask for the matter to be referred to the Standing Complaints Panel. The student will have five working days in which to do this, and must respond to any request by the Complaints Officer for clarification about the areas of dispute and/or the evidence to be examined.

E10 Standing Complaints Panel

- 10.1 The Standing Complaints Panel will comprise three members, including one Student Representative, without any interest or prior involvement in the complaint. The Panel's role is to decide whether there are substantive areas of dispute between the student and the HoS, and evidence capable of being objectively examined, at a formal hearing of the case. The Panel may therefore determine that the student's complaint should be:

- (a) referred directly to a hearing, or
- (b) closed and the student advised in writing that he or she has exhausted the internal complaints procedure

- 10.2 Following referral by the IR, the Standing Complaints Panel will normally convene and deliver its decision within 15 working days.

- 10.3 The IR will take no part in the decision made by the Standing Complaints Panel and will not be present during its discussions. The Student Complaints Officer will advise the student and the IR of the decision of the Standing Complaints Panel.

E11 The Hearing

- 11.1 The Complaints Board shall comprise:

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

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

- 11.2 No member of the Complaints Board shall be a member of the School or professional services area to which the complaint relates or have had any prior involvement or interest in the complaint.

- 11.3 The HoS and the complainant shall attend the hearing. The complainant shall have the right to be accompanied by a member of staff or student of the University (or Partner College) or an officer of the Students' Union.
- 11.4 The Secretary shall give the complainant, HoS and Complaints Board members reasonable notice of the hearing which will normally convene and deliver its decision within 20 working days.
- 11.5 If, for good reason, a complainant or their companion (if applicable) is unable to attend a Complaints Hearing at an agreed time and place, the University shall reconvene the meeting on one occasion. If a complainant or their companion (if applicable) is unable to attend the rescheduled meeting, the Complaints Hearing may take place *in absentia*.
- 11.6 In reasonable time before the hearing the Secretary shall circulate to the Complaints Board, the complainant and HoS the following documents:
- (a) the complainant's completed pro formas;
 - (b) the HoS's investigatory report and any subsequent revisions made following Referral Back by the IR;
 - (c) the IR's report, if applicable;
 - (d) documentary evidence relating to the above.
- 11.7 Evidence which was available at the time of the HoS stage of the complaint but was not submitted at the time may not be introduced by either party at the hearing, except at the discretion of the Chair of the Complaints Board.
- 11.8 The Complaints Board will normally be conducted on the basis of written reports and evidence. The decision regarding whether witnesses may give evidence at the Hearing will be solely at the discretion of the Chair of the Complaints Board.

E12 Proceedings at a Complaints Hearing¹⁵

- 12.1 The sequence at the hearing shall be:
- (a) The complainant shall present their case first. If the complainant is accompanied, the companion may present the case on the complainant's behalf;
 - (b) The Complaints Board and the HoS shall then be entitled to ask questions of the complainant and/or companion;
 - (c) The HoS shall next present the case of the School or Service;

¹⁵ See also Section M – Audio Recordings of Meetings

- (d) The Complaints Board and the complainant (and/or companion) shall then be entitled to ask questions of the HoS;
- (e) The Head of School should next summarise the case of the School or Service;
- (f) The complainant and/or companion should then summarise the case of the complainant;
- (g) The Complaints Board shall then reach its decision in private.

12.2 The Complaints Board shall uphold, partially uphold or not uphold the complaint and, in addition, make any such recommendations as it considers appropriate. The HoS shall be responsible for ensuring that the Board's recommendations are implemented. Where a complaint about an academic matter has been upheld, the HoS will advise the Head of College as appropriate.

12.3 The Student Complaints Officer will confirm any decision of the Complaints Board in writing to the student, clearly explaining either what will happen next or issue a 'Completion of Procedures' letter advising the student of the right to refer the matter directly to the Office of the Independent Adjudicator if they remain dissatisfied.

E13 Complaints Referred to More Advanced Stages in the Procedure

13.1 Some complaints, either by their nature or their gravity, must be referred to a more advanced stage or level of the procedure, or investigated by a member of staff other than the complainant's Head of School or the relevant Head of Service. Examples of these are:

- (a) If the HoS finds, on preliminary enquiry, that a complaint is of a very serious nature, they shall consult the Head of College, who may decide to undertake the investigation or to nominate a Head of College to do so;
- (b) If the complaint is about or contains direct criticism of the HoS, the Student Complaints Officer will ask the Head of College or relevant Service Director to nominate another HoS to investigate. This may also happen where the HoS might be perceived as prejudiced on the basis of involvement at a prior stage of consideration of the issues (but this will not normally arise simply due to the HoS having been consulted in an attempt to reach informal resolution);
- (c) If the complaint is about a Head of College or Pro Vice Chancellor, the Student Complaints Officer will ask the University Registrar to investigate (or to nominate a member of Registry Executive to do so);
- (d) If the complaint is about a Deputy Vice Chancellor, the Student Complaints Officer will ask the Vice Chancellor to investigate (or to nominate a member of the Senior Management Team (SMT) to do so).

13.2 The University Secretary will provide advice and guidance for those considering the propriety of advanced referral.

E14 Timing

- 14.1 The Head of School or Service, Independent Reviewer, Student Complaints Officer or University Secretary as appropriate must ensure that there are no undue delays in progressing any complaint for which they are currently responsible.
- 14.2 The University recognises, however, that not all complaints are amenable to speedy investigation and resolution, and reserves the right to extend the time guidelines where strict adherence might impede the possibility of a fair and just outcome.
- 14.3 At the HoS stage, where a Head of School or Service is not in a position to respond fully to a complainant within 20 working days, they will write to the complainant to provide an update on the progress of the investigation and indicating when it is expected that a full response will be made.
- 14.4 Students who have made a formal complaint are responsible for assisting the investigation, at any stage, and must respond in a timely manner to requests for further information or invitations to attend meetings. Where a complainant has, without good reason, failed to respond to such a request or invitation within 20 working days, the HoS or Independent Reviewer or Student Complaints Officer will write again to the student stating a specific deadline for a response and warning that if none is received the complaint will be regarded as withdrawn and that it may not be revived at a later date.

E15 Students Enrolled on University Awards Delivered by Partner Institutions

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

E16 Third Party and Anonymous Complaints

- 16.1 Students are primarily responsible for making their concerns known themselves and it is preferable for the complainant to handle the complaint himself or herself.
- 16.2 However, a friend, family member or Students' Union representative may act as a Third Party and represent the student provided the complainant gives the University written authority to discuss their personal affairs with that person. The complainant will need to ensure that the representative is thoroughly

briefed, kept fully informed and is readily accessible. The University will not correspond with both the complainant and the representative.

16.3 Anonymous complaints will only be admitted in exceptional circumstances. A complaint made anonymously must be referred to the University Secretary, who will then consider:

- (a) the gravity of the issues;
- (b) the credibility of the concern;
- (c) the likelihood of confirmation from attributable sources.

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

E17 Frivolous and Vexatious Complaints

17.1 The University reserves the right to consider a complaint frivolous or vexatious as set out below; this list is not exhaustive:

- (a) Complaints that obsessive, persistent, harassing, prolific, repetitious;
- (b) Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
- (c) Insistence upon pursuing meritorious complaints in an unreasonable manner;
- (d) Complaints that are designed to cause disruption or annoyance.

17.2 The Student Complaints Officer shall decide whether a Review or Appeal is frivolous or vexatious taking into account all the circumstances of the case.

17.3 The Student Complaints Officer shall write to the student with a full explanation as to why they are no longer prepared to engage with the student in relation to their case.

17.4 If a student wishes to challenge the Student Complaints Officer's decision they must submit this in writing to the University Secretary who shall review the information on the file, including any representations from the student, and decide whether the challenge is upheld or not.

17.5 The decision of the University Secretary is final and, if the challenge is not upheld, a Completion of Procedures letter will be issued to the student. If the student remains dissatisfied with the University's final decision then they may submit a complaint to the Office of the Independent Adjudicator for Higher Education.

17.6 A student who has submitted a frivolous or vexatious complaint may be referred to the Head of School Stage of the Student Conduct and Disciplinary Procedures. Students whose programme of study leads to professional registration may be referred to the first formal stage of the Fitness to Practise Regulations.

E18 Confidentiality

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

E19 Monitoring, Evaluation and Review

19.1 Monitoring and evaluation of these procedures is the responsibility of a panel comprising the University Registrar, the Director of Student Affairs, a Head of College and the President of the Students' Union.

19.2 The panel will meet annually to review complaints submitted during the previous academic year. The review will include:

- (i) the number and range of complaints submitted;
- (ii) the timeliness and security of their resolution;
- (iii) the operation of the procedures;
- (iv) year-on-year comparisons.

19.3 The review will be informed by annual reports from Colleges and Service Departments, covering all complaints submitted through the formal procedures, and any recurring issue settled by informal intervention before the formal procedures were invoked.

19.4 Secretariat will produce an annual report giving an overview of the operation of the Student Complaints Procedure, together with any recommendations for amendment to the procedures, or other action, which will be submitted to Academic Board and the Board of Governors.

19.5 The University Secretary and the Secretariat staff are the source of authoritative, formal guidance on the applicability and operation of the Student Complaints Procedure.

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

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

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

- 1.1 Where a Board of Examiners, having made an award to a student, is satisfied that the attainment of the award involved malpractice, fraud, the commission of an academic offence or other dishonesty, then the Board of Examiners may revoke or vary the award that has been made to the student.
- 1.2 This power may only be exercised once due account has been taken of the evidence and the student concerned has been given the opportunity to address any allegation. Where it is proposed that that an award should be varied or revoked as the result of an academic offence having been commissioned, then the student concerned shall be entitled to be dealt with under the University's procedures for dealing with academic offences. Where recourse to the academic offences procedure is impracticable, then the Board of Examiners shall make the necessary arrangements to satisfy itself that a student has a reasonable opportunity to address the allegation.
- 1.3 In the event of the revocation or variation of an award, the student may have recourse to the University's academic appeals procedures on the same basis as any other student seeking to challenge a decision of a Board of Examiners.
- 1.4 Where the Academic Board is satisfied that any behaviour, whether past or current, on the part of the recipient of an honorary award is likely to bring the University into disrepute, then the Academic Board may revoke the award after consultation with the Board of Governors.

PART G – SPECIAL EXAMINATION BOARDS

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

PART H – ACADEMIC FEES REGULATIONS

H1 Academic fees

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

'A sum of money due to the University in respect of educational services, that will include tuition (including assessment and examinations), academic supervision, the provision of other academic services and facilities such as library and learning resources, the provision of pastoral and extra-curricular services and the conferment of awards.'

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

H2 Tuition fees

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

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

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

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

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

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

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

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

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

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

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

- 2.7 The University relies on information provided by the student to determine the tuition fee to be paid. It is the student's responsibility to ensure that such information is accurate and complete and is supplied at the times required by the University.
- 2.8 A student who knowingly or recklessly tenders false information relating to their liability to pay a fee, either personally or via a sponsor, will have breached the University's regulations on student conduct and be subject to the University's disciplinary procedure. This is without prejudice to any rights the University might have in respect of legal proceedings.
- 2.9 In exceptional circumstances, the Director of Student Affairs (or nominee) on receipt of a written request from the student, may waive or vary a tuitions fees or administration charge, in full or in part. All requests must be submitted in writing to the Student Administration Manager in the first instance for subsequent consideration by the Director of Student Affairs.

Exceptional circumstances may include:

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

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

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

H3 Sponsors

- 3.1 The University may agree to accept payment from a sponsor in respect of any part of a fee owed to the University by a student. Only undertakings engaged in the private or public sectors are acceptable as sponsors to the University. An individual who is a member of the student's family is not acceptable as a sponsor. Agreement by the University to accept payment of any part of a tuition fee from a sponsor does not extinguish a student's liability to pay a fee, which shall only terminate when payment is received from the sponsor.
- 3.2 Further to the provision of 3.1 above, where a sponsor payment is reimbursed/withdrawn/reclaimed, such as funding received from the Student Loans Company or other funding body, the student's liability for any outstanding associated tuition fee will be reinstated.
- 3.3 It is the responsibility of the student to demonstrate at enrolment, by way of an official letter, specific to the academic year in question, and printed on appropriate organisational stationery, the existence of any sponsor and the ability of such a sponsor to make a payment in respect of fees. The University, at its discretion, may refuse to recognise a sponsor where reasonable efforts have not established the existence of that sponsor or of the sponsor's ability to make a payment. The University shall notify a student of its decision to reject a sponsor.
- 3.4 Any part of a tuition fee payable by a sponsor must be paid within 30 days of the invoice. Where a sponsor's payment is outstanding more than 30 days, the University shall have direct recourse to the student, who shall be automatically liable for any outstanding sum. This is without prejudice to the University's right to require any sponsor to pay a fee on or before enrolment.

H4 Research students

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

- support the research project. The annual Research Support Fee or Additional Resource Tuition Fees will be specified in the formal offer letter and students, or their sponsors, will be required to pay the fee in line with section H.2.
- 4.2 Research students who have completed the research part of their work, have prepared the first draft thesis and are solely involved in the preparation and refinement of their final thesis for examination may apply to be transferred to 'Thesis Pending Fees Status', a lower fee that recognizes the reduced demand on University facilities.
- 4.3 Thesis Pending Fees Status may only be granted upon completion of the following periods of registration:
- 2 years for full-time MPhil students;
 - 3 years for part-time MPhil students;
 - 3 years for full-time PhD students;
 - 5 years for part-time PhD students.
- 4.4 Thesis Pending Fees Status may only be granted for a maximum of 12 months. Where a student has not completed their thesis and submitted for examination within that period, the normal fees regime will apply thereafter.
- 4.5 Research students are eligible to pay tuition fees, according to the published schedule, up until the point of thesis submission. No fees are due between thesis submission and first examination.
- 4.6 Where a research student, following first examination, is given the opportunity to be re-examined for the degree they will be liable to pay fees equivalent to the Thesis Pending Fees level on a pro rata basis for each full or part month of registration up until the point of resubmission of the revised thesis.
- 4.7 Where a research student, following first examination, is recommended for the award of the degree with either minor amendments or substantive amendments, but is not required to be re-examined, there will be no liability for further tuition fees.

H5 Students interrupting or withdrawing from a programme of study

- 5.1 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis within four weeks of their effective start date (see section H6 Glossary), shall not be liable for tuition fees and entitled to have any monies paid refunded in full.
- 5.2 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis, after week 4 and up to and including week 10 from the effective start date, shall not be liable for tuition fees and entitled to have any monies paid refunded in full but will be liable to pay an administration charge of 25% of the total tuition fee due for the year.

- 5.3 Except in the case of Bachelor of Architecture, Master of Architecture and short courses, a student withdrawing from a postgraduate programme of study on a permanent basis after week 10 from their effective start date, or interrupting studies at any point during the academic year, shall not normally be entitled to a refund of tuition fees and will remain fully liable for any unpaid fees.
- 5.4 Except in the case of short courses, a student interrupting or withdrawing from Bachelor of Architecture, Master of Architecture or any undergraduate programme of study within two weeks of their effective start date (see section H6 Glossary), shall not be liable for tuition fees and entitled to have any monies paid refunded in full.
- 5.5 Except in the case of short courses, a student interrupting or withdrawing from Bachelor of Architecture, Master of Architecture or any undergraduate programme of study after week 2 of the effective start date will be liable for tuition fees calculated on a term basis, as follows:
- Interruption/Withdrawal in term 1: 25% of the total tuition fee due for the academic year;
 - Interruption/Withdrawal in term 2: 50% of the total tuition fee due for the academic year;
 - Interruption/Withdrawal in term 3: 100% of the total tuition fee due for the academic year.
- 5.6 Students who have their enrolment terminated by the University due to poor academic engagement and non-attendance at timetabled sessions, and students who have their tier 4 sponsorship withdrawn by the University due to being in breach of their visa requirements, will remain liable for the payment of tuition fees for that academic year up to the date of withdrawal from the University, as per the provisions of section H5 of the University regulations. The withdrawal date will either be the date at which the student's right of appeal lapses or, if the student lodges an appeal, the date of the Completion of Procedures letter.
- 5.7 A student who interrupts or withdraws from a short course at FE or HE level will remain liable for the full short course fee, no matter when the interruption or withdrawal takes place.
- 5.8 Except for the provisions of 5.4, 5.5 and 5.6, a student interrupting their studies on a temporary basis shall not normally be entitled to any tuition fee refund but will remain liable for any unpaid fees for the interrupted academic year. Tuition fees charged in the academic year that studies are resumed will be adjusted to reflect fees already charged during the interrupted academic year as set out in the University Undergraduate and Taught Postgraduate Regulations.
- 5.9 Further to the provision of 5.8 above, a student who resumes studies in a later academic year at an equivalent point as the original interruption will not be subject to an additional tuition fee charge during the year studies are resumed, save to that calculated as payable in 5.8 above. A student who resumes studies in a later academic year at an earlier point than the original interruption and/or

resumes on a greater number of credit points of study will incur a charge in addition to that calculated as payable in 5.8 above.

- 5.10 A postgraduate research student interrupting their studies will be liable for tuition fees as follows, as set out in the Research Degrees Regulations:
- Tuition fee liability in the interruption year will be calculated at 100% of the full tuition fee rate for that year of enrolment
 - Students interrupting for 12 months or more will not be liable for tuition fees for the first twelve months upon resumption of study
 - Students interrupting for less than 12 months will not be liable for tuition fees until their re-calculated anniversary of enrolment

H6 Failure to pay fees

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

- 6.6 The University may withhold confirmed transcripts of marks and certificates from any student who owes the University money in respect of tuition fees. While a student owes the University money in respect of tuition fees, the student, regardless of academic performance, shall be ineligible to proceed from one stage or level of a programme to the next or graduate with an academic award of the University.
- 6.7 The University reserves the right to take any reasonable steps to recover any sums due in respect of unpaid academic fees.

H7 Glossary

Academic fees	A sum of money due to the University in respect of educational services, that will include tuition (including assessment and examinations), academic supervision, the provision of other academic services and facilities such as library and learning resources, the provision of pastoral and extra-curricular services and the conferment of awards.
Effective start date	<p>The effective start date is the formal date on which the student completes the relevant enrolment process for a programme, confirmed by the receipt and acceptance of a fully completed and signed Enrolment Form and/or agreement to the University's privacy notice online.</p> <p>For postgraduate research students the effective start date will be agreed in negotiation with the relevant College and confirmed in writing to the student.</p>
Enrolment	<p>Enrolment is an agreement between the University and the student under which the University provides a programme of studies and makes available academic services and facilities associated with that programme of study. The student, in completing the requested enrolment process, agrees to certain obligations including the payment of fees for the provision of academic services and facilities associated with the programme of study.</p> <p>The enrolment process may incorporate agreement with the University's online privacy statement, the completion and signing of an enrolment form or scanning an existing student ID card at a designated location on campus (re-enrolment). This list is not exhaustive and a student's enrolment is not complete until authorised by a designated member of staff of the University.</p>
Short Course	A course lasting no more than 10 weeks.

Sponsor	<p>A sponsor is a third party that undertakes to pay any part of a fee owed to the University by a student. Only undertakings engaged in the private or public sectors are acceptable as sponsors to the University. This includes the Student Loan Company.</p> <p>An individual who is a member of the student's family is not acceptable as a sponsor.</p> <p>It is the responsibility of the student to provide evidence of a sponsor that is prepared to pay fees, or part of a fee, on behalf of that student.</p>
Term	<p>A term represents the period of time for each of the three divisions of the academic year (trimester). The length of each term and whether it is deemed term 1, 2 or 3 will depend on the student's programme of study and start date of that programme of study.</p>
Tuition fees	<p>A sum of money due to the University in respect of registration, enrolment, tuition, assessment, examination and conferment of an award.</p>

PART I – LIBRARY REGULATIONS

I1 General

- 1.1 These Regulations apply to all materials, facilities and services supplied at or from University and Campus Libraries and to all those using University Library materials, facilities and services.
- 1.2 It is the responsibility of each user to acquaint themselves with these Regulations.
- 1.3 The term 'Library' applies to the service department under the management of the University Librarian.
- 1.4 The term 'University and Campus Libraries' applies to all service points under the management of the University Librarian.
- 1.5 The term 'Library Staff' applies to all persons responsible for the operation and management of Library facilities and services.
- 1.6 The term 'material' applies to all types of Library material which may be available for reference or loan.

The term 'equipment' applies to all types of electrical and mechanical equipment provided for use or loan by users of Library facilities and services.
- 1.7 When using the University and Campus Libraries in conjunction with University Information Systems users are covered by the University Information Systems policies. Breach of the Information Systems policies are a breach of the Library Regulations and will be dealt with accordingly.
- 1.8 The term 'user' applies to all University staff, students, other members and visitors to the University and Campus Libraries.

I2 Registration of Students

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

I3 Opening of University and Campus Libraries

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

I4 Access to Library Facilities and Services

- 4.1 During opening times registered users may access any facilities and services at the University and Campus Libraries. In the case of some facilities and services, priority is given to certain classes of users. Users who experience difficulties due to such arrangements should discuss their case with a member of staff.
- 4.2 Users must comply with instructions given by the Library or Security staff to leave the University and Campus Libraries by the published closing time.

I5 Borrowing Items from the University and Campus Libraries

- 5.1 The number of items (equipment or materials) which each user may borrow at any time is published in Library guides which are available in the University and Campus Libraries and on the Library web pages.
- 5.2 Loan periods for the items can be found in Library guides and on the Library web pages. Special vacation arrangements can be made. Some equipment and some materials are only available for short loan periods. Borrowers will be asked to return materials or equipment before the due date or time if they have been requested by others.
- 5.3 A user may extend their loan of any item provided that it is not required by another user. Unless the loan is extended, the item must be returned on or before the due date.
- 5.4 All items must be returned on or before the expiry of the user's registration.
- 5.5 If items are not available in the University, Library staff may agree to obtain them from other sources on behalf of the user. Users must agree to comply with any special loan periods or other conditions and meet the costs which may apply in such cases.
- 5.6 A user must ensure that any item they removes from the University and Campus Libraries has been properly issued to them.
- 5.7 Loan conditions and periods may be varied at any time at the sole discretion of the University Librarian or nominee.

I6 Conduct of Users

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

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

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

- 7.1 Items borrowed from University and Campus Libraries must be returned on or before the date for return. Fines shall be charged at the rates published in the University and Campus Libraries and on the Library web pages on requested items that have not been returned by their due date.
- 7.2 A user who loses a borrowed item or fails to return it to the University or Campus Library will be charged for its replacement.
- 7.3 Access to all Library facilities and services shall be withdrawn from the user until such a fine or any other outstanding Library debt has been paid in full.

18 Student Discipline

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

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

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

PART J – STUDENT HEALTH AND SAFETY REGULATIONS

J1 General

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

- 1.1 The following regulations are issued in accordance with the Health and Safety at Work etc Act 1974, and with the Health and Safety Policy of the University. These regulations must be observed by all students. Breach of any health and safety regulations shall be regarded as a serious matter. The offender may be liable to disciplinary action under the Student Conduct and Disciplinary Regulations and/or prosecution under the terms of the Act.
- 1.2 These regulations must be read in conjunction with any College, School, Departmental and University residences Health and Safety Statements of Intent, risk assessments and associated procedures.
- 1.3 Students must take reasonable care for the health and safety of themselves and the health and safety of other persons who may be affected by their acts or omissions.
- 1.4 Students shall co-operate with the University authorities and comply with any reasonable instructions given by a member of staff to enable the University's statutory duties or requirements to be performed or complied with.
- 1.5 Students shall not, intentionally or recklessly, interfere with or misuse anything provided by the University in the interests of health, safety or welfare.
- 1.6 Students shall comply with all written or verbal instructions given to ensure their personal safety and the safety of others.
- 1.7 Students should promptly report any identified faults and damage to the Estates and Commercial Facilities Department by telephoning 01522 886777 or emailing maintenance@lincoln.ac.uk

J2 Accidents

- 2.1 Students must report all accidents and 'near-miss' accidents of which they are aware. Accidents must be reported to the University's Health and Safety Department, via University first aiders, security or the Health and Safety department. <https://ps.lincoln.ac.uk/services/registry/hs/SitePages/Default.aspx>

J3 Campus Traffic Safety

- 3.1 Cyclists shall only cycle on designated routes. Where these routes cross or use footpaths, priority shall always be given to pedestrians. Cyclists and motor cyclists shall only leave their vehicles in areas designated as cycle parks and should only secure their cycles to the stands provided. Cycles must not obstruct pathways, corridors, doorways or fire escape routes. Access by disabled

persons to the full length of provided handrails, next to paths and walkways must be available at all times. Cyclists should not secure their cycles to these but use appropriate cycle sheds and designated areas. Cycles of any description must not be taken in to buildings (other than designated cycle sheds). This regulation equally applies to skateboards, scooters and roller skates/blades.

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

J4 Fire Safety

- 4.1 Students shall not interfere with fire equipment, deface notices or activate false alarms.
- 4.2 Students must carry out the published evacuation procedures which are as follows:

If you discover an indication of fire

Raise the alarm using nearest break glass point.
Ring the fire brigade (999 on payphones, 9-999 on University phones).
Inform security of their observations (88) 6062
Leave the building through nearest available exit.
Proceed to assembly point.
Follow any instructions given by members of staff or fire and rescue service.

If you hear the fire alarm

Leave building immediately through the **nearest available exit** (never assume that an alarm is being tested or is faulty).
Proceed to assembly point.
Follow any instructions given by members of staff or fire and rescue service.

At the Assembly Point

Remain at the assembly point until told otherwise by the fire and rescue service or a senior member of staff.
Do not move your car.
Never re-enter a building until told you can by the fire and rescue service or a member of staff.

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

J5 Laboratory and Similar Work

- 5.1 Students may enter and remain in laboratories, workshops or other specialist areas only during times scheduled in the timetable. Entering or being present in laboratories and workshops at any other time is only permitted with the express authority of the staff member in charge of those premises.
- 5.2 If a student is allowed to work unsupervised then he or she must follow the applicable booking in and out procedure. Limitations on the range of activities allowed may apply.

The University's Lone Working Policy must be adhered to and related documentation completed by both the student and the member of staff providing authorisation.

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

- 5.3 Students shall wear protective clothing when instructed to do so. Specialist protective equipment will be provided by the University. In some Colleges / Schools students must provide their own laboratory workshop coats and other protective clothing as specified.
- 5.4 Machines for which guards are provided must only be used with the guards in place.

J6 Personal Electrical Equipment

- 6.1 It is strongly recommended that personal electrical equipment is tested for safety before use at the University. Students may contact the University Estates and Commercial Facilities Department maintenance team to make appropriate arrangements.
- 6.2 Students may only connect electrical equipment, including laptops, to a University power supply with the express authority of a University member of staff.
- 6.3 Electrical cables and leads must not be deployed in such a way as to introduce trip hazards.

J7 Students Not on Campus

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

J8 Students' Visitors

- 8.1 Students are responsible for the actions of their visitors while their visitors are on campus. Students shall ensure that their visitors fulfil the requirements of these regulations. Breaches of these regulations may lead to action being taken against the student under the University's Student Conduct and Disciplinary Regulations.
- 8.2 Any visitor may be required to follow an instruction given to them by a member of University staff to ensure their personal safety and the safety of others.
- 8.3 Any visitor may be given an instruction by a member of University staff to leave the University premises.

J9 University Buildings

- 9.1 Students are prohibited from undertaking work of any kind on the fabric or services of University buildings.
- 9.2 Students are prohibited from entering any area or building which has been given over to the control of a building contractor.

J10 University Equipment

- 10.1 Students shall not use any item of fixed or portable machinery or electrical equipment without appropriate authorisation and following receipt of instruction from University staff in the correct method or procedures if necessary.
- 10.2 Students are prohibited from undertaking maintenance or repair work, or making adjustments to any item of fixed or portable equipment. Any faults or suspected hazards must be reported to staff.
- 10.3 No student shall disconnect University electrical equipment from a University power supply without the express authority of a University member of staff.

J11 University Residences

- 11.1 Students shall at all times, whilst in residence in University property, comply with all fire, safety and security procedures as laid down in the conditions of residence.

J12 Breach of Regulations

- 12.1 Students failing to comply with the above health and safety regulations or any associated University health and safety policies may be dealt with under the Student Conduct and Disciplinary Regulations. The University will co-operate with the enforcing authority where a student is alleged to have broken the law in relation to health and safety matters.

PART K – STUDENT CREATED INTELLECTUAL PROPERTY

K1 Applicable Policies

- 1.1 The University's Policies on Intellectual Property Rights, and on Student Created Intellectual Property, which are published separately, shall apply to all students of the University.

PART L – INFORMATION SYSTEMS REGULATIONS

L1 Applicable Policies

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

PART M – AUDIO RECORDINGS OF MEETINGS

M1 Audio Recordings of Meetings

- 1.1 Students and staff may sometimes wish to make audio recordings of meetings (including the kinds of interviews and meetings specifically referred to within the University Regulations on Student Complaints, Academic Review and Appeals, Student Conduct and Discipline, and Fitness to Practise).
- 1.2 This should only be done with the informed consent of all those taking part in the discussion to be recorded, and on the understanding that any recording made will not be disclosed to anyone other than those participants, except where it is submitted as evidence in relation to proceedings governed by University policies and regulations (including recognised external oversight such as consideration by the Office of the Independent Adjudicator).
- 1.3 The University will not accept or admit as evidence in any such proceedings any recording made without the informed consent of all participants. Any such clandestine recording which is alleged to have breached the personal privacy rights of participants may lead to disciplinary action being initiated against the person who made the recording.